

Sec. 38-111. Permit required.

No person shall install or make any improvement of a private driveway extending into a public right-of-way without a permit from the town board. The town board shall issue the permit upon application and without a fee subject to the following terms and conditions:

- (1) The culvert shall be of such size as required for proper drainage along the right-of-way, but not less than 15 inches by 24 feet, and installed with end walls and animal guards.
- (2) The property owner or permittee will not construct any abutment above the existing road grade at the ends of the culvert underlying the driveway. At a distance of eight feet from the edge of the pavement, the finished grade of the driveway shall be at least four inches below the grade of the edge of the adjacent highway.
- (3) The cost of any and all repairs to driveways extending into public rights-of-way, including, but not limited to, the moving of existing culverts, maintenance and the covering with gravel, shall be borne by the property owner or permittee, unless such repairs were necessitated by the reconstruction of any portion of the public right-of-way by the town.
- (4) Any drainage ditch and public right-of-way affected by the construction of a driveway entrance shall be reconstructed to the original shape, grade and contour of such ditch and right-of-way at the expense of the property owner or permittee.

(Code 1982, § 8.07(1))

Sec. 38-112. Construction required.

No building permit shall be issued by the building inspector unless a permanent driveway has been constructed from the right-of-way to and on the site upon which construction is to take place. Unless waived by the town board, no driveway shall be deemed permanent unless a culvert of required strength and dimension has been laid under such driveway and has been covered with sufficient gravel to bring it to the same grade as the public right-of-way adjacent thereto. The property owner or permittee shall comply with all regulations relating to the construction or reconstruction of private driveways in [section 38-111](#).

(Code 1982, § 8.07(2))

Sec. 38-113. Improperly installed culvert.

If a culvert is not properly installed by the property owner, his agent, employee or contractor, the town shall have the right to remove, reset or replace the culvert at the owner's cost. Prior to removal, resetting or replacement, the town shall notify the property owner in writing of any defect as to such culvert and shall order the owner to correct any defect within such period of time as the town board shall specify, but not less than 30 days. If the property owner requests a hearing before the town with respect to the order, the order shall be stayed until after such hearing. The town shall promptly bill the property owner for the costs of removal, resetting or replacement. If such bill is not paid, the bill shall be carried onto the tax rolls and collected like other taxes.

(Code 1982, § 8.07(3))

Sec. 38-114. Obstructions of ditches.

No person shall fill or obstruct any ditch or culvert alongside any town or public road or underneath any such road with any dirt or debris. No person shall cultivate, plow or remove soil from his land in such manner as to obstruct or fill any ditch along any town road or public highway.

(Code 1982, § 8.08)