

ORDINANCE NO. O2003-04-01

TOWN OF ROCK CREEK DUNN COUNTY, WISCONSIN

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF DRIVEWAYS IN THE TOWN

Pursuant to sections 60.22(1), 60.22(3), 61.34(1) and 81.01 of the Wisconsin Statutes, the Town Board of the Town of Rock Creek, Dunn County, Wisconsin, does hereby ordain as follows:

Section 1. Driveway Ordinance.

1.01 PURPOSE

The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification, enlargement or the reconstruction (collectively "construction") of driveways in the Town to assure that the location of the driveway and method of construction will promote the public health, safety, and general welfare of the Town, and to address watershed and erosion issues. For the safety of the general public, the Town shall determine the location, size, use, construction and number of access points to public highways within the Town. This ordinance does not apply to re-surfacing existing driveways.

1.02 DEFINITIONS

- (1) Driveway. A private driveway, road, or other avenue of travel that runs through a parcel of land or that connects or will connect with any public highway, but shall not include any field road lying outside of the right-of-way of a public highway.
- (2) Field Road. A road regularly used only for agricultural purposes or to access agricultural land.
- (3) Town Board. The Town of Rock Creek Board of Supervisors.
- (4) Town Clerk. Clerk of the Town of Rock Creek.
- (5) Agricultural Land. Land within the Town of Rock Creek that has produced or is capable of producing a viable crop.
- (6) Private Road. A road on private property which is accessed by one or more driveways and which provides access to a public highway.
- (7) Public Highway. All public ways and thoroughfares, including without limitation, town roads and county and state highways.

1.03 DRIVEWAY CONSTRUCTION PERMIT REQUIRED

- (1) Permit Requirement. No person or public or private entity shall construct a driveway, road or other access from a property line to a public highway or to a private road without first filing an application for and obtaining a Driveway Construction Permit from the Town.
- (2) Application. Application for a Driveway Construction Permit shall be made in writing to the Town Clerk. The application shall contain a signed statement that the application is true and accurate. The application shall include the following information:

A. A map or diagram identifying the slopes on the property.

B. All numbers and writing shall be legible.

C. A driveway construction plan consisting of a drawing or diagram showing the following information:

- 1. The length, width and radius of all curves of the driveway.**
- 2. The relationship of the driveway to property lines, structures and existing private roads and public highways. Include any setbacks from all lot lines.**
- 3. The location and size of any culverts.**
- 4. The slope and crown of the driveway.**
- 5. The location and structure of any retaining walls.**
- 6. A cross section of the driveway.**

D. The property identification (lot number, parcel, address), roadway right-of-way widths, road names, and name of person (and phone number) for whom work is being done, and the name of person/contractor (and phone number doing the work, should be included.

E. Expected construction completion date of driveway or improvement of the property.

F. Any other information relevant to the application that is required by the Town.

(3) Application fee. The applicant shall pay a non-refundable fee of Fifteen Dollars (\$15.00) at the time of making the application for a Driveway Construction Permit.

(4) Review. Upon the filing of the complete application and application fee with the Town Clerk, the application shall be reviewed in a reasonable amount of time as follows:

A. The designated town official may issue the Driveway Construction Permit or, if the designated town official in their discretion determines that the application presents questions, schedule a meeting on the application before the Town Board.

B. The Town Board shall consider the application and, at its sole discretion, approve, conditionally approve, or deny the application. If the Town Board approves the application, the designated town official shall issue a Driveway Construction Permit. If the Town Board conditionally approves the application, the designated town official shall issue a Driveway Construction Permit once the conditions of the approval have been fulfilled.

(5) Permit Period. The Driveway Construction Permit is effective for 12 months from the date of issuance. The permit shall expire after 12 months.

(6) Driveway Inspection. The holder of the Driveway Construction Permit shall notify the town designated official within 30 days of completion of the construction. Within 30 days of notification of completion, the town designated official shall conduct an inspection of the driveway to ensure full compliance with all of the provisions of this Ordinance.

(7) Building Permits. No Building Permit for shall be issued until a Driveway Construction Permit has been issued, and inspection of completed driveway construction is approved.

1.04 SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS

(1) Width. The driveway shall be constructed with a minimum finished surface of 12 feet wide from the edge of the traveled way to the edge of the right of way and shall have a 10' turning radius on each side of the driveway at the roadway edge.

(2) Culverts. If required, each driveway shall have a culvert at least 12 inches in diameter at the ditch line where the driveway meets the public highway or private road, unless a larger culvert is required by the designated town official. The culvert shall be of sufficient length to provide adequate drainage. The designated town official shall approve the type and length of the culvert.

(3) Juncture with Public Road. The driveway shall intersect the public road at right angles from the property line. Within the right of way, the driveway shall have a maximum of 5% slope. For a driveway with an upward slope from the edge of the town road, a slight dip across the drive shall be placed just before the culvert at the entrance to a public highway or private road to prevent debris and water from washing onto the public highway or private road.

(4) 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 and/or debris onto the public road and the lands of other persons. The surface of the driveway connecting with public highway cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the public highway roadbed. No driveway apron shall extend out into the public highway farther than the road edge or face of the curb, and under no circumstances shall such driveway apron extend into the gutter area where there is curbing. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of public highways, side ditches, or roadside areas or with any existing structure on the right-of-way.

(5) Erosion Control. Once the construction of the driveway has begun, reasonable erosion controls, including retaining walls, ditching, culverts, crowning, mulching, matting, and bank seeding, shall begin immediately.

(6) Substrata. The driveway must have at last 6 inches of base coarse on the driveway in the town right of way.

(7) General Design. A driveway shall be of such width and so located that all of such driveway is within the limits of the public highway or private road fronting on the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the public highway required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the public highway or private road as determined by the designated town official. Driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.

(8) Prohibited Driveways and/or Filling.

- A. No person shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public highway, except as permitted by this Ordinance. As used herein the word "structure" includes private driveways, a portion of which extends into any public highway, and which is in non-conformance with this Ordinance.
- B. The grade of that portion of any driveway located within the limits of any public road, highway shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public highway.
- C. Drainage from driveways shall run into adjacent ditches and not onto the public highway pavement.
- D. Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town.
- E. The placement of lawn sprinkler pipes in a public highway right-of-way is prohibited.

(9) Costs. All costs of driveway construction shall be paid by the holder of the Driveway Construction Permit.

(10) Waiver of Specifications. Any specification in this Ordinance may be waived or modified by the Town Board if it determines the specification would impose an unnecessary hardship. Any request by an applicant for a waiver or modification of any provision in this Ordinance must accompany the initial application and must state the reason for the request.

(11) Town Approval. The Town's approval of a Driveway Construction Permit application 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.

1.05 EXISTING DRIVEWAYS

(1) Hazardous Conditions. When washing or other conditions created by existing driveways or field roads obstruct or become a potential hazard to a public highway or private road, the Town Board shall notify the property owner of the conditions. Any property owner failing to correct such condition within 30 days after notice by the Town Board shall be subject to the penalties described in the penalty section of this Ordinance.

(2) Conform to Ordinance. In the event that a residential dwelling located on property served by an existing driveway is to be reconstructed or razed and a new dwelling is to be constructed, the existing driveway shall be made to conform to the requirements of the ordinance.

1.06 FIELD ROADS

No existing field road may be used for non-agricultural purposes unless the field road has been approved as a driveway under the purposes of this Ordinance. Field Roads shall access public highways only at locations approved by the Town Board.

1.07 PENALTIES

Forfeitures. Should a driveway be constructed or modified in violation of the provisions of this Ordinance, or create a hazard that is not corrected within 30 days of notification, the owner(s) of the land through which the driveway passes shall pay a forfeiture of \$100.00 per violation. Each 30 days that the violation continues to exist shall constitute a separate offense. A driveway that is constructed in violation of this Ordinance constitutes a public nuisance and may be enjoined.

Section 2. Severability. In the event any portion of this ordinance is or becomes invalid, illegal, or unconstitutional, the remaining portions shall remain in full force and effect.

Section 3. Effective Date. This ordinance shall take effect following passage and posting, as required by law, including Wisconsin Statute 60.80.

Adopted on April 10, 2003 (date)

By voted of 3 (in favor); 0 against

Posted on April 11, 2003 (date)

Posted at
Rock Falls Town Hall
Kents Country Market
Luers Grocery

Effective April 11, 2003 (date)

H Warden
Chairperson

A Sandberg
Supervisor

D Whitehead
Supervisor

K Boardman
Clerk

See original document for original signatures