

# **Town of Maple**

## **Driveway Ordinance**

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### 9-1 Title/Purpose

This ordinance is entitled the Town of Maple Driveway Ordinance. The purpose of this ordinance is to regulate the location and construction of any private access road (private driveway) that will intersect any public road in the Town of Maple. The ordinance sets forth an orderly procedure for obtaining a driveway and establishes but is not limited to the following:

- (a) Provide safe vehicle access to the public roadways. (ingress/egress)
- (b) Prevent water drainage and siltration from private driveways onto public roadways.

### 9-2 Authority

The Town Board of The Town of Maple has been granted village powers at the 2001 annual meeting pursuant to Sec. 60.10 Wis. Stats., and has specific statutory authority, powers and duties pursuant to Sec. 60.10, 66.0425, and 86.07 to regulate, control, prevent and enforce against the Town of Maple certain uses, activities, businesses and operations by persons that may affect the public works and infrastructures in the Town of Maple and to act for the health, safety and welfare of the public.

### 9-3 General Provisions

A Driveway Permit is required whenever a proposed private access road (private driveway) will intersect any public road in the Town of Maple. If the purposed driveway will intersect a county or state highway, the Wisconsin Dept. of Transportation or the Douglas County Highway Dept. has established rules and regulations regarding conditions for the permitting process.

If the proposed driveway will intersect a town road, the Town Board of Maple, subject to the following rules and regulations, shall issue a Driveway Permit.

- (a) Requirements governing the driveway and its intersection with a public road:

1. The private driveway must be designed and constructed in such a way that it will not cause any damage to the town road nor create any hazard to the public as they travel on the town road. In order to meet this requirement, the Town Board, or designee shall determine, based on specific location, whether or not a culvert is required, and if so, the minimum diameter and the length of the culvert. It shall also determine the angle and slope of the intersecting portion of the driveway and whether any erosion control is required to minimize damage to the public road. The minimum driveway surface width at the intersection shall be 20 feet, with a minimum cleared width of 24 feet, and a culvert, if necessary, no less than 28 feet.
2. The Driveway within the area of the public right-of-way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion to the public road. Also within the public right-of-way a minimum height clearance, free of trees, wires, etc., shall be 16 feet. It shall have a minimum road bed of 7 inches, composed of 2-3 inches breaker rock (now called minus) covered with 4-5 inches of 5/8-3/4 aggregate gravel at grade depending on soil conditions. The angle of intersection of a town road by a driveway shall be 90 degrees where possible, for a minimum distance of 33 feet from the centerline of a public roadway. Any conditional variance from these requirements must have prior approval from the Town Board of Maple.
  - (b) The applicant must agree to fully comply with Sections 66.0425 and 86.07 Wisconsin Statutes, regarding damages to public roads.
  - (c) Minimum Driveway / Private Road Recommendations: The following suggested minimum specifications apply to all new driveways/private roads that extend past the town right-of-way. These specifications will ensure safe passage to unimproved and improved lots for emergency vehicles (fire trucks and ambulances), snow plow equipment, septic waste haulers, etc. A suggested driveable width of 12 feet for single properties and 16 feet for multiple properties with a total cleared width (free of all trees, rocks, stumps, debris, etc.) of 24 feet is strongly recommended. Minimum height clearances should be 16 feet.
  - (d) This Town Driveway Permit does not guarantee that if the permit specifications are met and construction complies with the standards outlined in this ordinance and on the permit, the applicant will not be liable for damages to the town road after construction is completed.
  - (e) When existing driveways or field entrances create a potential hazard to a public road, the Town Board of Maple shall notify the owner(s) in writing of the land through which the driveway passes of such conditions. Any property owner(s) failing to correct a hazardous situation immediately (within 48 hours or less) upon notification shall be subject to the penalty of this ordinance and shall be held liable for any costs incurred by the Town of Maple to eliminate such hazard as provided in Wis. Stats. 66.60(16). Problems of a non-emergency nature, erosion of material, water, ice, snow, onto a town road, shall be corrected within 10 days.

Actions that will trigger the need to obtain a driveway permit for existing driveways includes construction of a new residential dwelling, commercial, industrial or animal confinement structure.

- (f) If a driveway already exists that presently serves open land and an application is filed for a building permit on the land which is accessed by said existing driveway, the Town Board, or their designee, will examine the existing driveway to determine whether it is safe to meet specification of this ordinance. The Town Board will document the existence of an approved driveway or may require changes to bring the driveway up to standard. If a temporary driveway/access road is required to access a permitted construction site other than the approved driveway to the site, a driveway permit is required. Specifications of a temporary driveway will be determined by the Town Board, or their designee. A temporary approved driveway/access road must be removed and restored to original non-driveway condition at time of completed construction.
- (g) No driveway permit is required for access to agricultural lands by agricultural implements or related equipment. However, the Town Board, or their designee, shall have the final determination if a culvert is needed and compliance with Wis. Stats. 66.0425, 86.07, and 80.021 would apply regarding damage or obstruction to a public road or right-of-way. No provision of this ordinance would relieve any person from a requirement to comply fully with Wis. Stats. 66.0425, 86.021, 86.07, and corrective action would always be required from an owner or operator who damages a public road. Any access to agricultural land from a county or state highway will be governed by the Wisconsin Dept. of Transportation and/or Douglas County Highway Dept. and this ordinance has no authority over their conditions or requirements.
- (h) A landowner who purchased vacant property with intention of farming or building any improvements (for example hunting, camping, fishing, hiking, etc.) shall construct a parking pad (if deemed necessary by the Town Board) that at a minimum will allow parking off the town right-of-way. A parking pad will be deemed necessary if parked vehicle interferes with passage of emergency vehicles, farm machinery, or snow plows. A driveway permit may be required if a culvert is needed by the Town Board, or their designee.
- (i) A driveway shall be completed within 60 days from start of construction of the driveway or applicants permit will be revoked. Approved driveway permits are valid for I (one) year.

#### 9-4 Procedures and Fees

- (a) Application for a Driveway Permit to intersect a town road can be obtained from the Town of Maple website or town clerk. The permit will be reviewed first by the Town of Maple Planning Commission with a recommendation then given to the

Town Board. The application shall include the legal description of the property; include a rough drawing of the proposed location of driveway, and payment fee, if required. The Town Board, or their designee, shall make an appointment to meet with the applicant at the site to discuss specifications of access road. Any specific requirements shall be written on the permit. Written permission shall be given prior to beginning construction. All expenses of construction and materials will be responsibility of the applicant. Under no circumstances will the Town of Maple perform the actual work of constructing the private road or setting of a culvert, but the Town Board may require that a town employee oversee construction.

- (b) If permit is denied, applicant has until the next scheduled board meeting to submit a written appeal to the Town Board, at which time it will be reviewed.
- (c) If the requirements and procedures of this ordinance are not followed and a private driveway is constructed in such a way as to cause damage to the public road or to create a hazard to public safety, the land owner/applicant shall be required to correct the damages at the land owners/applicants expense.
- (d) When the private road/access is completed, the applicant shall notify the road foreman and final inspection of the driveway will be done and documented on the permit.
- (e) The Town Board of Maple may establish a fee for obtaining a Driveway Permit and a penalty for failure to obtain a Driveway Permit before constructing a private access road. A fee schedule, when established, will be reviewed annually by the Town Board and adjusted as needed so that the fee will cover cost of onsite consultation, inspection, and administration.
- (f) Initial fee schedule established by town board is shown below and is effective upon adoption of ordinance. Driveway Permit (includes initial on-site inspection, any interim inspection or consultations, final inspection and approval) \$ 0.00

#### 9-5 Penalties

- (a) Failure to comply with the general provisions of this ordinance will result in the Town of Maple recommending to Douglas County Zoning Administration to deny or revoke applicants building permit, based on concerns for public health and safety.
- (b) Construction of driveway without obtaining permit from Town of Maple will result in a double permitting fee. Failure to pay permitting fees will result in special assessment to be applied to owner's property taxes in following year.

#### 9-6 Definitions

For purpose of this ordinance the following definitions will be used:

- (a) Driveway: (Also called private road access) A private road that gives access to private property from a public town road, through a public road right-of-way to private property. A permit for a driveway which would access a state or county highway, road, or street will be defined, regulated, and administered by State of Wisconsin and/ or Douglas County is not covered by this ordinance.
- (b) Dwelling: As per State of Wisconsin definition, must meet five of eight characteristics pertaining to dwellings as referenced in MFL legislation and according to Wisconsin Administration Code NR46.15(9) or if structure is occupied on a full time basis.
- (c) Intersection: A portion of the driveway that passes through the public right-of-way to the town roadway
- (d) Town Road Right-of-way: Town roads in the Town of Maple are presumed to be four rods wide (33 feet from centerline), unless originally deeded to the town with a lesser width specified on a certified road plat from the State of Wisconsin.
- (e) Town Board: Town Board of Maple consists of a chairman and two (2) supervisors.
- (f) Parking Pad: Parking place off of town right-of-way to enable user to park a vehicle

9-7 Effective Date

This ordinance shall take effect after a public hearing and adoption by the Town Board of Maple and posting as required by law.

Date March 10, 2011

Chairman Gary Saari (signed)

Supervisor Martin Laakso (signed)

Supervisor Gaye Erkel (signed)