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## ORDINANCES

### Town of Dewey Driveway Access Ordinance # 2006-01

By Dewey Town Board

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#### Section 1. Title/ Purpose

This ordinance is entitled the town of Dewey driveway access ordinance.

The purposes of this ordinance include but are not limited to the following:

1. Maintain safe travel on public roads by minimizing the number of access points;
2. Provide safe entrance onto public roadways by avoiding dangerous driveway location;
3. Prevent damage to public roads, graded ditches, roadside, and other driveways by controlling drainage.

#### Section 2. Authority, Jurisdiction, and Severability

##### 2.1 Authority

The Town Board of the Town of Dewey has the specific authority, powers and duties pursuant to section 60.61, 60.61, 62.23, 86.02 and 86.07 Wis. Statutes pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under section 60.10 to enact driveway regulations – to regulate, prohibit, and restrict construction, alteration, erection, and enlargement of driveways within its jurisdiction.

##### 2.2 Jurisdiction

Driveways subject to the review and permitting under this ordinance include driveways that provide access to any town road within the Town of Dewey. Standards set forth by this Ordinance apply only to those segments of driveways located within the town road right-of-way. Driveways that access County roads are subject to regulations of Burnett Co. driveways that access State or Federal highways are subject to regulation by the Wisconsin department of transportation.

##### 2.3 Severability

Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

#### Section 3. Definitions

The following terms shall be used throughout this Ordinance as defined in this section.

**Alter, Modify, Reconstruct-** To change the slope, location, length, width, access point, to completely remove and rebuild in whole or in part, or to conduct similar activity with regard to a driveway. These are major activities that do not meet the definition of surface maintenance.

**Clearance Width and Height –** The air space directly above a driveway and surrounding area extending outward to the required width and upward to the required height that shall be maintained clear of vegetation, limbs, wires or

other obstructions within the road right-of-way.

Driveway – A private road, field road, or other means of access intended for or capable of being used for ingress and egress onto a public road.

Ingress/Egress Angle – The angle between the tangent to the centerline of the subject roadway and the centerline of the subject driveway.

Surface maintenance – To improve a driveway surface in a manner that is clearly not alteration, modification, or reconstruction. Examples of surface maintenance include paving, seal coating, grading, graveling, or patching.

Unobstructed sight distance – The distance at which objects or topographic features prevent visual confirmation of an approaching vehicle of common size. Sight obstructions can include, but are not limited to, crests of hills, curves, buildings, or dense vegetations.

#### Section 4. Scope

##### 4.1 Permit Required

No driveway subject to this ordinance shall be installed, altered, changed, replaced, or extended until an application for a driveway permit has been approved by the Town Board's designated official. Application forms and information can be obtained from the town clerk or the designated official.

A town driveway permit is required for:

1. Construction of a new driveway.
  2. Alteration, modification, or reconstruction of an existing driveway.
  3. Construction of a new residential, commercial, industrial or animal confinement structure to be served by an existing nonconforming driveway that has not been previously permitted by this ordinance.
  4. Construct a temporary driveway that is to be installed for the purpose of removing forest products without the need of a culvert for the purpose or drainage.
- A. Existing driveway surface maintenance does not require a permit.  
B. Permits for driveways shall expire 1 year after permit is issued  
C. Permits for forestry driveways shall expire 6 months after issuance and shall be properly abandoned  
D. Abandoning of forestry driveways shall be done, to the same conditions as prior to the driveway being constructed, to the road right-of-way.

##### 4.2 Existing Hazardous or Nonconforming Driveway Conditions

When a condition created by an existing driveway or field road is in conflict with this ordinance, a hazardous condition may be identified. Hazardous or nonconforming driveways are subject to the following conditions:

- A. By majority the Town board of Dewey must determine that the driveway to be hazardous or nonconforming. The Town Board's designated official or Clerk will notify the property owner of the hazardous condition(s).
- B. Existing driveways determined to be hazardous as defined in this section shall be brought into compliance with the terms of this ordinance to the extent determined practical by the town board's designated official.
- C. Any property owner failing to correct such situation within (30) days after notice by the Town Board shall be subject to the penalties of this ordinance and shall also be liable for any costs incurred by the Town to eliminate the hazard as provided in Wis. Statutes 66.0627 and 86.02.
- D. Should existing driveway conditions be determined by the majority of the Town Board to be a severe threat to public health or safety, the Town may take corrective action immediately or establish a deadline for compliance of less than (30) days.
- E. Driveways determined to be hazardous by the Town Board shall be subject to, but not limited to, the following mandatory review criteria: driveway surface width, width and height clearance, and ingress/egress angle.

#### Section 5. Application procedures

##### 5.1 Application Materials

1. North arrow
2. lot dimensions
3. Existing/proposed buildings
4. proposed driveway location
5. location of existing driveways within 300 feet of proposed driveway
6. Road name(s) and location(s)

7. Driveway specifications including width, length, and materials used

8. culvert location(s)

A. The applicant must submit to the Town Board's designated Official a completed driveway permit application. The application materials must include a site plan or sketch submitted on an 8 1/2" by 11" sheet of paper and includes the following information:

B. An application shall be submitted and signed by the property owner or its agent.

C. The applicant shall mark the proposed driveway location with high visibility flagging and stakes. The proposed centerline and driveway surface width shall be marked.

## 5.2 Permit Issuance

A. The application and site plan shall be reviewed by the town Board's designated Official for the conformance with this ordinance. The Town boards designated Official shall within (15) days from the date of submission of the application and site plan, approve or deny the issuance of a driveway permit after an inspection of the site has taken place.

B. An approved driveway permit shall expire one (1) year after issuance. All approved construction shall be completed before permit expires.

C. The applicant shall notify the Town boards designated official within seven (7) days of the completion of the driveway to allow inspection per the terms of the approved permit.

## Section 6. Variances

Where, in the judgment of the town board, it would be inappropriate to apply literally the provisions of this ordinance because of exceptional or undue hardship would result, the town board may waive or modify any requirement to the extend deemed just and proper, as long as such modification does not violate the intent of this ordinance as stated in sections 1 and 2. Application for any variance shall be made in writing to the town clerk.

## Section 7. Specifications and Standards

These specifications shall be as follows:

A. Driveway surface width shall be 20 feet within the road right-of-way

B. Driveway within the right-of-way shall have slope away from the public road at a minimum of 1% and a maximum of 5%, to prevent erosion onto the public road.

C. Driveway minimum clearance width shall be 26 feet within road right-of-way.

D. From where the driveway meets the public road, at an elevation of three feet above the surface of the driveway, there shall be 200 feet of unobstructed vision in either direction.

E. The minimum height clearance shall be 16 feet (free of trees, wires, etc).

F. Driveway surface outside the right-of-way shall be 14 feet wide with a clearance width of 20 feet.

G. The driveway shall intersect the public road at a 90 degree angle for the purpose of visibility.

H. Driveway shall not exceed a 10% slope outside of the road right-of-way.

I. Shoulders of the driveway shall maintain 3-1 slope.

J. If culverts are required, they shall:

1. Be constructed of material acceptable to the town board's designated official.

2. Be a minimum of 15 inches in diameter and 30 feet long.

3. Be placed in the ditch line at elevations set by the Town Board's designated official.

K. Any curves in driveway shall not have less than 100 foot radius.

L. Driveways exceeding 150 feet in length shall provide an adequate turn around area that will accommodate a 30 foot long fire truck. The turnaround space can be provided by one of the following methods and shall be within 75 feet of the principal building:

1. if a circle drive is constructed, it shall have a radius of no less than 35 feet to the center line (or)

2. a turn around space free of trees and other obstructions shall be provided if it has the dimensions of not less than 80 feet by 50 feet (or)

3. a turn around shall be provided with the following dimensions: the length shall be a minimum of 30 feet. The width at the entrance shall also be a minimum of 30 feet in width. The turn around may be trapezoidal in shape, thereby tapering down to a minimum of 20 feet in the rear. In addition, a minimum of 40 feet of driveway shall be provided between the building and the turn around to provide enough room to back a 30 foot fire truck into the turn around.

## Section 8. Fees and Penalties

### 8.1 Fees

The fee of \$35.00 shall be submitted with the driveway application. The fee is used for the purpose to cover the costs of inspection(s).

The fee of \$35.00 shall be submitted with the temporary forest driveway application.

A refundable fee of \$300.00 shall be submitted with each temporary forestry driveway application. This fee may be in the form of a personal check, surety bond, or cash bond. The fee or part of may not be refundable should there be any damage to town road during any phase of driveway construction. It may not be refunded if the temporary driveway is not removed within six months or the cost of inspections exceeds the permit fees of \$35.00.

## 8.2 Penalties

A. Cost of corrections: if the property owner fails to make the corrections required to satisfy the provisions of this ordinance within thirty (30) days of notification from the town board. The town board may cause the required corrections to be made. The costs of such repairs, corrections, or restoration will be charged to the property owner. The town's direct and indirect cost of correcting or removing the violation may include, but are not limited to, engineering, legal, administrative, materials, and construction expenses. Should the landowner fail to pay the penalty and/or repair, correction, or restoration costs, said charges will be placed on the tax role of said owner as provided in Wis. Stats. 66.0627 And 86.02.

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