
Chapter 12 Driveway Permit

ANY AND ALL ORDINANCES OR REGULATIONS OF THE TOWN OF UNION PREVIOUSLY ENACTED REGARDING DRIVEWAY PERMITS OR RELATED TO THE PROVISION THEREOF ARE HEREBY REPEALED, REVOKED, AND ABROGATED AND IN PLACE THEREOF THIS ORDINANCE IS ADOPTED:

12 DRIVEWAY PERMIT ORDINANCE:

(1) **Purpose:**

The purpose of this driveway ordinance ("Ordinance") is to regulate the establishment, design, repair, construction, improvement, modification and reconstruction of driveways in the Town of Union.

(2) **Authority:**

This Ordinance is adopted under the authority of and in accordance with Wis. Stat. ss.60.22 (1) and (3), 66.0425, 86.021, 86.022, 86.05, 86.07, and 88.87(3).

(3) **Definitions:**

In this Ordinance:

- A. "Agricultural land" means any land within the Town that is currently being farmed, including cropland and pastureland, or land that is included in a government sponsored agricultural program.
- B. "Commercial driveway" means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any Town road, and will provide service to a business, recreational site, or other use if approved by the Town Board.
- C. "Driveway" means a commercial driveway, field drive, or private driveway.
- D. "Field drive" is defined as a type of driveway that provides access from a Town road to Agricultural land or other adjacent vacant land. A field drive cannot be converted to a residential or commercial driveway without application and approval for a new Permit under this Ordinance.
- E. "Highway" means any way or thoroughfare, except a waterway, that is used for vehicular travel by the public.
- F. "Private driveway" means any private way, private road, or other means of private travel that runs through any part of a private parcel of land that connects or will connect with any Town road, and does or will provide service to a residence or other non-business use approved by the Town Board. A private driveway does not include a field drive.
- G. "Town" means the Town of Union, Rock County, Wisconsin.

H. "Town Board" means the Board of Supervisors for the Town of Union, Rock County, Wisconsin and includes any designee of the Board authorized to act for the Board.

(4) **Permit Required:**

- A. No person may establish or construct a driveway; or reconstruct, reroute, or alter any existing slope of any existing driveway or any Town highway or any other highway right-of-way in the Town without first obtaining a Town Driveway Permit ("Permit") from the Town Board.
- B. An applicant for a Town Driveway Permit must own or have a legal interest in and current legal access to the land to which the Permit will apply.
- C. Application fees will be doubled if any construction begins on any driveway prior to the issuance of a Town Driveway Permit. The Town, in its sole discretion, may also initiate enforcement action or other legal action.

(5) **Specifications:**

- A. **Specifications Applicable To All Driveways:** All driveways in the Town shall meet all of the following minimum requirements. No Permit shall be issued unless the information submitted as required by this Ordinance demonstrate compliance with the requirements of this Ordinance.
 - i. The following requirements apply to the portion of the driveway between the traveled portion of the highway and the outside limit of the highway right-of-way:
 - a. There must be adequate visibility of oncoming traffic at the point where the driveway meets the right of way, as follows:
 - I. For driveways located in a residential subdivision, an object three and one-half feet (3.5') high must be seen from the driveway at the edge of the traveled portion of the highway for a distance of two hundred feet (200') in each direction when viewed from a height of three and one-half feet (3.5').
 - II. For driveways not in a residential subdivision, an object three and one-half feet (3.5') high must be seen from the driveway at the edge of the traveled portion of the highway for a distance of three hundred feet (300') in each direction when viewed from a height of three and one-half feet (3.5').
 - b. The driveway horizontal approach angle at the edge of the traveled portion of the highway must be between 70 and 110 degrees.
 - c. The driveway must be constructed in a manner that prevents run-off or snow melt from flowing onto the traveled portion of the highway.
 - d. The portion of the driveway within the right-of-way shall have a maximum grade of five percent (5%).

- e. Each driveway shall have a culvert, which shall be appropriately sized. Culverts shall be at least as wide as the surface width of the private driveway or as otherwise determined by the Town Board. The owner must procure and install the culvert at his/her own expense. Culverts must be constructed of dual wall plastic or metal only.
 - f. The edge of the driveway, or the end of the culvert, whichever extends further, shall not be closer than five feet (5') to any adjacent property line unless the property upon which the driveway will be located is not sufficiently wide to meet this requirement or unless a variance is granted by the Town Board.
 - g. Each driveway must have a minimum of six feet (6') of gravel or blacktopped surface measured perpendicular from the travelled portion of the highway. The use of concrete within this portion of the driveway is prohibited.
- ii. The following requirements apply to the portion of the driveway not in the public right-of-way:
- a. The driveway shall have a finished surface at least twelve feet (12') in width. It shall have at least six inches (6") of three inch (3") rock on the roadbed covered with at least two inches (2") of three-quarter inch (3/4") gravel unless the Town Board grants a variance.
 - b. The overall minimum width (clearance) along the entire driveway shall be twenty-four feet (24').
 - c. There shall be a minimum sixteen feet (16') of height clearance along the entire driveway.
 - d. The maximum allowable grade of the entire driveway or any segment is thirteen percent (13%).
 - e. Ditches, driveway crowning, and culverts which provide acceptable drainage are required.
 - f. Curves in the driveway shall have an inside radius of not less than thirty-six feet (36').
 - g. Adequate erosion control measures shall be employed during construction. All disturbed ground and side banks shall be seeded promptly to control erosion.

B. Specifications Applicable to Private Driveways:

- i. The portion of a private driveway surface between the travelled portion of the highway and the outside limit of the highway right-of-way shall be a minimum of eighteen feet (18') wide and a maximum of twenty-four feet (24') wide.

- ii. A private driveway shall be at least one hundred fifty feet (150') from the traveled portion of an intersecting public highway, unless the Town Board issues a variance.
- iii. Only one (1) driveway is allowed for each parcel.
- iv. Private driveways longer than 500 feet shall include areas at least twenty-four feet (24') wide for a distance of at least forty feet (40') within every three hundred feet (300') of the driveway. At the end of the private driveway, a turn-around of at least a twenty-five foot (25') radius or other equivalent means as approved by the Town Board shall be provided.

C. Specifications Applicable to Commercial Driveways and Field Drives:

- i. The surface of the portion of the Commercial driveway or Field Drive between the traveled portion of the public highway and the outside limit of the public right-of-way shall be a minimum of fifty feet (50') wide if no culvert is required. If a culvert is required, the culvert shall be at least fifty feet (50') in length and the drive shall be at least forty six (46') in width.
- ii. A Commercial driveway or Field drive shall be at least one hundred feet (100') from the paved or traveled portion of an intersecting public highway, unless the Town Board issues a variance.

D. Joint Driveways:

- i. In addition to the requirements of this Ordinance, applicants for a joint driveway Permit must submit with their application a proposed Joint Driveway Agreement. Said agreement must be approved by the Town Board and after approval, recorded with the Rock County Register of Deeds. The Joint Driveway Agreement shall clearly establish responsibility for construction and maintenance of the joint driveway and restrictions on its use.
- ii. If a Joint Driveway Agreement is approved by the Town Board for a driveway serving more than one home, each new home having access shall have a separate Permit, i.e. when two (2) homes share a joint driveway, a Permit is required for each home, meaning two (2) Permits are required.
- iii. If a Joint Driveway Agreement is approved by the Town Board for a field drive serving more than one field, only one field drive Permit is required.

(6) Application/Permit Provisions:

- A. The applicant for a Town Driveway Permit shall submit to the Building Inspector a completed application form with the appropriate fee and with the following attachments:
 - i. Map. A map showing the project location and dimensions and the distance from property lines to the driveway. The map need not be prepared by a surveyor but shall be to scale and shall show dimensions and locations of improvements (if any).

- ii. Soil/Slope Analysis (if required by the Building Inspector).
 - iii. Copy of the legal documents showing title to the property.
 - iv. Construction Plan (if required by the Building Inspector).
 - v. Aerial Photo/Site Analysis (if required by the Building Inspector).
 - vi. The applicable refundable performance fee.
 - vii. Other Documents. The Town Board or its designee may require additional documents to be included with the Driveway Permit Application, including copies of other permits required by the County or State.
- B. The Town Board may approve, deny, or approve with conditions a Permit application.
 - C. A Permit allows construction of the driveway for twelve (12) months from the date of issuance. A Permit expires if after twelve (12) months construction of the driveway has not begun. If the driveway has not been constructed by the time a Permit expires, a new application and fee must be submitted and approved.
 - D. The applicant shall notify the Building Inspector within thirty (30) days after completion of driveway project authorized under a Permit.
 - E. No building permit for any construction of buildings or other structures may be issued by the Town until the driveway has a minimum six inch (6") layer of three inch (3") rock according to the specifications of the Permit as issued under this Ordinance.
 - F. The amount of the non-refundable application fee and the refundable performance fee for a Permit under this Ordinance shall be established by Resolution of the Town Board.
 - G. The performance fee shall be refunded to the applicant upon the Town's determination that the driveway complies with this Ordinance and any applicable Permit conditions. If the driveway does not comply with this ordinance or any Permit conditions, the Town may use the performance fee to bring the driveway into compliance after notice to the property owner and reasonable time to allow the property owner to comply. An applicant for a Town Driveway Permit consents to the Town performing any necessary inspections and completing any work necessary to bring the driveway into compliance with this Ordinance and Permit conditions.

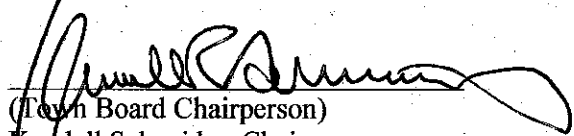
(7) **Penalty Provision:** Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction, pay a forfeiture of not less than \$50 not more than \$400, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this Ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations or seek any other available remedies.

(8) **Severability Clause:** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this

Ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are severable.


(9) **Effective Date:** Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

ADOPTED this 11th day of MARCH, 2021.


(Town Board Chairperson)
Kendall Schneider, Chairman

~~11 MAR 21~~ 3.11.21
Date

Attest:


(Town Clerk)
Regina Riedel, Town Clerk

11 MAR 21
Date

[Published / Posted] this 12th day of MARCH, 20 21.