

Title 13 Chapter 2

Private Driveways

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Sec. 13-2-1 Title/Purpose

The title of this Chapter is Private Driveways. The purpose of this Chapter is to regulate the siting, construction and maintenance of residential Driveways that change the existing topography of the land to assure that the siting will promote the public health, safety, and general welfare of the community, preserve agricultural land, protect environmentally sensitive areas, and enforce the goals and policies set forth in the Town Land Use Plan. Design and construction of commercial Driveways are not governed by this Chapter but shall instead be designed for the specific uses and traffic volumes involved in each application. The design for a commercial Driveway shall be approved by the Town Board or its designee.

Sec. 13-2-2 Authority

These regulations are adopted under the general police powers authority granted pursuant to sec. 60.10(2)(c), 60.22(3), and 61.34(1), Wis. Stats.

Sec. 13-2-3 Definitions

Definitions for this Chapter shall be referenced in Title 13 Chapter 1, Town Road Access Regulations, Section 13-1-4.

Sec. 13-2-4 Applicability

This Chapter applies to all persons or entities intending to construct, modify any type Driveway within the Town, except where specifically referenced otherwise in this Chapter.

Sec. 13-2-5 Permit Required

(A) As part of access construction, no structure, object, excavation or growth shall be constructed, reconstructed, altered, placed, installed, or planted within the Right-of-way of a Town Road until the Town or its designee has issued a Driveway Permit. The application requirements, fees and permit form(s) for such activities are available in this Section.

(B) As part of permanent or temporary access for new residential construction, no structure, object, excavation or growth shall be constructed, reconstructed, placed, or installed as a property access unless the Town or its designee has issued and Driveway Permit.

(C) An applicant that seeks and Driveway Permit from the Town may also be required to submit a Permit as provided in Chapter 13-1-5 (B), Work in Town Right-of-Way, if:

- (1) Part of construction is within or adjacent to Town Right-of-way; and
- (2) That part of construction in the Right-of-way is not necessary to complete the access construction; and/or
- (3) The timelines of construction are not similar.

If a Driveway Permit is requested for an activity and an additional Work in Town Right-of-Way is required, the Town Clerk, or designee, shall provide timely notice to the Permittee. The Permittee remains responsible to obtain all required permits as necessary for any construction activities in or adjacent to Town Right-of-way, at any time before, during, or after construction.

Sec. 13-2-6 Administration

The Town Building Inspector and Town Engineer (henceforth Town Building Inspector/Town Engineer) are hereby authorized to administer this Section of the Ordinance. Applications for permits shall be made to the administering agent who shall who shall initially review the application and receive the appropriate fees. An applicant's submittal documentation shall be forwarded from the Town Clerk to the appropriate reviewing consultant. The Town Building Inspector/Town Engineer shall either grant or deny the proposed access based upon the provisions, standards, and requirements of this Chapter, within ten (10) working days.

Sec. 13-2-7 Procedures for Driveway Permits

Any person or entity that wishes to access a public Right-of-way of a Town road shall follow the Town's Driveway Permit procedures as given by this subsection, or as given otherwise by the Town's designee. The typical procedures for application, submittal, and review for all Driveway Permits are as follows:

- (A) Permittee to review all applicable Ordinances and regulations.
- (B) Permittee to complete Application forms. Submit to Town Building Inspector/Town Engineer, with the appropriate base fee.
- (C) On-site meeting & initial Driveway design recommendations by Town Building Inspector/Town Engineer. The Permittee will be notified of the potential for additional engineering, construction, and fee requirements due to the complexity of the site or nature of the proposed work. The Town Building Inspector/Town Engineer will make a classification of the situation based on project/site complexity.
- (D) Town Building Inspector/Town Engineer completion of Application form. Send copies to Permittee, Town. An expedited and approved permit may be issued with the completion of the Application form.
- (D) Town Building Inspector/Town Engineer issues Work in Right-of-Way Permit upon request from the Permittee no more than four weeks prior to anticipated Construction.
- (E) Town Building Inspector/Town Engineer to complete inspection and/or review, as necessary for Driveway Permit documentation. Send documentation to Permittee, Town.

Sec. 13-2-8 Construction Standards for Private Driveways

- (A) Agricultural impact. No Driveway shall be permitted in the Town if the Town finds that the Driveway has not been designed to minimize negative impacts on agricultural land.
- (B) Slope. No land with a slope of more than 15% shall be disturbed for the establishment, construction, improvement, modification, or reworking of a driveway. No Driveway shall have a finished slope greater than 15%.
- (C) Width, Rise, and Ditch Distance
 - (1) A single use Driveway shall be constructed with a minimum of a finished surface of 10 feet, with a minimum of 4 feet side slope on each side with a maximum slope of 1 foot of vertical rise for each 4 feet of horizontal distance. (Such a rise equals 25% slope.) There shall be a minimum of 18 feet from the center of the ditch on one side of the Driveway to the center of the ditch on the other side. The center of each ditch must be at least 9 feet from the centerline of the 10-foot road.

- (2) Shared Driveways shall have a minimum surface width of 20 feet with a minimum two foot shoulder on each side.
- (D) Culverts. Each Driveway shall have a culvert in accordance with the Town Road Access Regulations Title 13, Chapter 1.
- (E) Access. The access for each Driveway shall be located, designed and constructed in accordance with Title 13, Chapter 1.
- (F) Drainage. Ditches along the Right-of-way, roadway crowning, and culverts shall be provided by the property owner for acceptable drainage. The Driveway shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto the public road and/or the lands of other persons.
- (G) Back Slopes. Ditch back slopes shall be graded to a slope of no more than 1 foot of vertical rise in each 3 feet of horizontal distance. (Such a rise equals 33% slope.) Excluded from this grading requirement are Driveways for which retaining walls and/or other erosion control measures are installed as specified in an Engineer's Plan approved by the Town Board or its designee.
- (H) Radius of Curves. Curves in the Driveway shall have an inside radius of no less than 36 feet.
- (I) Erosion Control. Once the construction of the Driveway has begun, all specified erosion controls – including retaining walls, ditching, culverts, crowning, mulching, matting, and bank seeding – shall begin immediately. For winter construction, erosion control alternatives must be implemented until specified controls are available.
- (J) Substrate. The Driveway and turn around area must have at least 4 inches of 2-inch rock on the roadbed, covered with 2 inches of ¾-inch gravel. If it can be shown there is a suitable base, the provision requiring 4 inches of 2-inch rock may be modified or waived by the Town Board or its designee.
- (K) Clearance for Emergency Vehicles. An area 20 feet in width and 14 feet in height shall be cleared along the entire Driveway Right-of-way in order to permit the safe passage of emergency vehicles to the structures served by the Driveway.
- (L) Turnaround. Each Driveway and/or each branch of a shared driveway must have a turn around area adequate to permit turn around of emergency vehicles. Sketches of typical acceptable turnaround areas are attached as Exhibit 13-2-10(L) and incorporated herein.
- (M) Costs. All costs of construction of said Driveway, including the cost of the culverts and Engineer's Plan, if required, shall be paid by the property owners requesting the permit.

Sec. 13-2-9 Driveways Requiring Professional Design

The requirements for submittal of a Driveway design by a Registered Professional Engineer are as follows:

- (A) Existing conditions plan of a scale of not more than 1"=100' depicting at least existing site and surrounding area conditions, features, neighboring properties, contours, property lines, Right-of-ways, and precise location of proposed amenities. Existing conditions may be also noted on Proposed Site Plan document when clarity allows. The preferred scale for plans shall be 1"=40' or less.
- (B) Large scale regional topography relating to off-site drainage or erosion may be required by the Town Engineer.
- (C) Existing soil conditions and areas of significant slopes provided on existing conditions plan or separate document. All slopes greater than 10 percent, existing or proposed shall be clearly noted. Proposed slopes shall be noted on Proposed Site Plan or separate document. Drainage course slopes shall be noted in intervals not greater than 50 foot, if required.
- (D) Erosion Control provisions provided on Proposed Site Plan or separate document on a scale of not more than 1"=100'. Erosion Control provisions shall be consistent with DNR regulations, current Town Ordinances, and common accepted engineering practice.
- (E) Existing and proposed culverts shall be precisely located with the size and slope indicated. Design calculations for proposed culverts shall be included as provided by TR-55/TR-20 methodology, or approved equivalent methodology as determined by the Town Engineer.
- (F) Driveway profile along the centerline of the proposed Driveway provided on a separate document attached with the submittal information.
- (G) Driveway cross-sections in locations as determined by the Town Engineer. Include Driveway construction materials and specifications.
- (H) Retaining walls shall be noted on Proposed Site Plan or separate document attached with the submittal information. Retaining walls may be included in cross-sections as necessary. The type of material, size, shape, etc. shall be provided. Design calculations shall be included, if required by the Town Engineer.
- (I) All proposed plan information shall be accompanied by the seal of a Registered Professional Engineer licensed within the State of Wisconsin along with a statement that he/she has complied with all of the provisions within this Chapter.

Sec. 13-2-10 Field Driveways

No exempt field Driveway may be used for residential purposes unless the field road has been approved as a Driveway under this Chapter.

Sec. 13-2-11 Shared Driveways

Shared driveways shall be permitted only by approval the Town Board upon recommendation of the Town Engineer under the following conditions:

(A) A shared driveway agreement between property owners designating usage rights and responsibilities for construction, maintenance and repair must be drafted in a form satisfactory to the Town Attorney and recorded with the deed for each property sharing the Driveway. The agreement must, among other things, acknowledge that the Driveway will never be improved to Town road standards, or otherwise opened as a public road, and that the parties to the agreement forever waive and relinquish their right to petition or require the Town to improve the Driveway to Town road standards and additionally, acknowledge that the Town shall not have any obligation to ever maintain or repair the Driveway in any manner whatsoever.

(B) The shared driveway is located, designed and constructed in accordance with this Chapter.

(C) The party or parties requesting a shared driveway can demonstrate (to the satisfaction of the Town Board) that construction of a single Driveway to serve multiple residences will minimize potential environmental degradation enhance safety and/or maximize farmland preservation as compared with multiple Driveways.

Sec. 13-2-12 Existing Driveways

When washing or other conditions created by existing Driveways which do not meet the specifications required in this Chapter obstruct or become a potential hazard to a public road, the Town Board or its designee shall notify the property owner of the condition(s). Any property owner failing to correct any condition(s) within thirty (30) days after notice by the Town Board shall be subject to the penalties described in the violations section of this Chapter.

Sec. 13-2-13 Costs of Application Review

An application fee in an amount to be determined from time to time by resolution of the Town Board will be charged. In addition, all reasonable costs for engineering, legal or clerical services incurred by the Town in the course of reviewing and evaluating the access permit Application shall be paid by the Applicant, to the extent not covered by the application fee. The applicant shall reimburse the Town for the costs within fifteen (15) days of billing. In the event the applicant fails to pay, in addition to any other remedies to which the Town may be entitled to pursue, including forfeiture, the delinquent costs and expenses shall be entered on the tax roll as a special tax against the property pursuant to Section 66.0627, Wis. Stats.

Sec. 13-2-14 Application Determination for Driveway

Except with respect to shared driveways requiring Town Board approval the Town Building Inspector/Town Engineer shall either approve or deny the proposed Application for Driveways, and reference specific findings for that decision.

(A) Application approved. A proposed Driveway site recommended by the Permittee may be approved pursuant to applicable standards and regulations set forth in this Section. Notification of Application approval shall be made with the return of the Pre-Application form.

(B) Application denied. A proposed Driveway site recommended by the Permittee may be denied pursuant to applicable standards and regulations set forth in this Section, and also as determined by accepted engineering standards. The Town Building Inspector/Town Engineer may provide recommendations for alternate sites, where appropriate. Notification of Application denial shall be made with the return of the Application form.

(C) Application requiring additional information. A proposed Driveway, or alternate recommended Driveway, may require additional information necessary to adequately review and determine the pre-approval status. Notification of the need for additional information shall be made through the return of the Application form.

(D) Application requiring professional design. A proposed Driveway, or alternate recommended Driveway, may require additional information and submission by a Registered Professional Engineer to adequately review and determine the Application status. Notification of this requirement shall be made through the return of the Application form. In addition to the Town Building Inspector/Town Engineer's review of the proposed activity, the Town Board shall approve of Driveway Permit requests of this complexity.

Sec. 13-2-15 Driveway Permit Issuance

Except with respect to shared driveways, upon receipt of the finalized Application, and upon approval of the proposed Driveway access by either the Town Board or its designee, a Driveway Permit may be granted. The Town Building Inspector/Town Engineer may authorize Driveway Permits on behalf of the Town.

(A) Driveway Permits may be granted only if an Application submittal has been made and approved by the Town or its designee.

(B) Driveway Permits shall not be issued up to 4 weeks prior than the anticipated start of construction of the permitted activity.

(C) A Driveway Permit may be issued immediately subsequent to Application approval, at the Town Building Inspector/Town Engineer's discretion based on the timelines that have been approved in the Application.

(D) A Driveway Permit may be issued at a later time, but not to exceed 2 years from the date of the Application approval, at the Town Building Inspector/Town Engineer's discretion. The Permittee shall formally request the permit from the Town or its designee and provide notice of anticipated construction dates.

(E) Driveway Permits shall be requested for the activity(s) approved in the Application.

(1) Approval of the Application is not final until a Driveway Permit has been issued by the Town or its designee. The Permittee may request alterations of the proposed activity prior to the issuance of the Driveway Permit. The Town Building Inspector/Town Engineer shall be notified of any changes to the plan approved in the Application.

(2) The Town Building Inspector/Town Engineer shall review all alterations given in the Request For Driveway Permit and shall determine the need for re-submittal of the Application by the Permittee, based on the requested alterations.

(3) The Town Building Inspector/Town Engineer reserves the right to impose other requirements for the proposed activity prior to Driveway Permit issuance.

(4) The Permittee is responsible for all reasonable Town costs, including additional review costs incurred due to an altered Driveway Permit request.

(F) Revocation. The Town or its designee reserves the right to revoke an approved Application based on incorrect or false information submitted by the Permittee.

(G) Inspection. After the Driveway has been completed, a minimum of 2 Town Board Supervisors or its designee shall inspect the Driveway to determine whether or not it was constructed according to the plan(s) and is consistent with the requirements of this Chapter.

(H) Driveway Permit Duration. A Driveway Permit, and its requirements thereof, shall be active for the duration of the Driveway construction project, but shall not be active for a period exceeding one year without extension approval.

(I) Driveway Permit Extension. The Town or its designee may extend an issued Driveway Permit upon reasonable justification by the Permittee in writing and as authorized by the Town Building Inspector/Town Engineer.

(J) Disclaimer. The Town's issuance of a Driveway Permit does not constitute a determination that the Driveway is safe, suitable for use, or otherwise passable for the public. No person may rely on the issuance of a permit to determine that a Driveway is fit for any purpose.

Sec. 13-2-16 Appeal of Chapter Provisions

(A) Any person aggrieved by any decision made in the administration of this Chapter may appeal to the Town Board. Appeals shall be filed within thirty (30) calendar days following the administrative decision by the Town Building Inspector/Town Engineer. Appeals shall be filed in writing with the Town Clerk. The appeal shall specify the legal description of the parcel and access location in question, and the reason given for the appeal.

(B) The Town Board shall make a decision on the appeal within forty-five (45) calendar days from the day the appeal was filed. The decision of the Town Board shall be made by the majority present.

Sec. 13-2-17 Waiver of Ordinance Provisions

Any provision of this Chapter may be waived or modified by the Town Board or its designee if it determines that owing to special conditions a literal enforcement of the Ordinance would result in hardship, or it is demonstrated that the provision is unnecessary, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done. Variances shall not be granted solely on the basis of economic hardship. Any request by an applicant for a waiver or modification of any provision must accompany the initial application and must state the reason for the request.

Sec. 13-2-18 Violations

(A) Inspection. The Town or its designee is authorized to enter upon the lands regulated by this Chapter to inspect the land prior to permit issuance for the purpose of determining whether to approve the permit or to otherwise determine compliance with this Chapter. If permission cannot be received from the landowner or user, entry by the Town Engineer shall be by special inspection warrant pursuant to Sections 66.0119, Wis. Stats.

(B) Stop Work Order. The Town or its designee is authorized to post a stop-work order upon land which has a permit revoked or to post a stop-work order upon land upon which a Driveway is being constructed in violation of this Chapter, including without a permit. The Town Engineer shall supply a copy of the stop-work order to the Town Attorney. In lieu of a stop-work order, the Town Engineer may issue a written cease and desist order to any landowner or land user violating this Chapter. These orders shall specify that the activity must be ceased or brought into compliance with the order within seven (7) days. Any revocation, stop-work order or cease and desist order shall remain in effect unless retracted by the Town Board, the Town Engineer, or by a court of general jurisdiction, or until construction of the Driveway is brought into compliance with the Ordinance. The Town Engineer is authorized to refer any violation

of this Chapter or a stop-work or cease and desist order issued pursuant to this Chapter to the Town Attorney for the commencement of further legal proceedings.

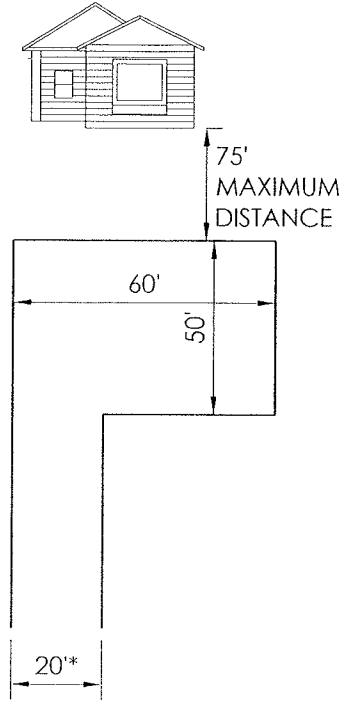
(C) Forfeiture. Should a Driveway be sited, constructed or maintained in violation of the provisions of this Chapter, or create a hazard that is not corrected within thirty (30) days of notification, the owner(s) of the land through which the Driveway passes shall, upon conviction, pay a forfeiture as provided in Sec. 9-3-4 of this Code. Each day that the violation continues to exist shall constitute a separate offense.

(D) Compliance. Compliance with the provisions of this Chapter may also be enforced by injunction after commencement of suit by the Town. It shall not be necessary to prosecute a forfeiture action before resorting to injunction proceedings.

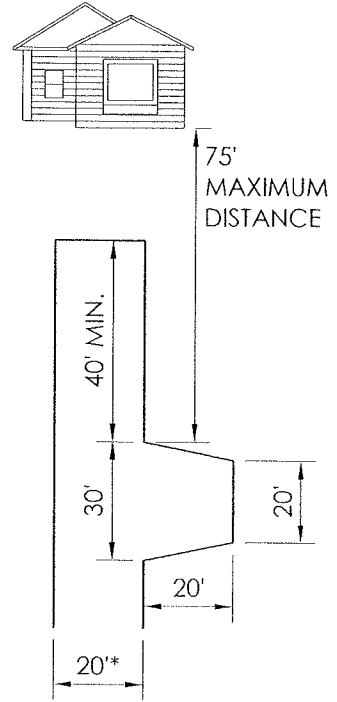
(E) Performance By Town. When the Town or its designee has determined that a landowner or land user has failed to obtain a permit as required by this Chapter, or that the holder of a permit issued pursuant to this Chapter has failed to make the improvements or to follow the practices as approved as a condition of the permit or this Chapter, the Town or its designee may enter upon the land and perform the work necessary to bring the Driveway into conformity with the permit or to restore the land to its pre-existing condition in the event that a permit has not been issued. The Town or its designee shall keep a detailed accounting of the costs and expenses of performing this work and these costs and expenses shall be entered on the tax roll as a special tax against the property pursuant to Section 66.0703, Wis. Stats. Notwithstanding this authority, nothing herein shall impose any liability upon the Town for any purpose for failing to undertake such work at any time.

Exhibit 13-2-10(11)i
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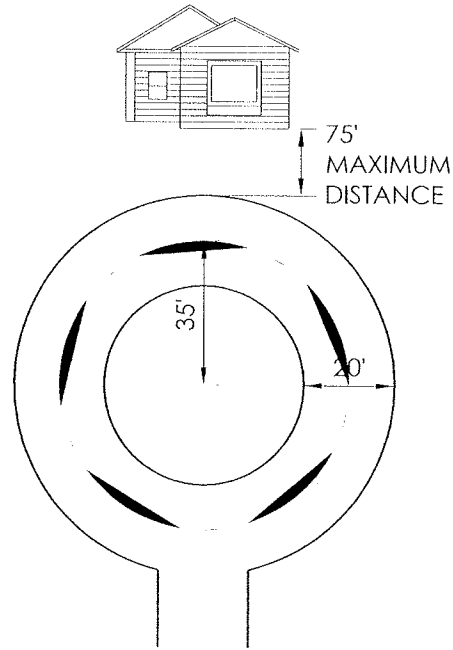
EXHIBIT 13-2-10(11)i



TURNAROUND



TURNOUT



CIRCLE

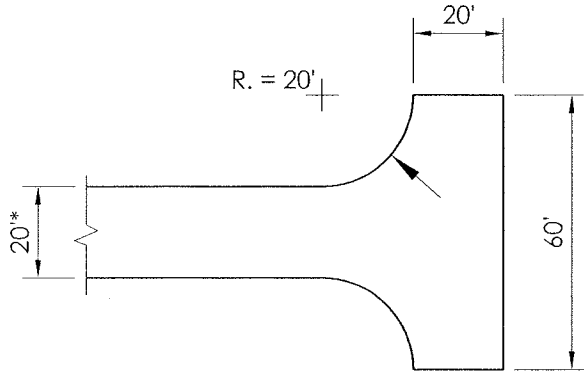
* DIMENSION FOR NON-SHARED DRIVEWAY IS 10' MIN.

** UNLESS OTHERWISE STATED, ALL OTHER DIMENSIONS ARE TO BE CONSTRUED AS MINIMUM STANDARDS.

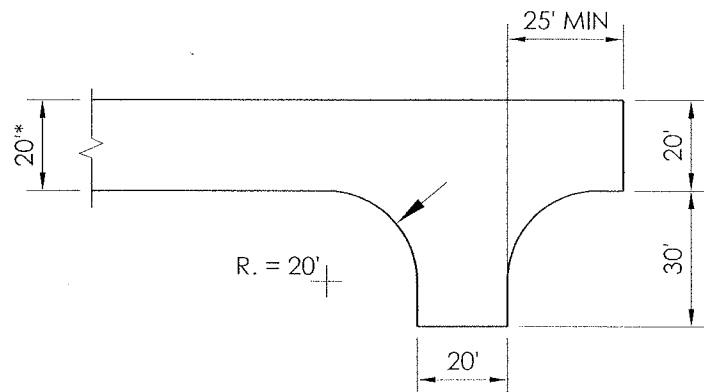
DRIVEWAY TURN AROUNDS

NOT TO SCALE

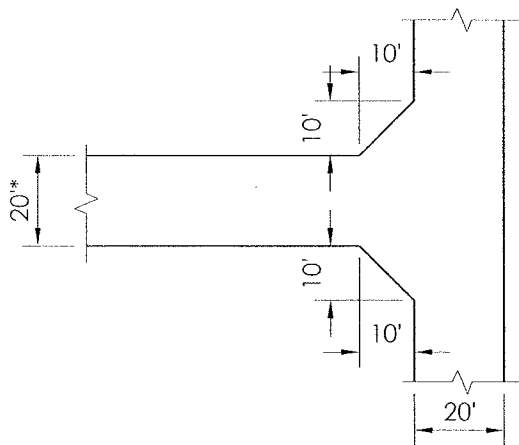
EXHIBIT 13-2-10(11)ii



STANDARD TURNING AREA



MINIMUM TURNING AREA



STANDARD CUT-CORNERS

* DIMENSION FOR NON-SHARED DRIVEWAY IS 10' MIN.

** UNLESS OTHERWISE STATED, ALL OTHER DIMENSIONS ARE TO BE CONSTRUED AS MINIMUM STANDARDS.

TURN AROUNDS

NOT TO SCALE