

ORDINANCE NO. 176**AN ORDINANCE TO IMPOSE CONSTRUCTION AND MAINTENANCE REQUIREMENTS
UPON PUBLIC STREETS, PRIVATE ROADS AND PRIVATE DRIVEWAYS**

WHEREAS, the Village of Oconomowoc Lake has, within its boundaries, a considerable number of private roads and driveways; and

WHEREAS, it has long been the policy of the Village of Oconomowoc Lake to permit and encourage private roads and driveways in order to maintain the rural ambiance of the village, assure privacy to its residents and minimize construction and maintenance costs to the Village as a whole; and

WHEREAS, the Village of Oconomowoc Lake has, in the past, provided to private roads and private driveways certain municipal services, including snow plowing, of a nature typically provided to public streets; and

WHEREAS, in order for the Village of Oconomowoc Lake to continue to provide the above-noted services, it is necessary to provide for a certain minimum maintenance requirement for pre-existing private roads and driveways and to impose certain minimum construction requirements upon future private roads and driveways.

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, State of Wisconsin, **DO ORDAIN AS FOLLOWS**:

SECTION 1. CONSTRUCTION AND MAINTENANCE REQUIREMENTS FOR PUBLIC STREETS, PRIVATE ROADS AND PRIVATE DRIVEWAYS.

A. ZONING CODE DEFINITIONS ADOPTED. The current and future provisions of Section 17.10 entitled "Definitions" of the Village of Oconomowoc Lake Zoning Code are hereby adopted by reference and made a part of this Ordinance as though fully set forth herein. Any future addition, amendment, revision or modification of Section 17.10 entitled "Definitions" of the Village of Oconomowoc Lake Zoning Code are incorporated herein and intended to be made a part of this Ordinance.

B. CONSTRUCTION STANDARDS. Any public street, private road or private driveway hereinafter constructed in the Village of Oconomowoc Lake shall be constructed subject to the following minimum requirements:

(1) **Public Streets.** Any public street hereinafter constructed in the Village of Oconomowoc Lake shall be constructed in compliance with the standards established by the Village Engineer and on file with the Village Clerk.

(2) **Private Roads.** Any private road hereinafter constructed in the Village of Oconomowoc Lake shall consist of a two and one half (2.5) inch thick bituminous concrete (asphalt) pavement with a four inch crushed gravel base course constructed on a stable base material. The bituminous concrete (asphalt) pavement shall be a minimum of sixteen feet wide and have two foot gravel shoulders or suitable curbs for delineation and parking. In addition, open ditches and culverts shall be utilized for drainage, the adequacy of which must be demonstrated to the satisfaction of the Village of Oconomowoc Lake Plan Commission. Trees, shrubs, brush and other objects shall be cleared across entire actual width to a height of at least twelve (12) feet.

(3) **Private Driveways.** Any private driveway hereinafter constructed in the Village of Oconomowoc Lake shall be constructed of concrete, bituminous concrete (asphalt), gravel, crushed stone or other suitable material with a minimum surface width of twelve feet. All such driveways shall consist of a minimum of four inches of the aforementioned materials constructed on suitable base material. If gravel or crushed stone is used, the same shall provide a firm and stable supportive base, generally free of ruts and depressions, graded as needed to assure ready ingress/egress at reasonable speeds. Trees, shrubs, brush and other objects shall be cleared across entire actual width to a height of at least twelve (12) feet.

C. WIDTH REQUIREMENTS. Any public street, private road or private driveway hereinafter constructed in the Village of Oconomowoc Lake shall have the following minimum width requirements:

(1) **Public Street.** The minimum right-of-way width for a public street within the Village of Oconomowoc Lake shall be sixty (60) feet.

(2) **Private Roads.** The minimum private right-of-way width for a private road within the Village of Oconomowoc Lake shall be thirty (30) feet.

(3) **Private Driveways.** The minimum private right-of-way width for a private driveway within the Village of Oconomowoc Lake shall be sixteen (16) feet.

D. MAINTENANCE REQUIREMENTS. All private roads and private driveways currently existing in the Village of Oconomowoc Lake and hereinafter constructed shall be kept in an adequate state of repair so that they are easily passable and readily accessible to Village emergency vehicles, fire vehicles, ambulance vehicles and residents' vehicles.

Guidelines to determine adequate state of repair for purposes of this section is as follows:

Minimum Recommended Surface Width	For private driveways, twelve (12) feet; for private roads, twenty (20) feet.
Minimum Recommended Clearance Height	Trees, shrubs, brush and other objects shall be cleared across entire actual width to a height of at least twelve (12) feet.
Composition	Concrete, bituminous concrete (asphalt), brick, gravel, crushed stone or other suitable material over a firm road bed.
Surface Condition	If concrete, bituminous concrete (asphalt) or brick, generally void of ruts, depressions or wide cracks. If gravel, crushed stone or other suitable material, generally void of ruts, depressions or wide cracks and graded as needed to assure ready ingress/egress at reasonable speeds.

E. PENALTIES. In the event it is determined that a private road or private driveway is in violation of the provisions of this Ordinance, the Village Administrator, or designated representative, shall notify the owner(s) in writing that the road or driveway is in violation and must be brought into conformity with this Ordinance. During any time that the violation continues the Village may deny Village services to the property on the private road or private driveway, such as snow plowing and routine police patrol, if the Village staff reasonably believes that the violation creates any risk of damage to the Village vehicle rendering that service. In the event that a condition exists on a private road or private driveway in violation of this ordinance which directly causes damage to one or more Village vehicles, or which directly contributes to causing damage to one or more Village vehicles, the owner(s) of the property in violation, in the Village Administrator's discretion, may be charged for the cost to repair the damage, and the property owner(s) shall pay the same within 30 days of being billed.

F. ADDITIONAL REMEDIES. The penalties provided in this Ordinance are not exclusive. Violations of the Ordinance shall be deemed a public nuisance, and the Village shall have the authority to pursue an action to abate the public nuisance, and to enforce the Ordinance by injunction, and to pursue any other remedy provided by law to ensure the proper maintenance of private roads and private driveways.

SECTION 2: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.


SECTION 3: EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this 15th day of March, 1999.

BY THE VILLAGE BOARD OF THE
VILLAGE OF OCONOMOWOC LAKE:


RAYMOND O. FOSTER, President

ATTEST:


CINDY SCHLIEVE, Deputy Clerk

Published or posted on the 26th day of March, 1999

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

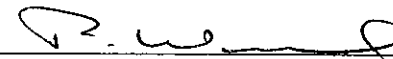
AFFIDAVIT OF POSTING

ORD 176

The undersigned, being first duly sworn, on oath deposes and states that on March 26, 1999, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village:

to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the northern corner of the junction of West Beach Road and the private drive of South Beach Road leading into the Fischer, Lowry, et al properties.



Posting Officer

Subscribed and sworn to before me

This 26th day of March, 1999

Cheryl A. Weidoma
Notary Public, Waukesha County, Wisconsin
My Commission expires: 11-14-99