

ORDINANCE No. 7

Town of Webster (VERNON COUNTY)

DRIVEWAY ORDINANCE

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This ordinance is entitled the Town of Webster Driveway Ordinance.

The purpose of the 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 Webster. The ordinance will set forth an orderly procedure for obtaining a driveway permit, and will establish driveway permit fees and penalties for failure to obtain a required driveway permit. The primary purposes for the ordinance include but are not limited to the following:

Provide safe vehicle access to the public roadways (ingress/egress)

Prevent water drainage and siltation from private driveways onto public roadways

2. AUTHORITY

The Town Board of the Town of Webster has been granted village powers pursuant to Sec. 60.10 Wis. Stats, and has the specific statutory authority, powers and duties pursuant to Secs. 60.10. 66.0425 and 86.0" to regulate, control, prevent and enforce against in the Town of Webster certain uses, activities, businesses and operations by persons that may affect the public works and infrastructure in the Town of Webster and to act for the health, safety and welfare of the public.

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 Webster.

If the proposed driveway will intersect a county or state highway, the Wisconsin Department of Transportation, the Vernon County Highway Department and or the Vernon County Zoning Administrator will establish the rules and regulations regarding conditions for the permit and compliance with the permit.

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

A. Requirements Governing the Driveway and its Intersection with a Public Road:

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 Board will determine (based on the specific location) whether or not a culvert is required and, if so, the minimum diameter and the length of the culvert. It will also determine the angle and slope of the intersecting portion of the driveway and whether any erosion control devices must be installed at or near the intersection in order to minimize damage to the public road. The minimum road width at the intersection shall be 20 feet, with a minimum width clearance of 24 feet and a steel culvert, if necessary, no less than 30 feet. The minimum height clearance, free of trees, wires, etc., shall be 14 feet. It shall have a road bed of 6 inches, composed of 2-3" breaker rock (now called minus) covered with four inches of ¾" aggregate gravel at grade. 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 onto the public road. The angle of any intersection of a town road and driveway shall be 90 degrees for a minimum horizontal distance where possible of 33 ft. from the intersection as measured from the center of the roadway. Any variance from these requirements must have prior approval from the Town Board.

B. The applicant must agree to comply fully with Sections. 66.0425 and 86.07 Wis. Stats, regarding correction of damage to public roads.

C. Minimum Driveway Recommendations:

The Town Board recommends that a proposed driveway that serves a dwelling (use MFL definition for dwelling) shall meet the minimum standards outlined below throughout its length to allow for possible ingress of emergency vehicles:

Road width 14 ft.

Width Clearance 14 ft.

Height Clearance 14 ft.

Maximum grade 14%

The roadbed shall consist of 6 inches of 2-3" breaker rock (minus) covered with 4 inches of ¾ " gravel. At the end of the driveway, a circle drive or cul-de-sac of 60 ft. radius shall be provided or another method provided to allow turn-around of service and emergency vehicles. Note: A driveway that is requested to be taken over by the township shall be reviewed by the Town Board for compliance and acceptance based upon town road requirements.

D. The 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. A landowner who has purchased vacant property with no intention of farming or building any improvements (for example, for hunting, camping, hiking, etc.), must construct a parking pad that at a minimum will allow parking off the town road right-of-way.

F. EXISTING DRIVEWAYS AND FIELD ROADS

When washing or other conditions created by existing driveways or field roads becomes a potential hazard to a public road, the Town Board of Supervisors shall notify the owner(s) of the land through which the driveway passes of such condition(s). Any property owner failing to correct a hazardous situation immediately (within 24 hours or less) upon notification shall be subject to the penalty of this ordinance and shall be liable for any costs incurred by the Town of Webster to eliminate such hazard as provided in Wisc. Statutes Section 66.60(16). Problems of a non-emergency nature shall be corrected in thirty (30) days.

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

G. If a landowner alleges that a driveway exists that is presently serving open land without improvements, and that now an application is being filed for a building permit for a structure which will be served by that alleged driveway, the Board will examine the existing driveway to determine if it is adequate to meet the specifications of this ordinance. The Board will either document in writing the existence of an approved driveway or will require changes to bring the driveway up to standard. **An approved Town Driveway Permit must be in place before a building permit can be issued.**

H. This ordinance does not address or regulate access from a town road to agricultural land by agricultural implements and related equipment. No driveway permit is required for entry for agricultural purposes into a field or woods that border a town road. However, Secs. 66.0425, 80.021, and 86.07 Wis. Stats, 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 Secs. 66.0425, 86.021, and 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 Department of Transportation and/or the Vernon County Highway Department and this ordinance has no authority over their conditions or requirements.

I. When a driveway permit is issued or an existing driveway is approved, an Address Number will be assigned to the location and a sign will be obtained and installed by the Town of Webster.

J. A driveway shall be completed within 60 days of start of construction.

4. FEES and PROCEDURES

Application for a Driveway Permit to intersect a town road should be made to the Town Chairperson, or in his absence, to a designated Town Supervisor. The application will include the legal description of the property, a rough drawing of the proposed driveway site, and payment of the required fee.

The Chairperson or Supervisor will make an appointment to meet with the applicant at the site to discuss the specifics of the access road. Any specific requirements will be entered on the permit and written permission will be given to begin construction.

All expenses of construction and materials will be the responsibility of the applicant. Under no circumstances will the Town of Webster perform the actual work of constructing the private access road or setting the culvert, but the Town Chairperson may require that a town employee be present to oversee the construction.

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 town road or to create a hazard to public safety the township will require that the private access road or driveway be changed to correct these flaws at the private owner's expense.

When the private access road/driveway is completed, the applicant will notify the Town Chairperson, and the Town Board will then make a final inspection of the driveway, and if the driveway is properly constructed, the Town Board will approve the driveway in writing on the permit.

The Board of the Town of Webster will establish the fees for obtaining a Driveway Permit and penalties for failure to obtain a Driveway Permit before constructing a private access road. The fee schedule will be reviewed annually by the Board and adjusted as needed so that the fee will cover the direct costs of onsite consultation, inspection and administration, and the cost for an Address Number sign.

The initial fee schedule established by the Board is shown below and is effective with adoption of this ordinance:

**Driveway Permit (includes initial on-site consultation, any interim inspections or consultations as necessary, and final site inspection and approval) \$100.00
Fire/Address Number Sign \$50.00**

5. PENALTIES

Any driveway constructed on land in the Town of Webster in violation of any of the provisions of this Ordinance shall be deemed to be an unlawful driveway.

Any person who constructs an unlawful driveway, which intersects a town road in the Town of Webster in violation of any provision of this Ordinance, shall be required to forfeit not less than \$10.00 or more than \$100.00 each day a violation continues without action taken to remedy the situation constitutes a separate offense.

Any person who constructs an unlawful driveway, which intersects a state or county highway on land in the Town of Webster, will be subject to any penalties, forfeitures or conditions established by the State of Wisconsin and/or Vernon County.

Any physical changes required by the Board of the Town of Webster to an unlawful driveway to bring the driveway into compliance with the terms of this Ordinance and the terms of the Driveway Permit will be made at the private owner's expense.

6. DEFINITIONS

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

Driveway (Also called Private Access Road) is a private road that gives access to private property from a public roadway.

Driveway Permit (Issued by Town of Webster) A permit to construct a private driveway from a town road, through the 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 the State of Wisconsin and/or Vernon County and is not covered by this ordinance.

Dwelling Per state definition of meeting five of eight characteristics pertaining to dwelling as referenced in MFL legislation and according to Wisconsin Administrative Code NR46.15 (9) or if structure is occupied on a full time basis.

Intersection The portion of the driveway that passes through the public right-of-way to the town roadway.

Town Road Right-of-Way Town roads in the Town of Webster are presumed to be four rods in width unless originally deeded to the town with a lesser width specified.

7. EFFECTIVE DATE

This ordinance shall take effect after a Public Hearing and adoption by the Board of the Town of Webster and posting as required by law.

Public Hearing Dates: August 9, 2005 and September 20, 2005 at 6:00 PM

Adopted: Town Board Meeting, 7:00 PM ----- September 20, 2005

Town Chairman: Glen “Skip” Oliphant _____

Town Supervisor: Gordon Nemec _____

Town Supervisor: Tim Parker _____

Town Clerk: Ole A. Yttri _____