

CANDLEWOOD SHORES TAX DISTRICT
ORDINANCE 1988-3
DRIVEWAYS & RIGHT OF WAY RESTRICTION

I N D E X

SECTION 1	Purpose
SECTION 2	Definitions
SECTION 3	Criteria and Standards
SECTION 4	Materials
SECTION 5	Permit Required
SECTION 6	Time of Filing Application
SECTION 7	Information Required with Application
SECTION 8	Bond, Insurance, Fees
SECTION 9	Officials Not Liable
SECTION 10	Special Requirements
SECTION 11	Violations, Penalties

CANDLEWOOD SHORES TAX DISTRICT
ORDINANCE 1988-3
DRIVEWAYS & RIGHT OF WAY RESTRICTION

Section 1 - PURPOSE:

It is the intent of this ordinance to regulate and control the number of new driveways, curb cuts and access points along all Candlewood Shores Tax District (CSTD) streets in order to provide safe, convenient and adequate access to residences and to avoid any other conditions which might affect pedestrian and traffic safety and street drainage. Criteria and standards for new construction are established to provide safety as well as to preserve the character of the community and control drainage.

Section 2 - DEFINITIONS:

- A. "RIGHT OF WAY" means "street", "roadway", "road", "drive", or "lane". It is the area of commonly owned CSTD property used for access to and from private property by cars, other transportation vehicles and pedestrians.

Note: All CSTD rights-of-way are fifty (50) feet wide, except for a 430 foot length at the westerly end of Candlewood Shores Road adjacent to the ball field, which is 100 feet wide.

- B. "CONSTRUCT" means "build", "reconstruct", "alter", "enlarge", "move", and "establish".
- C. "DRIVEWAY" means a hard-surfaced area on private property connecting the pavement to a garage, or it may be an area used for off-street parking.
- D. "PAVEMENT" means the paved traveled portion of the right-of-way.
- E. "SHOULDER" means the area on either side of the right-of-way between the pavement and the private properties.

Section 3 - CRITERIA AND STANDARDS:

- A. A driveway must be constructed to provide off-street parking for at least two (2) cars even though the proposed residence does not include the construction of a garage.
- B. The maximum width of the driveway at the edge of the right-of-way shall be

CANDLEWOOD SHORES TAX DISTRICT
ORDINANCE 1988-3
DRIVEWAYS & RIGHT OF WAY RESTRICTION

twenty-six (26) feet.

- C. The shoulders of the right-of-way in front of the premises under construction shall be improved and maintained with a hard surface to provide additional parking and proper drainage.
- E. The gutter line for drainage must be maintained at the edge of the traveled pavement.
- F. When the street is on a curve, the center line of the proposed driveway must not deviate more than thirty degrees (30°) from a right angle for a distance of thirty (30) feet from the edge of the traveled portion of the street.
- H. Walls, shrubs, fences or any permanent structures on "Right of Way" are prohibited, unless special hardship is granted by the Board of Directors; any of the proceeding existing prior to the promulgation or approval of this Ordinance will be grandfathered.

Section 4 - MATERIALS:

The driveway and/or shoulders shall be constructed of bituminous concrete two (2) inches deep on a six (6) inch gravel or 3/4 inch broken stone base. The Board of Directors or its designated agent may alter these requirements if good cause is shown.

Section 5 - PERMIT REQUIRED:

No work shall be done to construct a new driveway or enlarge or relocate an existing one which is adjoining, abutting or leading into a CSTD street until an application in proper form has been filed with the CSTD Board of Directors or It's Duly Appointed Agent and a permit issued.

Section 6 - TIME OF FILING APPLICATION:

When the driveway is to be installed in conjunction with construction or reconstruction of a residence or garage, the application shall be filed with the CSTD Board or It's Duly Appointed Agent at the same time as plans are filed

CANDLEWOOD SHORES TAX DISTRICT
ORDINANCE 1988-3
DRIVEWAYS & RIGHT OF WAY RESTRICTION

with the Town of Brookfield's agencies.

If only a driveway project is planned, the completed application together with the required cash bond, insurance certificates and fees must be submitted at least fourteen (14) days in advance of starting work.

The CSTD Board or It's Duly Appointed Agent will consider the application and will advise the applicant.

Section 7 - INFORMATION REQUIRED TO BE SUBMITTED WITH THE APPLICATION:

- A. A copy of a Class A-2 survey of the property showing the location of the proposed building, the location, width, length and grades of the proposed driveway, and the effect it will have on the street drainage;
- B. A description of the proposed work including the materials to be used in the construction including drainage culverts or catch basins (if needed);
- C. The dates when work will commence and be completed;
- D. The names of the contractors or parties who will perform the work;
- E. A list of the type of heavy mechanical equipment to be used (Note: This must be rubber-tired).

Section 8 - BOND INSURANCE CERTIFICATES AND FEES REQUIRED:

Before any such permit shall be issued, the Board of Directors will require:

- A. A cash bond to be filed with said Board to guarantee the satisfactory completion of all the work to be included in the permit, the amount of the bond to be determined by the Board. Said bond to be released only after the work has been completed to the satisfaction of the Board.
- B. A Public Liability Policy or Certificate naming Candlewood Shores Tax District as an additional insured, for bodily injury and property damage in amounts to be determined by the Board or It's Duly Appointed Agent.

CANDLEWOOD SHORES TAX DISTRICT
ORDINANCE 1988-3
DRIVEWAYS & RIGHT OF WAY RESTRICTION

C. Permit and inspection fees as determined by the Board.

Section 9 - CANDLEWOOD SHORES TAX DISTRICT OFFICIALS NOT LIABLE;
RESPONSIBILITY FOR MAINTENANCE:

The applicant shall agree to hold harmless the Candlewood Shores Tax District and the Board of Directors and their duly appointed agents and employees against any action for personal injury or property damage and for the cost of any repair of the street which may result from the exercise of this permit. The maintenance of the proposed driveway and shoulders from the edge of the traveled portion of the street shall be the responsibility of the owner of the property served by the driveway.

Section 10 - SPECIAL REQUIREMENTS OR EXCEPTIONS AUTHORIZED
UNDER CERTAIN CONDITIONS:

If the Board of Directors finds that unusual drainage, traffic conditions or other non financial hardships might result from the construction of the driveway or parking area, the Board may vary the requirements, provided the applicant agrees to any special conditions or directions the Board deems necessary.

Section 11 - VIOLATIONS AND PENALTIES:

Any person, firm or corporation violating any of the provisions of this chapter shall be fined not more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed upon each day during or on which the violation occurs and continues.

Date Enacted: May 21, 1988
Date Published: June 30, 1988
Date Effective: July 15, 1988

ATTEST:

Ann B. Bisenius, Clerk
Candlewood Shores Tax District

CANDLEWOOD SHORES TAX DISTRICT
ORDINANCE 1988-3
DRIVEWAYS & RIGHT OF WAY RESTRICTION

Date Amended: March 21, 2012
Date Published: April 11, 2011
Date Effective: May 11, 2012

ATTEST:

Valerie Swatz, Clerk
Candlewood Shores Tax District