

Town of Little Black, Taylor County, Wisconsin
Chapter 20: Roads

Section 26.01 PRIVATE ROADS ORDINANCE¹

1. **AUTHORITY AND PURPOSE.** This Ordinance is adopted under the general authority granted pursuant to § 60.10(2)(c), § 60.22(1), § 82.03, and § 86.07 of the Wisconsin Statutes; to promote the public safety, health and general welfare of the community, to further the safe and orderly layout of private roads that enter onto roads within the Town, and to ensure adequate emergency vehicle access to homes and other buildings within the Town.
2. **DEFINITIONS.** In this ordinance:
 - 2.1: "Driveway" means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide vehicular access from the highway to a residence, business, recreational site, or other similarly appropriate use.
 - 2.2: "Emergency vehicle" means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the town.
 - 2.3: "Impacted landowner" means an owner of real estate that is provided vehicular access to a public highway by a driveway determined to be unsafe.
 - 2.4: "Prime or productive agricultural or forestry land" means any land within the town that is currently being farmed or kept in forestry, including cropland and pastureland, or land that is included in a government sponsored agricultural or forestry program.
 - 2.5: "A private road" is an access road serving three or more properties. A private driveway serving a maximum of two homes shall not be considered a private road under the terms of this Ordinance.
 - 2.6: "Town" means the Town of Little Black, Taylor County, Wisconsin.
 - 2.7: "Town board" means the board of supervisors for the Town of Little Black, Taylor County, Wisconsin, and includes any designee of the board authorized to act for the board."
 - 2.8: "Town clerk" means the clerk of the Town of Little Black, Taylor County, Wisconsin.
 - 2.9: "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.
3. **PRIVATE ROADS**
 - 3.1: A private road is an access road serving three or more properties. A private driveway serving a maximum of two homes shall not be considered a private road under the terms of this Ordinance.
 - 3.2: The Town will pay for no costs associated with Private Road construction or maintenance, or for providing other Town services to properties located on a Private Road.
 - 3.3: The Town and the agents of the Town shall not be personally liable or responsible in any manner to the developer or the property owners along a Private Road, or to their contractors,

¹ For additional information and requirements about driveways, roads, and other public or private ways, refer to TOWN OF LITTLE BLACK ORDINANCES CHAPTER 20 ROADS, SECTIONS 23.02 EXCAVATIONS OF ROADS, PUBLIC RIGHT-OF-WAY AND GROUNDS, 24.01 ROAD, DRIVEWAY AND CULVERT ORDINANCE, SECTION 23.01 EXCAVATIONS OF ROADS, PUBLIC RIGHT-OF-WAY AND GROUNDS, SECTION 25.01 PLACING SUBSTANCE ON HIGHWAY, 28.01 ORDINANCE TO DESIGNATE CLASS B HIGHWAYS, 28.02 ORDINANCE ESTABLISHING SPECIAL OR SEASONAL WEIGHT LIMITS, 29.01. ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES ORDINANCE, 62.01 TOWN OF LITTLE BLACK PUBLIC NUISANCE ORDINANCE

subcontractors, agents, or any other person, firm or corporation, for any debt, claim, demand, damages, action or causes of action of any kind or character arising out of or by reason of the activities or improvements being required herein.

3.4: Prior to construction of any private road, the land owners accessing the road shall apply to the Town Board for a private road permit, available from the town clerk, fees to be determined by the town board, which shall be issued after hearing if the private road meets the requirements of this section and is determined necessary by the Town Board.

3.5: All Town Road standards, policies, practices, procedures, and fees shall also apply to Private Roads, unless specifically stated otherwise in this Ordinance. Exceptions to the Town's Road Standards shall only be allowed if compatible with the Comprehensive Plan

3.6: Unless specifically stated otherwise in this Ordinance, all requirements for Private Roads shall apply to both future Private Roads and any pre-existing Private Roads which are already in use at the time that this Ordinance is adopted, except:

(3.6.A): The Town Board may waive certain Private Road requirements in cases where a pre-existing road at the time of adoption of this Ordinance already functions in an acceptable manner as a Private Road, and the strict enforcement of the requirements is not deemed necessary to ensure the health, safety and welfare of the residents.

3.7: Private Roads can be constructed with either a gravel surface or a paved surface. Construction and operation are subject to the following additional requirements and, where approved by the Town, exceptions:

(3.7.A): A Private Road shall have a minimum width of 20 feet plus a shoulder of 12 inches.

(3.7.B): The roadbed and gravel base must meet the standards for Town Roads, with the exception that the roadbed width can be reduced by 2 feet from the standard Town Road width if requested by the applicant and if approved by the Town Engineer or Zoning Administrator.

(3.7.C): The ditch section for a Private Road shall have a minimum depth of 18 inches below the final road surface, but in some cases the ditch may need to be deeper to accommodate the local drainage conditions, as determined by the Town Board or Town Engineer.

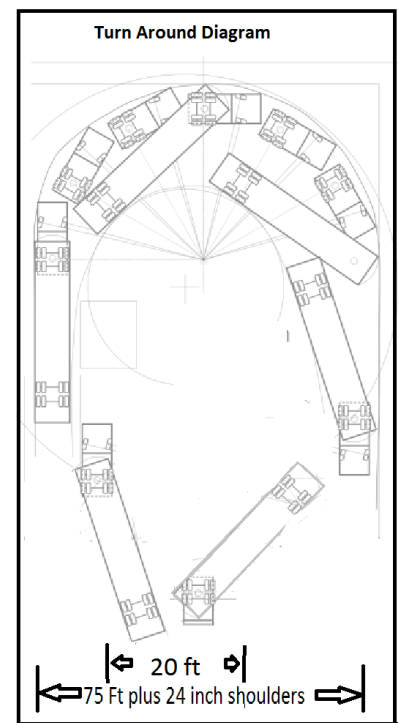
(3.7.D): Private Roads shall only be allowed by the Town in areas where such a road would be compatible with the Comprehensive Plan.

(3.7.E): All Private Roads that dead end must have a turn around constructed at the end for emergency and other vehicle use.

(1): The minimum diameter of the turning surface is 75 feet, with a 24 inch shoulder and if necessary room for a ditch. The entrance shall be in the middle of the turn around. See diagram.

(2): Private Roads must meet local fire department requirements. This includes but is not limited to minimum turning radius and clearance for fire trucks and other emergency vehicles.

(3.7.F): If a Private Road has no name, then all fire numbers shall be posted in plain view at the entrance to



the Private Road, and fire numbers shall also be posted at the entrance to each driveway on the Private Road.

- (3.7.G): When the Private Road has no name, a street name sign (meeting the Town's street name sign standards) shall be installed at the entrance which states "Private Road".
- (3.7.H): If a Private Road has a name, then a street name sign meeting the Town's standards shall be installed at the entrance to the road bearing the name of the Private Road. In this case, fire numbers are not required at the entrance to the road, but are required along the road at each driveway location.
- (3.7.I): Private Roads shall be located on a strip of land at least 66' wide, and the land shall either be owned in fee title by all adjoining land owners, or shall be accessible to all adjoining land owners through a shared access easement which is described in favor of all adjoining land owners.
- (3.7.J): Any Private Road which is to be dedicated to the Town must meet the following minimum requirements for such a dedication:
- (1): The road must meet all Town Road standards at the time of dedication and shall not be in need of repair.
 - (2): Any needed maintenance work or work to bring the road up to Town Road standards must be completed by the property owners prior to the dedication to the Town.
- (3.7.K): A Private Road serving 3 or more lots or parcels may be part of the Town's annual road reviews.
- (1): The adjacent property owners will be notified of any observed improvements needed on Private Roads.
 - (2): Improvements must be made by the residents on the Private Road.
- (3.7.L): All applicants for a Private Road permit must also obtain a driveway permit under Town of Little Black Ordinance 24.01 for any private road opening onto a Town road.

4. PENALTY PROVISION

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of \$50, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

5. SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. [60.80](#), Wis. stats.

Adopted this _____ day of _____, 201 by the Town Board of Supervisors of
The Town of Little Black, Taylor County
Town Chairman

Town Supervisor

Town Supervisor

Filed this _____ day of _____, 201

Attest: _____ Town Clerk