

TOWN OF RHINE MUNICIPAL CODE

**CHAPTER 15: REGULATIONS ON USE OF
HIGHWAY RIGHTS-OF-WAY**

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15.01 DEFINITIONS

(1) HIGHWAY means all streets, roads, highways, alleys, and bridges located within the Town of Rhine and over which this Town has jurisdiction. This includes all lands within the right-of-way, whether paved or unpaved.

(2) OBSTRUCTION means all materials placed within a right-of-way that may impede the flow of drainage water, obstruct visibility of highway users, or increase the risk of injury to a highway user who collides with the material. As illustration, obstructions may include stones or rock; garbage, rubbish, refuse, or other discarded materials; agricultural crops regardless of height; and decorative landscaping that changes the natural or established grade by more than six inches (6") above or below grade.

(3) ROADWAY means the paved portion of a highway. If a highway is not paved, the roadway includes the traveled portion.

(4) RIGHT-OF-WAY means the full extent of the lands acquired for highway purposes, whether by deed, easement, statute, patent, Court Order, or adverse possession.

15.02 CULTIVATION AND LANDSCAPING

(1) No person may cultivate, plant, harvest or maintain agricultural crops, trees, shrubs, flowers or other similar vegetation within a right-of-way. *(Rev. 12/1/09)*

(2) No person may cultivate, plant, or maintain grasses, flowers, or other vegetative plants in any manner that obstructs the visibility of the highway by highway users or that impedes the flow of drainage water.

15.03 ALTERATION OF GRADE

No person may alter or change the depth or contour of any portion of any ditch or change the depth or contour of any portion of any ditch or embankment in a right-of-way.

15.04 MAILBOXES, SIGNS, AND NEWSPAPER BOXES

(1) No sign of any nature may be placed or allowed to remain in any right-of-way except an official traffic sign placed by a governmental authority in any manner that obstructs the visibility of the highway by highway users or that impedes the flow of drainage water.

(2) Mailboxes and newspaper boxes are permitted within a right-of-way if the installation complies with all requirements of the U.S. Postal Service.

15.05 OTHER OBSTRUCTIONS

No person may place, maintain, or allow any obstruction in a right-of-way other than those specifically permitted by this Chapter (for example, flowers and mailboxes) or by other laws (for example, utility poles and culverts).

15.06 DRIVEWAY AND CULVERT REGULATIONS (Rev. 06/07/05)

(1) **PURPOSE.** To promote the safety of the general public, and to further the goals of the Town of Rhine's Long-Range Plan, the Town shall determine the minimum requirements and technical standards for driveways, culverts, and drainage structures constructed within the Town road right-of-way or which connect to Town roads.

(2) **PERMIT REQUIRED.** No person or business entity shall construct, reconstruct, pave, alter, or enlarge any private driveway or install, re-install, replace, or move a culvert within the Town without first obtaining a permit as required in this Section. Where a new driveway is to be constructed in conjunction with the construction of a new principal structure, this permit may be issued along with the building permit. No person shall commence work on any driveway or culvert before the driveway/culvert permit has been issued. For work involving access to State and County roads, permits may also need to be obtained from those entities.

(3) **APPLICATION.** Application for a driveway permit shall be made in writing upon forms available from the Town Clerk, Building Inspector, or other Town designee and must be accompanied by the fees prescribed below and a drawing accurately depicting the proposed driveway/culvert to be constructed, reconstructed, altered, or enlarged. The drawing shall identify the following:

- (a) The location of existing and proposed driveway improvements to the parcel owned by the applicant, including driveway width and length;
- (b) Building setbacks from all lot lines and existing or proposed driveway and/or culvert;
- (c) Road names and roadway right-of-way widths.

(4) **APPROVAL; COMPLETION; REVOCATION**

(a) Permits may only be approved by the Town designee indicated on the application. If none is indicated, or if the designee in his or her discretion refers the matter, the Town Board shall decide whether to approve or deny the permit and may condition issuance upon specific conditions or restrictions.

(b) Work contemplated by any permit must be completed within six (6) months of approval, else the permit is void.

(c) A permit may be revoked if placement or drainage structures are not satisfactory to the Town in which case removal and restoration costs shall be the applicant's responsibility.

(5) GENERAL REQUIREMENTS. The location, design, construction, and maintenance of driveways and culverts shall be consistent with the following:

(a) Driveways shall intersect the public road at right angles within the road right-of-way or within twenty feet (20') of the outer edge of the blacktop surface of the public road, whichever is greater.

(b) The finished grade of the driveway at six feet (6') from the edge of the blacktop public road shall be at least four inches (4") below the grade of the blacktop public road.

(c) Properties accessing public road right-of-way shall have roadside drainage ditches and drainage structures to ensure positive drainage from surrounding properties. Improvements shall be constructed as directed by ordinance standards or as specified on the issued permit.

(d) Any grading, ditching, alteration of slopes, or other disturbances of the highway right-of-way during installation of a driveway or culvert shall be restored at the applicant's expense to a condition acceptable to the Town.

(e) Unless the street has curb and gutter, a new driveway shall have permanently vegetated sloped sides using only soil material, seeded or sodded by the property owner. Side slopes shall be no more than a length to height ratio of 2.5:1.

(f) The applicant or property owner shall be responsible to keep any culvert free of debris and other obstructions to provide proper drainage.

(g) Driveways intended to serve a structure shall have all of the following unless exceptions are granted by the Town Board:

(i) An all-weather surface that is driveable in all weather conditions and that is at least fourteen feet (14') wide and not more than one thousand feet (1,000') long.

(ii) An area clear of brush, stones, trees, branches, or similar obstructions that measures at least fourteen feet (14') horizontally (centered on the centerline of the driveable surface) and at least fourteen feet (14') vertically (measured from the top of the driveable surface).

(h) Driveways intended to serve principal structures on agricultural land shall be located to minimize the impact on such lands.

(i) Driveways shall be located so as to promote the safest ingress and egress of vehicles and to promote the goals of the Town's Long-Range Plan, Comprehensive Plan, or similar documents.

(6) CULVERTS. Culverts shall be constructed of corrugated steel, reinforced concrete, or corrugated polyethylene (HDPE) pipe (unless specifically excepted by the Town designee) with a minimum of six inches (6") of granular cover. Driveways serving business, industrial, or commercial properties having regular heavy vehicle traffic shall be evaluated case-by-case for special considerations and may require stronger materials and special installation procedures. Culvert material and installation shall otherwise meet the standards adopted by Sheboygan County.

(7) COSTS AND FEES.

(a) Costs. The property owner shall be responsible for purchasing all materials; obtaining engineering or safety reviews as may be required by the Town; installing, constructing, and maintaining the driveway and/or culvert, and all costs associated with the same.

(b) Fees. A permit fee of Twenty-five Dollars (\$25.00) must be paid at the time the application is filed. Fees must be paid before the permit will be processed. Work may not proceed until fees are paid and the permit is issued. Permit fees are double if any work commences prior to the permit being issued.