

STATE OF WISCONSIN
Town of Saint Germain, Vilas County

Code of Ordinances
Chapter 2 – Motor Vehicle Public Road Access
(Revised July 22, 2021)

2.01 PURPOSE: The purpose of this chapter is to establish procedures for creating motor vehicle access to public roads within the Town and requirements for the placement of fire number signs.

2.02 DEFINITIONS: For this chapter, the following definitions shall apply:
Motor Vehicle means a vehicle propelled by an internal combustion engine including any automobile, truck, bus, motorcycle, snowmobile, all terrain / utility terrain vehicle or any vehicle which travels on or off roads or highways.

Motor Vehicle Public Road Access means the first 33 feet, measured from the centerline of the travelled portion of the intersecting public roadway, or any property access point at least eight feet wide, used by a motor vehicle for ingress or egress to, from or across land or water, whether permanent or temporary, and whether intended for public or private use. This definition includes, but is not limited to paths, trails, driveways, aprons, approaches, easement roads, roads, bridges, boardwalks and parking lots or areas. For purposes of this chapter, a highway, road or street constructed or maintained by any town, county, state or federal governmental entity is excluded from this definition.

Public Roadway means any town, county, state or federal motor vehicle roadway.

Town means the Town of St. Germain, Vilas County

2.03 FIRE NUMBERS (property addresses): Fire numbers may be applied for on-line by the property owner from the Vilas County Address Coordinator (the St. Germain Zoning Administrator is available to assist if needed). Notice of the assigned fire number will be sent by the County to both the applicant and the St. Germain Zoning Administrator. The Zoning Administrator will confirm receipt of payment for the sign before forwarding the notice to the St. Germain Department of Public Works. Public Works will obtain and install the sign in the location indicated by the County Address Coordinator.

2.04 PERMIT REQUIRED: No motor vehicle access to a public road shall be constructed in the Town without first obtaining a Public Road Access Permit on a form provided by the Zoning Administrator.

(A) Existing accesses: For existing property access points which would fit the definition of motor vehicle public road access found in this chapter and which predate the effective date of this chapter, no addition to or alteration of any such access point, excluding maintenance, shall be undertaken without first obtaining a permit from the Zoning Administrator. A property owner may maintain an existing motor vehicle public road access by increasing or decreasing fill so long as the maintenance does not result in a change of more than 10 percent of the original dimensions as they are in the existing motor vehicle public road access. Anyone seeking a permit shall submit an application to the Zoning Administrator. Upon filing, the application shall contain all of the requested information and any additional information requested by the Zoning Administrator. Applications shall be accompanied by the fee specified in

the Town of St. Germain Zoning Ordinance, Appendix A(1). No permit shall be issued based on an incomplete application or an application this is not accompanied by the required fee.

- (B) Revocation of permit: Any permit issued by the Town to construct a motor vehicle public road access may be revoked where it is found that construction is not in conformity with the original site plan or where it is found that the permit was obtained on the basis of false or fraudulent information presented in the application process. The Town shall provide notice of the permit revocation, either in person to the permit holder or by certified mail sent to the applicant's address provided on the permit application.
- (C) Automatic approval: A completed application, accompanied by the required fee and in compliance with all requirements of this chapter, shall be automatically approved if more than 21 days pass from the date the application was received by the Town and the Town has failed to take any action to consider, approve or deny the application.

2.05 ZONING ADMINISTRATOR APPROVAL:

- (A) Required: No motor vehicle public road access construction shall be undertaken without first obtaining a Motor Vehicle Public Road Access permit from the Town Zoning Administrator.
- (B) Site plans:
 - (1) All requests for approval to construct a motor vehicle public road access shall be accompanied by a site plan.
 - (2) Site plans shall include a drawing or diagram of the proposed motor vehicle public road access. The drawing or diagram shall include the location of the motor vehicle public road access on the land parcel on which it is to be constructed; its relation to adjacent or adjoining properties; its relation to existing or proposed structures; its dimensions including length and width; the location of any intersections with existing highways, roads, streets or other driveways; and a description of the materials from which it will be constructed. Site plans shall also include a description of any geographic features which will be disturbed or affected by construction of the motor vehicle public road access. Geographic features include, but are not limited to, a change in any grade (slope) on the land of more than 10 percent; cutting, killing or removal of any trees greater than six inches in diameter measured at a location on the trunk four feet above the ground at the base of the tree, including the location of such tree on the site plan; any protected, rare, threatened or endangered plants or wildlife or wildlife habitat; any stream, river bed, navigable waterway or wetland as described in NR103, Wis. Adm. Code, and regardless of how classified by any zoning map or inventory. Upon initial review of any permit application to construct a motor vehicle public road access, The Town Zoning Administrator may require the applicant to submit any additional information deemed relevant or necessary to grant or deny the permit.
- (C) Review criteria: The decision by the Town Zoning Administrator to approve or deny a motor vehicle public road access permit shall be based on the following criteria:

- (1) The completeness of the application, including whether the site plan contains all necessary information, and whether the application was accompanied by the required fee.
- (2) The impact the proposed motor vehicle public road access will have on existing state, county or town highways or roads or existing surfaces that fit the definition of a motor vehicle public road access found elsewhere in this chapter. Factors considered may include, but are not limited to, existing traffic patterns and use, maintenance, traffic safety and impact on emergency services provided by fire, ambulance or law enforcement departments.
- (3) The impact the proposed motor vehicle public road access will have on the environment. Factors considered may include, but are not limited to, destruction or significant change of any existing geographic features including, but not limited to, a change in any grade (slope) on the land of more than 10 percent; cutting, killing or removal of any trees greater than six inches in diameter measured at a location on the trunk four feet above the ground at the base of the tree, including the location of such tree on the site plan; any protected, rare, threatened or endangered plants or wildlife or wildlife habitat; any stream, river bed, navigable waterway or wetland as described in NR103, Wis. Adm. Code.
- (4) All motor vehicle public road accesses:
 - (i) Must employ appropriate measures to prohibit excess runoff
 - (ii) Must be clear of trees and structures to a minimum width and height as prescribed in St. Germain Code of Ordinances, Chapter 8 – Emergency Vehicle Access.
- (5) Public input, limited to whether construction of the proposed motor vehicle public road access will have a significant impact on adjacent property, or in the case of an easement, whether the owner of the land which the easement crosses objects to the construction. In the case of an easement, the owner of the property on which the motor vehicle public road access is sought to be constructed must give notice of the application by the applicant by certified mail and proof of receipt of the notice must be filed with the application at the time of its submission for approval.
- (6) In determining whether denial of the permit will substantially affect the applicant's ability to use or gain access to property owned by the applicant, factors the Zoning Administrator may consider include, but are not limited to, the availability of reasonable alternatives and their cost and whether a change in the location or dimension of the motor vehicle public road access will be more consistent with criteria the Zoning Administrator is to use as prescribed elsewhere in the chapter.
- (7) Any other factors which the Zoning Administrator deems relevant to insuring and protecting the public's health, safety and welfare.
- (8) The above factors apply to only the first 33 feet of the motor vehicle public road access as measured from the centerline of the travelled portion of the intersecting public roadway.

(D) Approval: Approval or denial of the permit shall be by the Town Zoning Administrator unless circumstances of the permit application and/or construction site are such that the Zoning Administrator chooses to defer the decision to the Town Zoning Committee, in which case that committee shall decide by majority vote of an established quorum at a property convened public meeting of the Committee.

- 2.06 ADMINISTRATION:** The Town Zoning Administrator or Town Zoning Committee shall administer this chapter as prescribed herein:
- (A) Authority of the Zoning Committee is as set forth in §1.602, St. Germain Code of Ordinances, Chapter 1 – Zoning.
 - (B) Authority of the Zoning Administrator is as set forth in §1.603, St. Germain Code of Ordinances, Chapter 1 – Zoning.
 - (C) Authority of the Board of Appeals is as set forth in §1.604, St. Germain Code of Ordinances, Chapter 1 – Zoning.
- 2.07 APPEAL FROM ACTIONS OF THE ZONING ADMINISTRATOR OR COMMITTEE:** An appeal from an action of the Town Zoning Administrator or Zoning Committee may be taken to the Board of Appeals by an aggrieved party. Procedures are set forth in §1.607, St. Germain Code of Ordinances, Chapter 1 – Zoning.
- 2.08 FORFEITURE:**
- (A) Any person, firm or corporation, including those doing work for others, who violates any provisions of the chapter shall be subject to a forfeiture of \$100.00 plus court costs for the first offense, \$250.00 plus court costs for the second offense and \$500.00 plus court costs for all subsequent offenses.
 - (B) In addition to any forfeiture imposed on anyone found to have violated this chapter, anyone who constructs a motor vehicle public road access in violation of any of the terms of this chapter may be required to remove the motor vehicle public road access and restore any affected property to its former condition.
- 2.09 SEVERABILITY:** Each section and provision of this chapter is hereby declared to be independent, and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that, if any provision of this chapter, or the application thereof to any person or circumstances is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which is held to be invalid shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so declared to be invalid.
- 2.10 EFFECTIVE DATE:** This ordinance is effective on publication or posting. The Town Clerk shall post or publish this ordinance as required under §60.80, Wis. Stats.

Adopted this 22nd day of July 2021

Attest



Tom Christensen, Town Chairman



June Vogel, Town Clerk