

ORDINANCE 2026-1
TOWN OF GUENTHER (MARATHON COUNTY)
DRIVEWAY ORDINANCE

CONTENTS:

Section 1. Title/Purpose
Section 2. Authority
Section 3. General Provisions
Section 4. Procedures and Fees
Section 5. Penalties
Section 6. Definitions
Section 7. Effective Date

1. TITLE/PURPOSE

This ordinance is entitled the Town of Guenther Driveway Ordinance.

The purpose of the ordinance is to regulate the location and construction of any private access road (private driveway) that will intersect any public road in the Town of Guenther. The ordinance will set forth an orderly procedure for obtaining a driveway permit, and will establish driveway permit fees and penalties for failure to obtain a required driveway permit.

2. AUTHORITY

The Town Board of the Town of Guenther has been granted village powers pursuant to Sec. 60.10 Wis. Stats, and has the specific statutory authority, powers and duties pursuant to Secs. 60.10. 66.0425 and 86.0" to regulate, control, prevent and enforce against in the Town of Guenther certain uses, activities, businesses and operations by persons that may affect the public works and infrastructure in the Town of Guenther and to act for the health, safety and welfare of the public.

3. GENERAL PROVISIONS

A Driveway Permit is required whenever a proposed private access road (private driveway) will intersect any public road in the Town of Guenther. The permit will be valid for 6 months from issue date.

If the proposed driveway will intersect a county road, the Marathon County Highway Department will establish the rules and regulations regarding conditions. Application would then be needed from the Marathon County Highway Department. If the proposed driveway will intersect a town road, the Board of the Town of Guenther, subject to the following rules and regulations, will issue the Driveway Permit:

B. Default Standard: Except as provided in subsection C, all new or replacement driveway culverts installed within the town right-of-way shall have a minimum inside diameter of 18 inches and 24 foot length to ensure adequate stormwater management and prevent localized flooding.

C. Administrative Exception for Smaller Culverts: A smaller culvert diameter may be authorized by a designated Board Member provided that all of the following conditions are met:

1. **Sufficient Topography:** The upstream and downstream ditch depth or road topography cannot structurally accommodate an 18-inch culvert without creating an improper slope or hazardous roadside condition.
2. **Negligible Flow Requirements:** The contributing drainage area (watershed) flowing to the culvert is minimal, and a qualified review determines that a smaller diameter is hydraulically sufficient to handle a 10-year storm event without causing backup or overtopping.
3. **No Adverse Impact:** The reduction in culvert size will not cause water pooling, erosion, or increased flooding risk to the public right-of-way or adjacent upstream and downstream properties.

ORDINANCE 2026-1
TOWN OF GUENTHER (MARATHON COUNTY)
DRIVEWAY ORDINANCE

D. Documentation: Any exception granted under subsection C must be documented in writing on the driveway permit, noting the specific field conditions that justified the smaller size, and signed by the authorizing town official.

E. The applicant must agree to comply fully with Sections. 66.0425 and 86.07 Wis. Stats, regarding correction of damage to public roads.

4. PROCEDURE AND FEES

Application for a Driveway Permit to intersect a town road should be made to the Town Chairperson, or Town Supervisor. The application will include the legal description of the property, a rough drawing of the proposed driveway site, and payment of the required fee.

The Chairperson or Supervisor will make an appointment to meet with the applicant at the site to discuss the specifics of the access road. Any specific requirements will be entered on the permit and written permission will be given to begin construction.

All expenses of construction and materials will be the responsibility of the applicant. Under no circumstances will the Town of Guenther perform the actual work of constructing the private access road or setting the culvert, but the Town Chairperson may require that a town employee be present to oversee the construction.

If the requirements and procedures of this ordinance are not followed and a private driveway is constructed in such a way as to cause damage to the town road or to create a hazard to public safety, the township will require that the private access road or driveway be changed to correct these flaws at the private owner's expense.

When the private access road/driveway is completed, the applicant will notify the Town Chairperson or Supervisor who will then make a final inspection of the driveway, and if the driveway is properly constructed, the Chairperson or Supervisor will approve the driveway in writing on the permit.

The Board of the Town of Guenther will establish the fees for obtaining a Driveway Permit and penalties for failure to obtain a Driveway Permit before constructing a private access road. The fee schedule will be reviewed annually by the Board and adjusted as needed so that the fee will cover the direct costs of onsite consultation, inspection and administration.

The initial fee schedule established by the Board is shown below and is effective with adoption of this ordinance:

Driveway Permit (includes initial on-site consultation, any interim inspections or consultations as necessary and final site inspection and approval)

Driveway Permit \$ 50.00

After-The-Fact-Fee \$100.00

5. PENALTIES

Any driveway constructed on land in the Town of Guenther in violation of any of the provisions of this Ordinance shall be deemed to be an unlawful driveway. Any person who constructs an unlawful driveway, which intersects a town road in the Town of Guenther in violation of any provision of this Ordinance, shall be required to forfeit not less than \$10.00 or more than \$100.00. Each day a violation continues without action taken to remedy the situation constitutes a separate offense.

Any physical changes required by the Board of the Town of Guenther to an unlawful driveway to bring the driveway into compliance with the terms of this Ordinance and the terms of the Driveway Permit will be made at the private owner's expense.

ORDINANCE 2026-1
TOWN OF GUENTHER (MARATHON COUNTY)
DRIVEWAY ORDINANCE

6. DEFINITIONS

For the purpose of this ordinance the following definitions shall be used:

Driveway (Also called **Private Access Road**) A private road which gives access to private property from a public roadway.

Driveway Permit (Issued by Town of Guenther) a permit to construct a private driveway from a town road, through (the public road right-of-way) to private property. A permit for a driveway which would access a County highway, road, regulated and administered by the Marathon County Highway Department and is not covered by this ordinance.

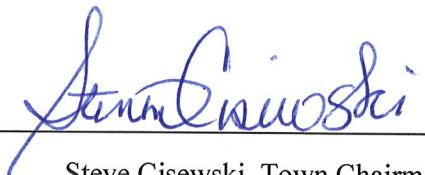
Intersection The portion of the driveway that passes through the public right-of-way to the town roadway.

Town Road Right-of-Way Town roads in the Town of Guenther are presumed to be FOUR rods in width unless originally deeded to the town with a lesser width specified.

7. EFFECTIVE DATE

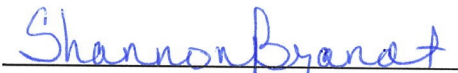
This ordinance shall take effect July, 13 2026

Adopted by the Board of the Town of Guenther on the 13th day of July, 2026.


Steve Cisewski Town Chairman


Trevor Obremski Town Supervisor


Shawn Brandt Town Supervisor


Shannon Brandt Town Clerk