

ORDINANCE NO. 2020-4

AN ORDINANCE AMEND TOWN OF TROY ORDINANCE 2017-1, CHAPTER 13, CONCERNING STANDARDS FOR PRIVATE ROADS AND PRIVATE DRIVES AND TO ESTABLISH A PRIVATE ROAD AND PRIVATE DRIVE BOND IN THE TOWN OF TROY

WHEREAS, Ordinance No. 2017-1, Chapter 13, entitled, "An Ordinance to Create Standards for Private Roads and Private Drives in the Town of Troy," requires in Section 1(b) that new construction on vacant land served by a private road is subject to approval of the Town Plan Commission; and

WHEREAS, the Town Board, upon receipt of recommendations from Town staff, believe it is more appropriate to expedite such approvals by allowing the Town Building Inspector to grant such approval, rather than requiring review by the Town Plan Commission; and

WHEREAS, Town Building Inspector has recommended that the Town create a private road and private drive occupancy bond requirement to ensure that such installations are properly completed, and the Town Board hereby intends to accept this recommendation from the Building Inspector as described herein.

NOW THEREFORE, the Town Board of the Town of Troy, Walworth County, Wisconsin, does hereby ordain as follows:

SECTION 1: the Town of Troy Ordinance No. 2017-1, Chapter 13, entitled, "An Ordinance to Create Standards for Private Roads and Private Drives in the Town of Troy," Section 1 entitled "Existing Private Roads, Subsection (b) entitled "New Construction on Vacant Land," is hereby repealed and re-created as follows:

- (b) New construction on vacant land. New construction on vacant land served by a private road is prohibited, subject to the following. Upon approval of the Town Building Inspector, building may be permitted on an existing vacant tract of land which does not abut or have direct frontage on a public road, provided that the property has access by a permanent easement at least 33' in width to a public road, the private road satisfies the private road standards of Section 2, and the property owner places a deed restriction on the property in a form as approved by the Town Attorney giving notice that access is by way of a private road that is privately maintained by the property owner. The property owner shall prepare the deed restriction and submit it to the Town Clerk, and the Town Clerk shall distribute it to the Town Attorney and other Town Officials as necessary, provided that no construction may begin unless and until the deed restriction receives approval from the Town Attorney and is recorded in the office of the Walworth County Register of Deeds. The deed restrictions shall give the Town the right, but not the obligation to enter the property, repair the private road to Town private road standards, and impose a special charge on the properties served by the private road on a pro rate basis for all costs incurred per §66.0627, Wis. Stats.

SECTION 2: the Town of Troy Ordinance No. 2017-1, Chapter 13, entitled, "An Ordinance to Create Standards for Private Roads and Private Drives in the Town of Troy," Section 1 entitled "Existing Private Roads Subsection (c) entitled "Private Road or Private Drive Installation Bond," is hereby created as follows.

(c) Private Road or Private Drive Installation Bond. No building permit shall be issued by the Building Inspector for construction of a building for which private road or private drive improvements are required by Ordinance No. 2017-1, Chapter 13, entitled, "An Ordinance to Create Standards for Private Roads and Private Drives in the Town of Troy," as amended from time to time, unless and until a private road or private drive bond in the amount of \$500 has been made by the applicant for such building permit. The deposit shall be made to the Building Inspector at the time an application is made for issuance of the building permit. The sums deposited shall be retained by the Town Clerk until after the private road or private drive is completed to the satisfaction of the Town Building Inspector and subject to all terms and conditions of this Section. In the event any damage is done to Town infrastructure servicing the property as a result of the construction activities, the deposit shall be used to defray the Town's expense to repair any such damage. The balance of the deposit, after deducting such expenses incurred by the Town to repair the damage, shall be returned to the property owner after the private road or private drive is completed. The deposit may be forfeited if occupancy occurs before final inspection or occupancy extends after a temporary occupancy permit expires. In the event application for reimbursement of the bond is not made within two (2) years of issuance of final occupancy permit, or in the event application is made but refused because of the failure of the applicant to comply with the ordinances of the Town of Troy, such bond shall be forfeited, and the money shall be placed in the general fund of the Town of Troy.

SECTION 3: 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 4: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

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

Adopted this 14th day of October, 2020.

TOWN OF TROY

John Kendall, Town Chair

ATTEST:

Tracy Raymond
Tracy Raymond, Town Clerk

Published and posted this 14th day of October, 2020
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