

Ordinance No. 2021-06

AN ORDINANCE TO AMEND SECTION 18-1-5 OF THE CODE OF ORDINANCES OF THE VILLAGE OF CALEDONIA, RACINE COUNTY, WISCONSIN, RELATING TO RIGHT-OF-WAY ACCESS; PRIVATE DRIVEWAYS.

The Village Board of the Village of Caledonia, Racine County, Wisconsin, do ordain as follows:

1. That Section 18-1-5 of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

"SEC. 18-1-5 RIGHT-OF-WAY ACCESS; PRIVATE DRIVEWAYS.

- (a) **Building Permit: Condition Precedent to Issuance.** No building permit shall be issued by the Building Inspector of the Village of Caledonia unless a driveway has been constructed from the public right-of-way to and on the site upon which construction is to take place, unless temporarily waived in writing by the Public Works Director, due to seasonal weather conditions.
- (b) **Permit Required.** No person shall pave or repave (whether portland concrete or bituminous asphalt), install, replace or relocate a private driveway extending into a Village public right-of-way without first obtaining a permit therefor from the Public Works Director. The Public Works Director shall issue such permit upon compliance with this section and payment to the Village Treasurer of the required fee.
 - (1) **Driveway Width.** The maximum driveway width for a Residential driveway shall be thirty (30) feet. The maximum driveway width for a Commercial driveway shall be thirty-five (35) feet.
 - (2) **Driveway Thickness.** Concrete driveways along Charles Street, Douglas Avenue or where sidewalks exist shall be a minimum of six (6) inches thick within the road Right of Way all other concrete driveways shall be a minimum of five (5) inches thick within the road Right of Way. Asphalt driveways shall be a minimum of four (4) inches thick within the road Right of Way. Forms and base shall be inspected and approved by the Village prior to paving. Contractor must allow a minimum of 24 hour notice for inspections.
 - (3) **Driveway Slopes.** The driveway slope on the center line shall not exceed 6%. Side slopes shall not exceed 4 to 1.
 - (4) **Driveway Offsets.** Driveways must be a minimum of five (5) from the lot line.
- (c) **Permit: Terms and Conditions.**
 - (1) **Driveways Accessing Village Roads That Are Constructed With Road Ditches.**

a. **Culverts Required.** A culvert shall be installed under each driveway unless the Village Board or the Public Works Director shall have determined that no culvert is required to ensure drainage at that location. The culvert shall be of corrugated metal or pipe material approved by the Public Works Director and shall be installed parallel to the highway and at a location designated by the Public Works Director. Such culvert shall have standard metal endwalls properly secured to the ends of the culvert. The size and elevation of the culvert shall be such as are established by the Public Works Director, but not less than twelve (12) inches in diameter. The culvert shall conform to Section 521 or 530 and shall be installed pursuant to Section 520 of the State of Wisconsin D.O.T. Standard Specifications for Road and Bridge Construction. There shall be a minimum of six (6) inches of gravel or crushed stone above the culvert as a traffic bearing surface. Prior to and subsequent to the installation of such culvert, the site, culvert and elevation of the same shall be inspected by duly authorized personnel of the Village of Caledonia. Installation shall be at the cost of the applicant. Replacement culverts are installed by the Village of Caledonia, the cost of installation is split between the property owner and Village.

b. **Paving.**

1. **Installation.** When installing a driveway, the property owner or permittee shall obtain a permit and may pave the driveway with bituminous asphalt or portland concrete.

(a) When installing approaches, the five (5) feet of driveway approach abutting the road must drop 1.25 inches from the height of the roadway.

(b) If portland concrete is installed, the property owner of said driveway shall be responsible for any costs associated with the removal and/or replacement of Portland concrete or any damage caused by the Village when performing work in the Village right-of-way. If Village work is required after the installation of the concrete driveway, any removed section of concrete driveway will be replaced with gravel or asphalt by the Village. If the property owner prefers concrete, it will need to be replaced by the property owner at owner's cost. Future driveway culvert replacements will be the responsibility of the

property owner and must be installed at the elevations determined by the Engineering Department. If a culvert needs to be replaced and the property owner refuses, the Village may have the culvert replaced, using Village forces or a private contractor and charge the costs associated with the replacement to the property owner as a special charge for services rendered in accordance with Sec. 66.0627, Wis. Stat.

2. **Failure to Maintain.** If the property owner fails to maintain the portland concrete, the Village may require the property owner to remove the portland concrete and if the owner fails to do so, the Village may remove it using Village forces or have a private contractor remove it and charge back its costs to the property owner as a special charge under Sec. 66.0627, Wis. Stat. The Village allowance of portland concrete within the Village's right-of-way shall be treated as a privilege in a street under Sec. 66.0425, Wis. Stat., and the Village retains all rights thereunder to require its removal if deemed necessary. The Village is not obligated to repair or repave any portion of the area covered by the driveway with portland concrete in the event the concrete has to be removed for a Village project within the right-of way or in the area over the culvert.

3. **Property Owner Obligations.** Any property owner allowed a driveway under this Section shall be responsible for the following:
 - (a) Maintenance of the driveway so that it is not a hazard to the traveling public and to the Village's vehicles, including snowplows;
 - (b) Restoring damaged, misaligned, or worn gravel and pavement surfaces;
 - (c) Any costs associated with the maintenance, repair, and/or removal of driveway, including whether there is gravel, bituminous asphalt or portland concrete installed;
 - (d) Any damage caused by the Village to portland concrete when performing work in the Village right-of-way, including for snow and ice removal from the Village right-of-way.

- 4. **Block and Brick Pavers Prohibited.** Block or brick pavers are prohibited as part of any driveway in the right-of-way.
 - c. **Solid Wall Abutment Prohibited.** No one shall construct a solid wall abutment at the ends of the culvert underlying the driveway. This section also prohibits straight face abutments, such as retaining wall blocks, railroad timbers, rocks, and similar constructions.
 - d. **Drainage.** Any drainage ditch and public right-of-way affected by the construction of a driveway entrance shall be reconstructed to a shape, grade and contour necessary for proper drainage, as approved by the Public Works Director, at the expense of the property owner or permittee.
- (2) **Driveways Accessing Village Roads That Are Constructed With Curb and Gutter.**
- a. **Culvert.** No culvert shall be required unless it is determined by the Village Board or Public Works Director that a culvert is necessary to ensure proper drainage.
 - b. **Curb and Gutter.** In the case of vertical face curb and gutter where the curb has not been constructed to allow driveway access, the applicant has the following options:
 - (1) Completely remove the existing curb and gutter and reconstruct such curb and gutter to allow for driveway access. Such removal and reconstruction shall extend for a minimum width of 30 inches and for a minimum length of 4.25 feet beyond the edge of the proposed driveway. Curb and gutter removal and construction shall be completed pursuant to Sections 204 and 601, of the State of Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction, latest edition, as amended by Supplemental Specifications, latest edition. All newly constructed curb and gutter sections shall be constructed to such dimensions as determined by the Public Works Director.
 - (2) The curb head may be sawed off if sawing is done by a professional saw cutting contractor with proper equipment. Engineering Department will inspect the saw cut and may ask for removal and replacement if curb and gutter is damaged or sawed incorrectly.
 - c. **Concrete driveway Approach Slabs.** The applicant and property owner shall also be responsible for constructing concrete driveway approach slabs if such slabs are required by the Village Board. Such slabs shall be constructed to such

dimensions as determined by section 18-1-5 (b) or as approved by the Public Works Director.

- (d) **Culvert Maintenance.** The Owner of the contiguous property serviced by the driveway shall be responsible for the maintenance and repairs of any driveway culvert and adjacent ditch in the Village right-of-way, including the removal of yard debris and natural silt accumulation, so that there is no obstruction to the flow of water. In the event an owner shall fail to do so, the Village of Caledonia shall give written notice to the owner specifying the maintenance and repair required to be done. If after ten (10) days the owner fails to make such corrections, the Village of Caledonia may cause such work to be done, and shall charge the owner with such costs, and if unpaid, charged against the property as a special charge under Section 66.0627, Wisconsin Statutes. If the damage to a culvert necessitating the repairs under this section can be shown to have been caused by Village machinery or personnel, the cost shall be borne by the Village. If the Village determines that a culvert needs to be replaced, the Owner of the contiguous property serviced by the driveway culvert shall pay one-half (1/2) of the cost of replacement of the culvert and the Village shall pay for one-half of the cost. The property owner shall be billed for its portion of the cost. The billing and collection of such costs shall occur in accordance with Sections 3-5-1(c) through (f) of the Village of Code of Ordinances. If the cost is not paid in accordance with Village ordinance, the cost shall be charged against the property as a special charge under Section 66.0627, Wis. Stats., as provided in Sections 3-5-1(d) and (e). The Village Board shall adopt a resolution specifying a schedule of costs of replacement based on the size of the culvert pipe from time-to-time. Such resolution shall be kept on file at the Village. All work to be accomplished for the replacement shall be done by the Village, through its own employees or by contracts let to third parties. Such replacement costs shall not be charged to the homeowner if the replacement is necessitated by a Village storm water drainage project except in the case of a storm water drainage project where a special assessment determination shall control the imposition of any costs. Culvert maintenance for culverts under Portland concrete will be the responsibility of the property owner. The Village will provide culvert elevations and ditching requirements, if any, and will verify the culvert was installed correctly. If the culvert is not installed correctly the Village may reinstall the culvert at the correct elevations and charge the costs against the property as a special charge.
- (e) **Permit Fees.** To cover the costs of administration, checking of grades, inspection and policing of this section, the applicant for a permit hereunder shall pay to the Village Treasurer a permit fee of an amount as established by and as may be modified from time-to-time by resolution of the Village Board of the Village of Caledonia. Until modified by resolution, the fee schedule shall be:

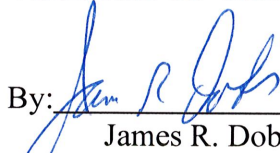
Gravel Driveway with new road access: \$100.00
Paved Driveway with new road access: \$175.00
Repaving Driveway with existing road access with Asphalt: \$ 75.00
Repaving Driveway with existing road access with Concrete: \$ 180.00

- (f) **Driveway Maintenance Costs.** The cost of any and all repairs to the driveways extending into Village public rights-of-way, including but not limited to relocation and the maintaining of pavement and stone surfaces shall be borne by the property owner or permittee, unless such repairs were necessitated by a ditching and/or culvert resetting project of the Village or by a road resurfacing project of the Village and then only in the case of bituminous asphalt. The Village is not liable for any damage caused to private driveways with portland concrete that extend into the Village right-of-way, regardless of whether a repair or removal results from a Village project.
- (g) **Penalty.** Any person found guilty of violating any of the provisions of this Section, after having been directed to comply by the Village Board or its designee, shall upon conviction thereof forfeit not less than \$100.00 plus the costs of prosecution and in default of payment thereof, shall be imprisoned in the County Jail for a period not to exceed thirty (30) days. Each violation and each day a violation continues or occurs shall constitute a separate offense."

2. This ordinance shall take effect upon adoption and publication as required by law.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 9 day of June, 2021.

VILLAGE OF CALEDONIA

By: 
James R. Dobbs, Village President

Attest: 
Joslyn Hoeffert, Village Clerk