

1999 DRAFTING REQUEST**Bill**Received: **12/17/98**Received By: **nelsorpl**Wanted: **As time permits**

Identical to LRB:

For: **Tom Sykora (608) 266-1194**By/Representing: **Sara Jermstad**

This file may be shown to any legislator: NO

Drafter: **nelsorpl**

May Contact:

Alt. Drafters:

Subject: **Courts - immunity liability**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Liability of townships caused by nonconforming driveways

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp 1 02/14/99	j geller 02/15/99	lpaasch 02/15/99	_____	gretskl 02/15/99	lrb_docadminLocal 02/23/99	

FE Sent For: **02/23/99.**

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FE Sent For:

<END>

LEGISLATIVE REFERENCE BUREAU

BILL REQUEST FORM,

Legal Section, 5th Floor, 100 IV. Hamilton St.
(608) 266-356 1

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: 12/15/98	Legislator or agency requesting this draft: Rep. Tom Sykora
Name/phone number of person submitting request: Tom Sykora 266-1194	
Persons to contact for questions about this draft (names and phone numbers please): Sara Jermstad 266-1195	
Describe the problem, including any helpful examples. How do you want to solve the problem? Exemption of liability for townships due to to a non-conforming driveways That is, townships should not be held liable if they their emergency vehicles are the delayed due to the fact that a driveway does not come in compliance w/ a town's specifications (for example of specifications, see attached sheet)	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 **LRB-2345/1** or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO CI ONLY the following persons:

Do you consider this urgent? YES NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES NO If yes, please sign your name here:

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Make a Bill
get language

Section 1. Title/Purpose

This ordinance is entitled the **Town of Ridgeway Driveway Ordinance**. The purpose of this ordinance is as follows:

Whereas interest has been expressed to establish standards for driveways that will provide for better and safer provisions for adequate access from private development to a public right of way,

Section 2. Authority

The Town Board of the Town of Ridgeway has the specific authority, powers and duties pursuant to Sec 60.61, 60.62 and 62.23 (1988-89) Wis Stats., pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Sec 60.10 to zone certain areas in the Town of Ridgeway and to regulate, prohibit and restrict construction, alteration, creation and enlargement of certain structures and buildings in the Town of Ridgeway and to regulate and control certain uses, activities, businesses and operations in the Town of Ridgeway.

The Town Board of the Town of Ridgeway has been granted village powers pursuant to Sec 60.10 Wis Stats and the town meeting dated April 12, 1994 approved the authority of the Town Board of the Town of Ridgeway to zone pursuant to Sec 60.62 (1988-89) Wis Stats.

Section 3. Adoption of Ordinance

The Town Board of the Town of Ridgeway has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance the certain areas and the regulations and controlling of certain uses, activities, businesses and operations in the Town of Ridgeway.

Section 4. Minimum Requirements

All new driveways proposed to be installed or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more structures shall be subject to an inspection fee as established by the Town Board to be paid to the township prior to the start of any construction on a new driveway and prior to the issuance of a building permit. An approved driveway shall be in place before a building permit can be issued.

The applicant who may be the owner, agent or contractor shall submit a location construction plan showing specifications including grade, slope, width, and length of the driveway and erosion control procedures.

Authorization for a driveway is subject to the approval of the town board wherein located and when so approved the town board shall notify the Iowa County zoning office. The evidence of an existing driveway is either the clear indication of a driveway being in place on the 1976 aerial photo or a statement from the town that an approved driveway is in place. If there is a dispute on the adequacy of an alleged existing driveway the decision of the town board will be the deciding factor. If there is not clear evidence as determined by the Iowa County zoning administrator that the driveway has been used during the last 12 months the town board review process is required.

The following specifications shall apply:

- Minimum road surface width..... 12 feet
- Minimum width clearance..... 24 feet
- Minimum height clearance free of trees, wires, etc..... 18 feet
- Maximum grade..... 10 per cent

At least one 25 feet in length and 18 feet in width segment of road surface shall be provided for each 300 feet of driveway length to provide for the safe passage of meeting vehicles.

The driveway within the area of the public right of way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road.

An adequate road bed base of suitable material to support the projected traffic and any requirements for culverts shall be determined by the town in considering an application for driveway approval. If culverts are required the recommended minimum diameter shall be 18".

At the dead end of all new driveways a turn around of at least 25 feet radius or some other method to allow vehicles to turn around shall be provided as determined by the town board.

Illegal culverts will be removed at landowners expense.

Section 5: Definitions of driveway and yard access to road shall be as follows:

Driveway/access: any area where travel occurs from a public road over land (whether by

casement or ownership) not considered to be a part of the public road for the purpose of

gaining access to land or improvements.

Section 6: Effective Date

This ordinance shall take effect one day after its passage and publication as provided by law.

Adopted this 3 day of April 1995.

TOWN OF RIDGEWAY

Robert D. Thomas
Robert D. Thomas, Chairman

Glenn S. Gulickson
Glenn S. Gulickson, Supervisor

Monica Scheidegger
Monica Scheidegger, Supervisor

Marian L. Stuetz
Marian L. Stuetz, Clerk

Marian L. Stuetz
Marian L. Stuetz, Clerk

TOWN OF RIDGEWAY
DRIVEWAY PERMIT

Applicants Name _____ Date _____

Applicants Address _____ Phone _____

Property Owner's Name _____

Address for proposed driveway _____

Section _____ Town _____ Range _____ Quarter/Quarter _____

The driveway will provide access to STH _____ CTH _____ Town Road _____

Proposed Land Use of property _____

***Provide a sketch of proposed driveway including grade, slope, width and length of driveway and indicated turnoffs if required, and the dead-end turnaround on the back of this application. Specify erosion control procedures to be utilized

Specify proposed roadbed base, including depth and type of material: _____

The following minimum specifications shall apply to all new driveways installed after March 1, 1994.

- Minimum road surface width.....12 feet
- Minimum width clearance.....24 feet
- Minimum height clearance free of trees and wires.....18 feet
- Maximum grade..... 10 per cent.

At least one 25 ft in length and 18ft in width segment of road surface shall be provided for each 300 ft of driveway length.

The driveway within the area of the public right-of-way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road. An adequate road bed of suitable material to support the projected traffic and any requirements for culverts shall be determined by the town board in considering an application for driveway approval. If culverts are required the recommended minimum diameter shall be 18".

At the dead end of the driveway, a turn-around of a least 25 ft radius or some other method to allow vehicles to turn around shall be provided.

An inspection fee of \$9.50 is required to be submitted with all applications for a driveway. The fee will be refunded if the location for a driveway is denied. If second inspection is not up to code a new application must be submitted and new fee will be charged.

All driveways shall be constructed in accordance with the above requirements and other specifications as may be set forth by the Town Board. The maintenance of the driveway shall be the responsibility of the applicant and/or property owner.

Signature of Applicant _____

TO BE COMPLETED BY TOWN BOARD

A culvert (will, will not) be required. If required a minimum diameter of _____ inches.

The above driveway location has been (approved, denied) by the appropriate highway jurisdiction on the _____ day of _____, 19_____.

The above driveway has been inspected by the Town of Ridgeway and determination has been made that the driveway meets the minimum standards and the Iowa County Zoning Office is hereby authorized to issue a building permit.

TOWN BOARD APPROVAL on this _____ day of _____, 19_____.

_____ Chairman

_____ Supervisor

_____ Supervisor

DIRTY INVESTMENT PERMITS

Date	
Time	
Place	
County	
City	
Quarter	
Low Road	

The following minimum specifications shall apply to all new highways hereinafter constructed:

1. The minimum width of the roadway shall be 24 feet for two-way traffic and 16 feet for one-way traffic.

2. The minimum depth of the subgrade shall be 18 inches for two-way traffic and 12 inches for one-way traffic.

3. The minimum depth of the base shall be 4 inches for two-way traffic and 3 inches for one-way traffic.

4. The minimum depth of the surface shall be 2 inches for two-way traffic and 1.5 inches for one-way traffic.

5. The minimum depth of the shoulder shall be 12 inches for two-way traffic and 8 inches for one-way traffic.

6. The minimum depth of the ditch shall be 18 inches for two-way traffic and 12 inches for one-way traffic.

Supervisor _____

City _____



JG

1999 BILL

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the town's

1 **AN ACT relating to:** prohibiting lawsuits against towns ~~that~~ if failure to
2 respond to an emergency ^{was} caused by the ^{non conforming} condition of ^a private driveway or road.

Analysis by the Legislative Reference Bureau

This bill prohibits a person from bringing an action against a town or against the town's officials, employes or agents for the failure of the town's emergency vehicle to respond to an emergency because the emergency vehicle was unable to use a private road or driveway that failed to conform to the town's ordinance regarding the standards for a private road or driveway.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 893.80 ^X (9) of the statutes is created to read:
4 893.80 (9) No person may commence an action against a town or against the
5 town's officials, employes or agents for damages resulting from the failure of the
6 town's emergency vehicle to respond to an emergency because the emergency vehicle
7 was unable to use a private road or driveway, as defined in s. 340.01 (46), [✓] because that

BILL

1 private road or driveway failed to conform to an ordinance or resolution enacted by
2 the town regarding the standards for private roads or driveways.

3 SECTION 2. **Initial applicability.**

4 (1). This act first applies to damages incurred on the effective date of this
5 subsection. ✓

6 (END) ✓

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 2/15/99

To: Representative Sykora

Relating to LRB drafting number: LRB-1325

Topic

Liability of townships caused by nonconforming driveways

Subject(s)

Courts - immunity liability

1. **JACKET** the draft for introduction

Tom Sykora

in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the

drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction

Tom Sykora

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-356 1. If you have any questions relating to the attached draft, please feel free to call me.

Robert P. Nelson, Senior Legislative Attorney
Telephone: (608) 267-75 11