

**STATE OF WISCONSIN**  
**Town of Saint Germain, Vilas County**

**Code of Ordinances**  
**Chapter 2: Travelway**

**2.01 DEFINITIONS**

Motor Vehicle: A vehicle propelled by an internal combustion engine and includes any automobiles, truck, bus, motorcycles, snowmobile or vehicle which travels on or off roads or highways.

Motor Vehicle Travelway: Any surface, 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, the following: paths, trails, driveways, aprons, approaches, easement roads, roads, bridges, boardwalks and parking lots or areas. For purposes of this definition, a highway, road or street constructed and maintained by any Town, County, State or Federal government entity is not included in this definition.

**2.02 PERMITS**

(A) PERMIT REQUIRED:

No motor vehicle travelway shall be constructed in the Town without first obtaining a permit from the Town. For existing surfaces which would fit the definition of motor vehicle travelway found in this chapter and which predate the effective date of this chapter, no addition to or alternation of any such surface, excluding maintenance, shall be undertaken without first obtaining a permit from the Town. A property owner may maintain an existing motor vehicle travelway by grading or subtracting fill so long as the maintenance does not result in a change of more than 10% of the original dimensions as they are in the existing motor vehicle travelway. Anyone seeking a permit shall submit an application to the Town Zoning Administrator or any other person designated by the Town Board for issuance of such permits. Upon filling, the application shall contain all of the necessary information described elsewhere in this chapter and any other information as may be required under rules adopted from time to time by the Town Zoning Committee. Applications shall be accompanied by the necessary fee as specified in Town of Saint Germain Zoning Ordinance, Chapter 1, Appendix A(1). No permit shall be issued based on an incomplete application or an application that is not accompanied by the necessary fee.

(B) REVOCAION OF PERMIT:

Any permit issued by the Town to construct a motor vehicle travelway 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's revocation, either in person to the permit holder or by certified mail sent to the applicant's address found on the original permit application.

(C) AUTOMATIC APPROVAL:

A completed application, accompanied by the necessary fee and in compliance with any other requirements set by the Town, shall be automatically approved if more than 21 days pass from the day the application is submitted to the Town and Town has failed to take any action to consider, approve, or deny the application.

**2.03 ZONING ADMINISTRATOR APPROVAL**

(A) REQUIRED:

No motor vehicle travelway construction shall be undertaken the Town without first obtaining a Travelway Permit from the Town Zoning Administrator.

(B) SITE PLANS:

(1) Required: All requests for approval to construct a motor vehicle travelway shall be accompanied by a site plan.

(2) Site Plan Requirements: Site plans shall include a drawing or diagram of the proposed motor vehicle travelway. The drawing or diagram shall include the location of the motor vehicle travelway on the land upon which it is sought to be constructed; its relations to adjacent or adjoining properties; relation to existing or proposed structures; its dimensions, including length and width; the location of any intersections with existing highways, roads, streets or other motor vehicle travelways; 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 the construction of the motor vehicle travelway. Geographic features include, but are not limited to, a change in any grade on the land of more than 10%; the cutting, killing or removal of any trees greater than 6 inches in diameter measured at a distance on the tree trunk 4 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 or river bed, navigable waterway or wetland, as defined in §NR 103, Wis. Adm. Code, and regardless of how classified by any zoning map or inventory. Upon initial review of any request for approval to construct a motor vehicle travelway, the Zoning Administrator may require the applicant to submit any further and additional information deemed relevant or necessary to grant or deny the approval.

(C) REVIEW CRITERIA

The Town Zoning Administrator's decision to approve or deny the request for a permit shall be based on the following criteria:

(1) The completeness of the application, including whether the site plan contains all the necessary information, and whether the application was accompanied by the proper fee.

(2) The impact that the proposed motor vehicle travelway will have on existing State, County or Town highways or roads, or existing surfaces that fit the definition of a motor vehicle travelway found elsewhere in this chapter. Factors the Administrator may consider include, but are not limited to, existing traffic patterns and use, maintenance, traffic safety and impact on emergency service provided by fire, ambulance or law enforcement departments.

(3) The impact that the proposed motor vehicle travelway will have on the environment. Factors the Committee may include, but are not limited to, destruction or significant change of any existing geographic features, whether

construction will result in the cutting, killing or removal of any trees greater than 6 inches in diameter as measured at the distance on the tree trunk 4 feet above the ground at the base of the tree, and the number of such trees that will be affected; the impact construction will have on any protected, rare, threatened or endangered plants, or wildlife or wildlife habitat; potential for excessive water runoff and impact to any stream or river bed, navigable waterway or wetland, as that term is defined in §NR103, Wis. Adm. Code

- (4) Private roads and driveways:
  - (i) All private roads or driveways must employ appropriate measures to prohibit excess runoff.
  - (ii) All private roads or driveways must be clear of trees and structures to a width and height of fourteen feet to provide access for emergency vehicles.
- (5) Public input, limited to whether construction of the proposed motor vehicle travelway will have a significant impact on adjacent property owners, or in the case of an easement, whether the owner of the land which the easement traverses objects to the construction. In the case of an easement, the owner of the property on which property the motor vehicle travelway is sought to be constructed must be given 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 travelway will be more consistent with criteria the Zoning Administrator is to use as described elsewhere in this chapter.
- (7) Any other factors which the Zoning Administrator deems relevant to insuring and protecting the public's health, safety and welfare.
- (8) In applying the above factors, the Zoning Administrator's emphasis shall be on the first 50 feet of the motor vehicle travelway as measured from the travelway intersection with any existing Federal, State, County or Town highways or roads. However, the Zoning Administrator is not limited to applying the criteria to that area, and in appropriate cases where there may be a substantial impact on the public's health, safety or welfare, may consider the impact of the entire travelway.

(4) 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 properly called public meeting of the Zoning Committee.

## 2.04 ADMINISTRATION

The Town Zoning Administrator or Town Zoning Committee shall administer this ordinance as prescribed herein:

- (A) The authority of the Saint Germain Zoning Committee is as set forth in Town of Saint Germain Zoning Ordinance, Chapter 1, §1.602
- (B) The authority of the Saint Germain Zoning Administrator is as set forth in Town of Saint Germain Zoning Ordinance, Chapter 1, §1.603

(C) The authority of the Saint Germain Board of Appeals is as set forth in Town of Saint Germain Zoning Ordinance, Chapter 1, §1.604

**2.05 APPEAL FROM ACTIONS BY THE ZONING ADMINISTRATOR OR COMMITTEE**

An appeal from an action of the Town Zoning Administrator or Town Zoning Committee may be taken to the Board of Appeals by an aggrieved party. Procedures are as set forth in Town of Saint Germain Zoning Ordinance, §1.607

**2.06 FORFEITURE**

(A) Any person, firm or corporation, including those doing work for others, who violates any provisions of this ordinance shall be subject to a forfeiture of \$100.00 plus court costs for the first violation, \$250.00 plus court costs for the second violation and \$500.00 plus court costs for all subsequent violations. Each day a violation exists shall constitute a distinct and separate violation and forfeitures shall apply accordingly.

(B) In addition to any forfeiture imposed on anyone found to have violated this chapter, anyone who constructs a motor vehicle travelway in violation of any of the terms of this chapter may be required to remove the motor vehicle travelway and restore any affected property to its former condition.

**2.07 SEVERABILITY**

The provision of this chapter shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this chapter irrespective of whether one or more provision may be declared invalid. If any provisions of this chapter is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provisions or applications.

**2.08 EFFECTIVE DATE**

This ordinance is effective on publication or posting and repeals and replaces Town of Saint Germain Travelway Ordinance SG-96, adopted September 1, 1996 and all subsequent amendments.

The Town Clerk shall properly post or publish this ordinance as required under §60.80, Wis. Stats.

Adopted this 21<sup>st</sup> day of June 2017.

  
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Tom Christensen  
Town Chairman

Attest:  
  
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Tom Martens  
Town Clerk