

TOWN OF DANE
TITLE: DRIVEWAY AND FIELD ROAD PERMIT ORDINANCE #1002

1. AUTHORITY

This Ordinance is adopted pursuant to the general powers granted under Sec. 60.10(2)(c), 60.22(3), 60.61(1m) and 61.34(1).

2. PURPOSE

This Ordinance regulates the siting, construction, improvement or modification of driveways and field roads. Its purpose is to assure that the design, location, method of construction and conservation practices used in creating and maintaining driveways and field roads promote public safety and the general welfare of the community.

This ordinance should be interpreted and enforced consistent with the Town of Dane Comprehensive Land Use Plan.

Topography, location and the characteristics of roads make each piece of property unique. The Town Plan Commission and Board of Supervisors shall exercise discretion in applying this ordinance so as not to impose any requirement which is an undue burden on the owner of the driveway or field road relative to the benefit to the community.

3. Definitions

- A. Improvements** mean residential dwelling units, buildings, structures and land uses which may require emergency services. Preparing the soil for growing crops, pasture, woodlot, or leaving the land fallow are land uses which shall not be considered Improvements.
- B. Driveway** means any distinct path, road or area of access from a public road in the Town to an Improvement. A driveway need not be located entirely on the same parcel as the Improvement to be served by the driveway, but the Town must be satisfied that the owner of the Improvement has individual authority and enough control over the land underlying the entire length of the driveway to unilaterally fully implement the requirements of this ordinance.
- C. Shared Driveway** means a driveway to be utilized by more than one residential dwelling unit or by one or more residential dwelling units and a commercial or retail building or use.
- D. Field road** means any established, clearly visible and regularly used path, road or area of access commencing at the shoulder of a public road in the Town which does not create a way of access to an Improvement, and which path, road or area of access is clearly visible and regularly used.

E. **Person** means an individual, partnership, limited liability company, corporation, company, owner, occupant, tenant, or user.

4. REMINDERS

- A. **No objects in Town Right-of-Way.** No object may be permanently constructed or placed within 33 feet of the centerline of any Town road except culverts with end walls, mailboxes, and road signs.
- B. **State, County and Village Requirements.** Driveways which cross state, county or village road right-of-ways will require permits from those respective entities.

5. REQUIREMENTS FOR DRIVEWAYS

- A. **Placement of Driveway.** The Driveway shall be located a minimum of 10 feet from the adjacent property line.
- B. **Driveway Visibility Requirements.** In order not to present a transportation safety hazard on a public road, a driveway may connect to a public road if the location of the connection allows a sighted distance of 400 (four hundred) feet from both directions to vehicles exiting the driveway. Further in making this determination, the slope of the road, whether the road is straight or curved and the road's posted speed limit shall be considered.
- B. **Culverts With End Walls May Be Required.** Where a driveway will cross a ditch, culverts with end walls shall be installed under the driveway to ensure water in the ditch is not obstructed by the driveway. Culverts may be metal, poly, or concrete. Figures 1 and 3 illustrate proper culvert placement.
- C. **Maximum Slope That May be Disturbed.**
 - (I) **New Driveway.** No land with a slope of more than 25% averaged over a distance of 25 feet shall be disturbed for the construction of a driveway.
 - (II) **Existing Driveway.** Where an existing driveway presents a safety hazard, in the Board's discretion it may allow land with a slope of 25% or more to be disturbed if necessary to modify, improve or relocate the driveway to alleviate or remove the hazard.
- D. **Slope of Driveway Centerline.** The surface of the first 10 feet of driveway or the length of driveway needed to cross an installed culvert, whichever is greater, adjacent to the paved/traveled area of the public road shall be lower than the edge of the surface of the paved/traveled area of the road. In addition, the slope of the driveway's centerline for the first 45 feet of driveway as measured from the centerline of the public road right-of-way shall not exceed 4%. After the first 45 feet, the slope of the driveway's centerline shall not exceed 12 % averaged over any 50 foot segment.
- E. **Width, Base, Finished Surface and Emergency Vehicle Turnaround.**

- (I) **For Driveways to Residential Dwelling Units** the driveway shall have: (A) a base course at least 12 feet wide which will support the passage of vehicles, including emergency vehicles, at all times of the year considering soil and moisture conditions underlying the driveway; (B) a “finish surface” of $\frac{3}{4}$ inch gravel at least 4 (four) inches thick and 12 feet wide over a 4 (four) to 6 (six) inch base course. Other surfaces may be applied over the 4 inch finish surface.
- (II) **For Shared Driveways** the driveway shall have: (A) a base course at least 18 feet wide which will support the passage of vehicles, including emergency vehicles, at all times of the year considering soil and moisture conditions underlying the driveway; (B) a layer of $\frac{3}{4}$ inch gravel at least 4 (four) inches thick and 18 feet wide over the 4 to 6 inch base course (other surfaces may be applied over the 4 inch “finish surface” of $\frac{3}{4}$ inch gravel. (C) As the driveway approaches the public road, the driveway’s width shall widen as shown in Figure 1.
- (III) **For Driveways Exceeding 1,000 Feet in Length** all width, base and finish surface requirements for a driveway to a residential dwelling unit as described in subsection (I) above shall be met and, in addition, there shall be a least one “passing segment” within each 1000 foot length of driveway. A “passing segment” means a segment of driveway at least 50 feet long and 18 feet wide (making 2 vehicle lanes at least 50” x 9” each) and including 12.5 foot long entrance and exit triangles to the 50” x 18” segment. Figure 6 illustrates a passing segment. Base course and finish surface shall be applied to the entire passing segment. Passing segments shall be located as near to the middle of each 1,000 foot segment as possible.
- (IV) **Emergency Vehicle Turnaround.** In addition to the requirements in subsections (I), (II), and (III) of this section, any driveway, including shared driveways, exceeding 250 feet in length shall have an emergency vehicle turnaround. An “emergency vehicle turnaround” means an area of driveway in addition to that defined in subsections (I), (II), and (III) of this section which is large enough and is shaped to allow an emergency vehicle to turn around rather than retrace the entire driveway in reverse. Figures 4 and 5 illustrate satisfactory emergency vehicle turnarounds. The emergency vehicle turnaround shall not be located less than 100 feet nor more than 250 feet from the Improvement which the driveway serves and shall have a base course and a finish surface.
- F. Ditches and Back slope.** If there is a ditch adjacent to the driveway, the distance from the centerline of the driveway to the centerline of the ditch shall be at least 10 feet. The slope from the edge of the driveway to the centerline of the ditch shall not exceed 25%. The slope from the centerline of the ditch to natural ground (the “back slope” or side of the ditch furthest from the edge of the road) shall not exceed 33% if no engineering plan is required and 50% if an engineering plan is required under this ordinance. Figure 2 illustrates this requirement.
- G. Obstruction Free Area.** To accommodate emergency vehicles, a driveway must have an obstruction free zone that is at least 14 feet high and 20 feet wide centered on the centerline of the driveway. (See Figure 2).

- H. **Curves.** The minimum radius of the inside of any curve in any driveway shall not be less than 36 feet.
- I. **Easements.** Where the right to install or use a driveway or any segment of a driveway is granted by easement, such grant shall permit a 66 foot wide access strip.

6. DRIVEWAY PERMIT REQUIRED PRIOR TO COMMENCING DRIVEWAY INSTALLATION OR MODIFICATION

- A. **Driveway Permit Required for New Construction or Material Alteration of Existing Driveway.** A Town of Dane driveway permit is required before any of the following activities may be commenced:

- a. Constructing a driveway or segment of a driveway in Dane.
- b. Constructing a driveway which connects to a Dane road (even if the improvement is in another municipality).
- c. Extending a driveway in Dane.
- d. Improving or altering an existing driveway or driveway segment which is either in Dane or connects to a Dane road such that:
 - i. The route of the driveway is altered;
 - ii. The direction, volume or rate of flow of surface waters discharging from the property into other property or into the public road right-of-way is materially changed; or
 - iii. The centerline slope of any 50 foot segment of the driveway will be 12% or greater after the alteration.

- B. **Driveway Permit Period.** Construction of a driveway for which a permit has been issued must commence within 1 year of the date the permit is approved by the Town Board or the permit will expire. Commencement of construction shall be evidenced by any type of excavation, fill or placement of a culvert in the road right-of-way. Completion of the driveway must be completed within 1 year of the commencement of construction. Completion occurs upon approval of the installed driveway by the Town Board. Once a permit is expired authorization to construct the driveway is revoked. A new permit may be applied for.

- C. **Application for Permit Extension Due to Extenuating Circumstances.** Any permit holder who, due to unanticipated hardship, has failed to commence construction within 1 year of the permit approval date, and who requests an extension of the permit from the Town Board prior to the expiration of the permit, shall be granted an extension of the permit not to exceed 6 months. The Town Board may request a recommendation from the Plan Commission before acting on any request for extension.

- D. **Actual Construction to Comply With Ordinance.** A driveway permit is issued based on the applicant's representation that once the driveway is installed or modified, it will meet the requirements of Section 5 of this ordinance and be consistent with the information submitted during the permit approval process.

7. APPLICATION FOR DRIVEWAY PERMIT; ENGINEERING PLAN REQUIREMENT

A. Application. A completed Driveway Permit Application Form with all required attachments must be submitted to the Town Clerk. The Form is available from the Town Clerk: The required attachments must:

- (I) Identify the land which is the subject of the application and its owner; if the right to the driveway derives from an easement, provide a copy of the easement or describe it including a legal description;
- (II) Show the location of the driveway on a site map to scale.
- (III) Describe the soil types and slopes which the driveway will cross;
- (IV) Illustrate and describe an erosion control plan;
- (V) Provide a copy of a shared driveway agreement, if applicable;
- (VI) Show existing or proposed zoning; and
- (VII) Include an engineering plan, if required.

B. Engineering Plan Required for Certain Driveways and Otherwise As the Town Board Determines. A driveway plan prepared by a civil engineer is required for any proposed driveway segment which (A) is intended or is likely to disturb land with a slope of more than 20% averaged over a distance of 25 feet or (B) which will require any kind of significant erosion control measures (for instance, a retaining wall or structure or special seeding). Also, the Town Board may, in its discretion, make submission of an engineering plan a condition which must be met prior to issuance of a permit.

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Engineering plan is required, the Town Board will not approve a permit until (I) has first approved the engineering plan and (II) approvals from Dane County and/or State of Wisconsin per Wis. Stats. Section 86.07 have been obtained, if required. See Section 8 for engineering plan requirements. Submission of an engineering plan which meets the requirement of this ordinance does not guarantee the issuance of a permit.

- C. Application Fee for Driveway Permit.** The applicant must submit a fee, amount obtainable from the Town Clerk, which each completed application for a driveway permit or the application will not be processed. The fee is not refundable.
- D. Bond Requirement.** A bond or cash deposit of a type acceptable to the Town Board, may be required to be posted with the Town before the Town clerk will issue a permit. The amount of the bond or cash deposit shall be 1.5% of the contractor's estimated cost to construct or alter the driveway. Such bond or cash deposit shall remain in force until called, released or returned by the Town.
- E. Town Clerk to Create Forms and Process Applications.** The Town Clerk shall design and create a supply of driveway permit application forms.

8. REQUIREMENTS FOR ENGINEERING PLAN

If an engineering plan for a driveway is required by this ordinance or the Town Board, such engineering plan shall include the following.

A. Maps and Diagrams. Written diagrams, maps and/or schematics which depict the following:

- (I) The precise location of the driveway;
- (II) A centerline profile showing the elevations of the driveway and the corresponding grade elevations of the existing natural land.
- (III) The location, size, shape and material of any retaining walls;
- (IV) The slope of the centerline of the driveway;
- (V) The location and size of any culverts;
- (VI) The cross section of the driveway;
- (VII) Any mulching, matting or other method recommended for erosion control;
- (VIII) Compliance with Dane County's Erosion Control and Storm Water Management Ordinance.

B. Certification. The engineer who prepared the plan shall certify over his or her professional seal that if the driveway is constructed or modified according to the design described in the plan, the result will be a driveway which complies with this ordinance, which is stable and capable of handling the loads it is likely to experience, and which presents no material risk of creating erosion, eroding or washing out.

9. ENFORCEMENT.

- A. Construction.** A driveway must be constructed or modified so as to meet the requirements of Section 5 of this ordinance and according to the information submitted in application for a permit for the driveway.
- B. Inspections.** The Town Board shall establish procedures for the inspection of driveways to determine compliance with the provisions of this Ordinance and the information submitted in application for a permit for the driveway. A driveway is ready for inspection when the final rough grade, emergency turnaround (if needed) and crushed aggregate base is installed (final surface gravel or asphalt is not required for inspection).
- C. Incomplete or Non-Conforming Driveways.** The permit holder will be notified in writing if the driveway is incomplete or fails to conform to the plan or any section of this Ordinance. The driveway will be inspected again after the permit holder makes any necessary corrections. If more than 3 inspections are required to confirm compliance with this ordinance and the plan for the driveway approved by the Town Board, the permit holder will be charged for each subsequent inspection.
- D. Return of Cash Deposit or Release of Bond.** Driveway deposits/bonds plus any accrued interest will be returned/released to the permit holder upon approval of the installed driveway by the Town Board. When a driveway does not conform to this Ordinance, the Town Board may, if it chooses, retain all or part of the deposit/bond to cover the cost of bringing the driveway into compliance, or, in the event of an abandoned, unfinished driveway, to remediate the area to correct any material erosion or safety problems and to prevent damage to a Town road. If the costs to the Town to bring the driveway into compliance or to remediate any material safety, erosion or road problems exceed the amount of the permit holder's deposit/bond, the Town may recover such costs from the permit holder. If such costs are not timely paid by the permit holder, such costs shall be assessed as a special charge against the property served, pursuant to Wisconsin Statutes Section 66.60 (16). The Town Board shall not be required to use the remedies provided in this

Section prior to using any other method of enforcement provided in this Ordinance, and this remedy shall be in addition to any other enforcement remedies provided for in this Ordinance. Any permit holder who has not commenced construction or material alteration of the driveway may relinquish their permit and their deposit/bond will be returned/released with accrued interest.

10. FIELD ROAD REQUIREMENTS; FIELD ROAD PERMIT REQUIRED.

- A. Permit Required.** A Town of Dane field road permit is required before constructing or modifying that part of a field road which traverses Dane road right-of-way.
- B. Requirements for Field Roads.** The surface of the first 10 feet of a field road or the length of a field road needed to cross an installed culvert, whichever is greater, adjacent to a paved/traveled area of a public road shall be lower than the edge of the surface of the paved/traveled area of the road. In addition, the slope of the field road's centerline for the first 45 feet of the field road as measured from the centerline of the public road right-of-way shall not exceed 4%. Culverts may be metal, poly, or concrete.
- C. Field Road Permit Application.** To apply for a field road permit, a completed Field Road Permit Application Form must be submitted to the Town Clerk together with the proper Field Road Permit Application Fee Amount. The application form and permit fee amount is available from the Town Clerk. No Construction bond or cash deposit is required for a field road permit.

11. CONDITION CAUSED BY EXISTING DRIVEWAYS AND FIELD ROADS.

When a driveway or field road washes or causes a potential hazard to a public road, the Town Board shall, in writing, notify the owner(s) of the land traversed by the driveway/field road of the potentially hazardous conditions and require the owner to take remedial action to correct the problem. Such notice shall state the deadline for correcting the problem. The board may subject any property owner who fails to correct the conditions within the time frame stated in the notice to the penalties of this ordinance. In addition, as provided by Wis. Stats. Section 66.60 (16), the landowner shall be liable for any costs incurred by Dane to remedy the hazardous conditions.

In the event the Town requires the replacement of any culvert which is located in Town road right-of-way for an existing driveway or field road the construction of which pre-dated the effective date of this ordinance or the construction or modification of which had previously been finally inspected and approved by the Town Board pursuant to Section 9 of this Ordinance, the Town shall pay the entire cost of such replacement.

12. PENALTIES.

- A.** Any person who violates or refuses to comply with the requirements of this ordinance shall be subject to a forfeiture of not less than \$50.00, nor more than \$200.00 plus costs incurred by the Town to enforce the ordinance. Each day a violation is permitted to exist shall constitute a separate offense. In addition, the Town may seek an injunction ordering compliance. The Town shall not be required to prosecute for forfeiture before seeking an injunction.

13.EFFECTIVE DATE.

This Ordinance shall be effective one day following proper publication and posting as required by Wisconsin Statutes and after adoption of this Ordinance by the Town Board.