

December 9, 2009 **Town of Belvidere DRIVEWAY ORDINANCE 2009 - 05**

DRIVEWAY ORDINANCE - #2009 - 05
Town of Belvidere ♦ Buffalo County

WHEREAS, The Town of Belvidere, Buffalo County, has passed a DRIVEWAY ORDINANCE on December 9, 2009, to take effective JANUARY 1, 2010 to regulate all modifications or reworking of existing or new driveways/field roads that abut any Town Road; and

WHEREAS, In order to obtain a Permit for all modifications or reworking of existing or new driveways/field roads the property owner shall contact the Town Clerk to obtain the Application and Specification Booklet to comply with this Ordinance; and

WHEREAS, The Town of Belvidere requires the application, fee and permit prior to any construction commencing by the landowner; and

Now, THEREFORE, The Town of Belvidere Board ordains as follows:

1.01 PURPOSE

The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification or reworking of a driveway to assure that the site, method of construction, and conservation practices used will promote the public health, safety, and general welfare of the community, and to enforce the goals and policies set forth in the Town of Belvidere land use plan or comprehensive plan.

1.02 ABROGATION AND GREATER RESTRICTIONS

It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern.

1.03 INTERPRETATION

The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.04 AMENDMENTS

The Town Board may, amend, supplement, or repeal any of these regulations after public notice and hearing.

1.05 SEVERABILITY

The provisions of this Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid. If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.06 JURISDICTION AND APPLICABILITY

Jurisdiction of these regulations shall include all driveways on land within the Town of Belvidere. New driveways and those existing driveways that undergo repairs involving changes in the existing slope and/or rerouting of the existing driveway are subject to the provisions of this Ordinance. The provisions of this Ordinance will also apply to field roads or to repairs of existing field roads.

1.07 AUTHORITY

These regulations are adopted under the general police powers authority granted pursuant to sec. 60.10(2)(c), 60.22(3), and 61.34(1) of the Wisconsin Statutes, the controlled access highway power granted pursuant to sec. 83.027(10) and 84.25(10), and 86.02, 86.04, and 86.07(2) of the Wisconsin Statutes, and sec. 236.45(2) of the Wisconsin Statutes.

1.08 TOWN BOARD APPROVAL

The Town Board of the Town of Belvidere adopted the Driveway Ordinance at a meeting held on the 9th day of December, 2009.

APPROVED BY: /s/ David Danzinger
David Danzinger, Chairperson

absent Warren Rivette, Supervisor

/s Robert Tuxen
Robert Tuxen, Supervisor

ATTESTED BY:

/s/ Deborah M Ruff
Deborah M Ruff, Clerk

1.09 EFFECTIVE DATE

This Ordinance shall take effect and be in force JANUARY 1, 2010 after publication as required by law.

Public Notice.

(a) Public Review. A notice was published in the COCHRANE-FOUNTAIN CITY RECORDER & Buffalo County Journal on November 26, 2009, to inform residents that a final draft of this Driveway Ordinance - #2009-05 was on file with the Town Clerk for a two-week period of November 30 - December 8, 2009 during which it was available for inspection.

(b) Posting. This Notice of Adoption of Ordinances relating to this Ordinance was posted on December 14, 2010, at the TOWN HALL and Town Website.

(c) Publication. A Notice of Adoption of Ordinances relating to this Ordinance was published in the COCHRANE-FOUNTAIN CITY RECORDER & Buffalo County Journal, the publication of record for the Town of Belvidere on December 17, 2009.