

ORDINANCE

TOWN OF ELK MOUND DUNN COUNTY, WISCONSIN

Driveway Permit Ordinance

THE TOWN BOARD OF THE TOWN OF ELK MOUND, DUNN COUNTY, WISCONSIN, DOES HEREBY ORDAIN AS FOLLOWS:

Section One: That the Driveway Permit Ordinance be adopted to read:

Driveway Permit Required

1.1 Purpose

For the safety of the general public, the Town of Elk Mound shall determine the location, size, means of construction of and number of access points to public roads within its limits. It is the Town's intent to provide safe access to properties abutting public roads suitable for the property to be developed to its highest and best use, as well as to provide that access shall not be deficient or dangerous to the general public.

1.2 Permit Required to Construct, Reconstruct, Alter or Enlarge

No Person shall construct or maintain a driveway without first obtaining a driveway permit from the Town Board. For bond and insurance requirements, see provisions of Section 6-2-3(g) and (h).

1.3 Application

- A. Application for such permit shall be made to the Town Clerk for referral to the Town Board on a form provided by the Town and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of a public road, the dimensions thereof and a statement of the materials proposed to be used. A \$50.00 fee shall be assessed at the time of issuance for each driveway permit.
- B. All applications for permits shall be made on a form prescribed by the Town and be accompanied by a sketch in duplicate showing exact location of the following:
 1. Driveway and approaches.
 2. Property lines.

3. Right-of-way lines.
4. Intersecting roads within three hundred (300) feet.
5. Width and type of road surface.
6. Distance from right-of-way line to gasoline pumps and other structures on the lot, parcel or tract of land to be accessed by the driveway.
7. Type of surface and width of driveways and approaches.
8. Proposed turning radii.
9. Existing driveways serving the same lot, parcel or tract of land.
10. Other pertinent information as may be required.

1.4 Application Provisions

All Driveway permit applications shall contain the applicant's statement that:

- A. The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to his/her property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Town road, or for any other purpose.
- B. The Town, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Town road at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction for such private roadway.
- C. The permittee, his/her successors or assigns, agrees to indemnify and hold harmless the Town, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
- D. The Town does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the Town road.

Section 2 - Driveway Location, Design and Construction Requirements.

2.1 General Requirements

The location, design and construction of driveways shall be in accordance with the following:

- A. **General Design.** Private driveways shall be of such width and so located so that each such driveway and its appurtenances are located within the limits of the frontage abutting the street of 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 street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed so that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least ten (10) feet apart except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with existing utilities.
- B. **Number.** No more than one (1) driveway to serve an individual lot, parcel or tract of land fronting on a road shall be permitted, except where deemed necessary and feasible by the Town Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the road.
- C. **Island Area.** The island area in the road right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in F. below.
- D. **Drainage.** The surface of the driveway connecting with road cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed. No driveway apron shall extend out into the street further than the face of the pavement, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of roads, side ditches, or roadside areas or with any existing structure on the right-of-way.
- E. **Reconstruction of Sidewalks and Curb and Gutter.** The driveway surface shall be connected with the highway pavement in a neat, workmanlike manner. Standard thickness of residential driveway approaches will be six (6) inches.
- F. **Restricted Areas.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:

1. The Filling or draining shall be to grades approved by the Town Board and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the paved roadbed in a suitable manner.
 2. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway.
 3. Where no side ditch separates the restricted area from the roadbed, permanent provision may be required to separate the area from the roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Town Board.
- G. **Relocation of Utilities.** Costs associated with the relocation of utilities in order to facilitate construction of a driveway shall be the responsibility of the property owner.

2.2 Special Requirements for Commercial and Industrial Driveways

The following regulations are applicable to driveways serving commercial or industrial establishments:

- A. **Width of Drive.** The maximum permitted width of a commercial or industrial driveway approach shall be thirty-five (35) feet at the right-of-way line, except as increased by permissible radii. In instances where the unique nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Town Board in its discretion may permit a driveway of additional width.
- B. **Angular Placement of Driveway.** The angle between the center line of the driveway and the right-of-way line shall not be less than 45°.

2.3 Special Requirements for Residential Driveways

The following regulations are applicable to driveways serving residential property:

- A. **Width.** Unless special permission is first received from the Town Board, a residential single-type driveway shall be no greater than twenty-four (24) feet wide at the right-of way line.
- B. **Angular Placement.** The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curb line.

2.4 Prohibited Driveways

- A. No Person, shall place, construct, locate, or cause to be placed, constructed or located, any obstruction or structure within the limits of any public road in the Town except as permitted by this Section. As used herein the "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which is in non-conformance with this Chapter.
- B. No driveway shall be closer than thirty-five (35) feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Town for effective traffic control or for highway signs or signals.
- C. The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, shall be such as shall meet the grade of the existing public road at its edge and not cause an obstruction to the maintenance or clearing of such public road.
- D. No driveway apron shall extend out into the road further than the facing of the paved road. All driveway entrances and approaches shall be constructed as not to interfere with the drainage of roads, side ditches or roadside areas, or with any existing structure on the right-of-way.
- E. No portion of any curb, parapet or retaining wall, rising above the grade of the driveway, erected by the owner of the premises involved shall extend beyond the right-of-way line.

2.5 Culvert Construction Standards

- A. **Size.** Culverts shall be installed prior to construction work being commenced on the property to be served by a proposed driveway. No pipe smaller than twelve (12) inches in diameter (or equivalent elliptical or arch pipe) will be allowed. All culverts shall be constructed of galvanized steel or reinforced concrete or double-wall plastic with a smooth interior surface, and shall be of new manufacture, unless specifically excepted by the Town Board.
- B. **Gauge.** The minimum wall thickness for the galvanized steel pipe culverts shall be in accordance with Dunn County Highway Department specifications.

The class of reinforced concrete pipe shall be in accordance with the following:

**Height of Cover
(in feet)**

Class of Pipe

0-2

IV

2-3

III

3-6

II

- C. **Drainage.** Culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- D. **Endwalls.** Culverts shall be provided with either a concrete, a metal, or a plastic apron endwall as directed by the Town Board.
- E. **Backfill Material.** Material used for backfill shall be of a quantity acceptable to the Town Board and shall be free from frozen lumps, wood, or other extraneous or physically degradable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
- F. **Erosion Control.** Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Town Board.
- G. **Distance.** The distance between culverts under successive driveways shall not be less than ten (10) feet except as such restricted area is permitted to be filled pursuant to Subsection (a)(6).
- H. **Cost.** The property owner shall install the culvert and be responsible for the cost thereof. The property owner shall keep his/her culverts unobstructed and clean.

2.6 Definitions

“Lot, Parcel, or Tract of Land” means a piece of property that is legally described and whose legal description is of record at the Dunn County Register of Deeds. Each legally-described property shall be treated individually under this ordinance even though the owner thereof is also the owner of adjoining legally-described properties.

“Property” means a lot, parcel, or tract of land.

“Road” or “Public Road” means a highway as defined at §990.01(12), Wis. Stats.

Section Two: That this ordinance shall take effect upon its adoption and publication/posting as required by law.