

ORDINANCE No. 2024-01

AN ORDINANCE REGARDING SUBDIVISION DRIVEWAY STANDARDS

The Town Board of the Town of Emerald, St. Croix County, Wisconsin, do ordain as follows:

SECTION I. ADOPTION OF PROVISIONS.

Section 6-3-2 of the *Town of Emerald Code of Ordinances* is created as follows:

Sec. 6-3-2 Driveway and Culvert Location, Design and Construction Requirements in Subdivisions.

(a) General Requirements for Driveways Located in Platted Subdivisions.

The location, design and construction of driveways in platted subdivisions shall be in accordance with the requirements of this Section:

(1) General Design and Construction Requirements.

- a. A subdivision driveway for purposes of this Section is defined as a driveway in a platted subdivision serving more than one (1) dwelling.
- b. Private driveways in platted subdivisions shall be of such minimum width as specified herein and be so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street/road of the property served.
- c. Driveways shall not provide direct ingress or egress to or from any street/road intersection area and shall not encroach upon or occupy areas of the street/road right-of-way required for effective traffic control or for street/road signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street/road.
- d. Driveway approaches shall be at least ten (10) feet apart except by special written permission from the Town of Emerald, and driveways shall in all cases be placed whenever possible as not to interfere with utilities in place.
- e. A driveway permit for a driveway to be constructed in a platted subdivision shall be obtained from the Town by the property owner, or his/her contractor, before work commences on the driveway. The cost for such permit shall be Twenty-five Dollars (\$25.00) per 100 feet of driveway length, with a minimum fee of One Hundred Dollars (\$100.00). The Town reserves the right to modify such fee amount at any time.

- f. When a driveway in a platted subdivision is to be constructed, the topsoil shall first be removed under where the sidewalk will be constructed.
 - g. A base course of sand twelve (12) inches deep shall be placed, twenty-two (22) feet in width (to allow access by emergency vehicles). Soil excavation will likely be necessary.
 - h. A six (6) inch lift of gravel shall be placed on the sand base course, twenty-two (22) feet in width (necessary for access by emergency vehicles).
 - i. Proper ditching with a 4:1 slope shall be constructed adjacent to the driveway to accommodate water runoff.
 - j. Authorized length of a driveway in platted subdivisions shall be as specified in the driveway permit issued by the Town. Any extension of the driveway's length shall require the issuance of a new permit from the Town.
 - k. Tree branches overhanging the driveway shall be removed to allow passage by emergency vehicles and school buses.
 - l. Each driveway shall terminate with a cul-de-sac at its end of sufficient size to allow emergency vehicles to turn around.
 - m. The Town shall, at a minimum, inspect the site before the start of driveway construction and again after construction completion, with the driveway inspected every one hundred (100) feet. The Town reserves the right to inspect a platted subdivision driveway at any point before, during or after its construction.
- (2) **Number of Driveways.** The number of driveways serving an individual property fronting on a street/road in a platted subdivision shall be one (1), 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 street and unique lot characteristics.
- (3) **Island Area.** The island area in the street 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 Subsection (a)(6).
- (4) **Drainage; Street Obstructions.**
- a. The surface of the driveway connecting with street/road cross sections shall slope downward and away from the street/road/highway shoulder a sufficient distance to minimize ordinary surface water drainage from flowing onto the street/road roadbed.
 - b. No driveway apron shall extend out into the street/road right-of-way further than the face of the curb, and under no circumstances shall such driveway apron extend into the street/road gutter area. Where a street/road does not have curb and gutter, no driveway apron shall extend out into the street/road right-of-way further than the street/road pavement edge. All driveway entrances and

with the drainage of streets/roads, side ditches, or roadside areas or with any existing structure on the right-of-way. [See also Subsection (e) below].

(5) ***Reconstruction of Sidewalks and Curb and Gutter.***

- a. When the construction or reconstruction of a driveway requires the removal of a curb or gutter (where they exist), the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway apron surface shall be connected with the street/road/highway pavement and the sidewalk, if any, in a neat, workmanlike manner.
- b. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may have been damaged by means of vehicle travel across the sidewalk. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction specified in this Code of Ordinances insofar as such requirements are applicable, including thickness requirements. Standard thickness of residential driveway approaches will be six (6) inches thick unless otherwise provided in this Code of Ordinances.

(6) ***Restricted Areas Between Successive Driveways.*** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:

- a. The filling or draining shall be to grades approved by the Town Board or its designee and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
- b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway, except where the Town Board or designee deems it necessary for a larger culvert is necessary to correct inadequate drainage.
- c. Intermediate manholes adequate for cleanout purposes may be required when deemed necessary by the Town Board or designee due to total culvert length.
- d. Where no street/road side ditch separates the restricted area from the street/road roadbed, permanent provision may be required to separate the area from the street/road 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.

(7) ***Relocation of Utilities.*** Any costs of relocating utilities shall be the responsibility of the property owner, with approval of the Town Board or designee necessary before any utility may be relocated and the driveway installed.

- (8) **Construction Across Sidewalks.** All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the Town requirements for sidewalk construction insofar as such requirements are applicable, including thickness requirements.
- (9) **Special Requirements for Driveways Over 150 Feet in Length; Special Situations.**
- a. In addition to those driveway requirements prescribed herein, private driveways one hundred and fifty (150) feet and over in length, measured from the edge of the traveled surface of the intersecting street/road/highway to the structure, shall meet the following standards to permit access to principal buildings by the Fire Department and/or other public safety authorities:
 1. A minimum of a twenty-four (24) foot driveway right-of-way;
 2. A minimum clear-cut width of twenty (20) feet;
 3. A minimum driving surface of sixteen (16) feet;
 4. A minimum height clearance of fifteen (15) feet; and
 5. A minimum width of twenty (20) feet for all aprons and approaches.
 - b. Driveways of one hundred fifty (150) feet and over accessing parcels on which there are no structural improvements are exempt from the requirements of this Subsection. However, if a structure is subsequently built, all standards and requirements for driveways and culverts prescribed by this Subsection shall then be fully complied with.
 - c. The Town Board or designee, based on recommendations of the Fire Department, may require additional clear-cut width clearances and extra driving surface widths to alleviate concerns caused by narrowness, sharp curves, steep inclines or other situations which could interfere with emergency vehicles properly and safely utilizing the driveway.
- (10) **Variances.** Any of the above requirements may be varied by the Town Board in such instances where the unique characteristics of the property or the design of the street/road may make the rigid adherence to the above requirements impossible or impractical. Such variance shall be applied for and approved prior to the construction of a nonconforming driveway.
- (b) **Special Requirements for Commercial and Industrial Driveways.** The following regulations are applicable to driveways serving commercial or industrial establishments located within a platted subdivision:
- (1) **Width of Drive.** The maximum permitted width of a commercial or industrial driveway approach shall be thirty-five (35) feet at the curb 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. Such variance shall be applied for and approved prior to the construction of a nonconforming driveway.

(2) **Angular Placement of Driveway.** The angle between the center line of the driveway and the curb line or road surface edge shall not be less than 45°.

(3) **Island Areas.**

a. Where a public sidewalk is adjacent to the curb, an island of a minimum length of six (6) feet measured along the curb line shall be placed between each entrance to a Town street/road. The curb shall be left intact for the length of this island.

b. Where the public sidewalk is remote from the curb, an island of a minimum length of ten (10) feet measured along the right-of-way line shall be maintained along each entrance to the Town street/road.

c. All flares shall be tangent to the curb line or street/road edge.

d. Where applicable, a curb length of not less than three (3) feet shall be left undisturbed adjacent to each property line to serve as an island area in the event an adjoining property owner applies for a driveway permit to serve his/her property.

(c) **Special Dimensional Requirements for Residential Driveways.** The following regulations are applicable to driveways serving residential properties created by subdivision plat:

(1) **Width.** Unless special permission is first received from the Town Board or designee, the driveway width for a residential single-type driveway shall be:

a. For residential lots served by a single-type driveway, no greater than twenty-four (24) feet wide or less than twelve (12) feet wide at the curb line or outer edge of the street/road.

b. For residential lots served by a double-type driveway, no greater than twenty-four (24) feet wide or less than eighteen (18) feet wide at the curb line or the outer or outer edge of the street/road.

(2) **Angular Placement.** The center line of the driveway may be parallel to the property line of the lot where access is required or at right angles to the curb line or street/road edge.

(d) **Appeal from Permit Refusal.** Any person feeling himself/herself aggrieved by the refusal of the Town to issue a permit for a private driveway may appeal, in writing, such refusal to the Town Board within fourteen (14) days after such refusal to issue such permit is made.

(e) **Prohibited Driveways.**

(1) **Prohibited Obstructions.** No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public street/road, highway or street in the Town of Emerald except as permitted by this Section. As used herein the word "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.

- (2) **Intersections and Traffic Control Devices Limitations.** No driveway shall be closer than thirty-five (35) feet to the extended street/road line at an intersection. At street/road intersections a driveway shall not provide direct ingress or egress to or from the street/road intersection area and shall not occupy areas of the roadway deemed necessary by the Town for effective traffic control or snow removal, or for official signs or signals.
 - (3) **Grade.** The grade of that portion of any private driveway located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway. Whenever possible, the driveway area located within the right-of-way area shall consist of at least four (4) feet of flat surface area from the pavement edge.
 - (4) **Prohibited Driveway Apron Extensions.** No driveway apron shall extend out into the street/road further than the facing of the curb or the surface edge of the street/road and under no circumstances shall such driveway apron extend into any surfaced or gutter area. All driveway entrances and approaches shall be constructed as not to interfere with the drainage of streets/roads, side ditches or roadside areas, or with any existing structure on the right-of-way.
 - (5) **Improper Private Curbs or Retaining Walls.** 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 culvert spanning the water course located in such public way.
- (f) **Culvert Construction and Standards.**
- (1) **Culvert Requirement.** The Town Board or designee may require the property owner to provide for adequate surface water drainage along the street/road, and the property owner shall provide any necessary culvert pipe at his/her expense, along with the cost of installation.
 - (2) **Culvert Permit Required.**
 - a. No person shall lay, remove, replace or repair any culvert within a platted subdivision in the Town of Emerald unless he/she is under contract with the Town to do such work or has obtained a permit therefor from the Town at least three (3) business days before work is undertaken. The Town Board or designee shall determine the diameter of the culvert to be installed which shall not be less than twelve (12) inches and shall approve of the laying of said culvert so as to provide proper drainage.
 - b. No person, not under contract to the Town of Emerald, shall lay, remove, replace or repair any culvert until a permit has been obtained from the Town Chairperson or designee at least three (3) business days before work is undertaken. The fee for such permit shall be as established by the Town Board. The Public Works

Department shall view the site for installation of the culvert and determine the position and diameter of the culvert necessary to provide adequate drainage.

(3) **Existing Driveway Situations.**

- a. The owner of a driveway existing at the time this Section originally became effective may be required to install a culvert if such existing driveway impedes the flow of surface waters. The Public Works Department shall advise the Town Board of any driveway which intersects with a public street that impedes the flow of surface water, and the Town Board shall order the owner thereof to install a proper culvert as directed by the Town Board or designee.
- b. The cost of such installation shall be borne by the owner. If the owner refuses or neglects to install a culvert within the time designated by the Town, the Town shall, after notice to the owner, proceed to make such installation and charge the cost therefor to the owner. If such costs are not paid by November 1st, the Town Clerk shall place such charges on the tax roll in the same manner as a special charge to be collected with real estate taxes.

- (4) **Size.** Culverts shall be installed prior to construction work being commenced on the property served. No culvert 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, and shall be made of new manufacture, unless specifically excepted by the Town Board or Town Engineer in the case of quality used culverts. PVC plastic culverts may only be used in situations if Town personnel determine there is adequate cover to protect such culvert.

- (5) **Gauge.** The minimum wall thickness for the galvanized steel pipe culverts shall be in accordance with the following:

Pipe Diameter	Gauge
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

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

Height of Cover	Class of Pipe (in feet)
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- (6) **Drainage.** The culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- (7) **Endwalls.** Culverts shall be provided with earthen, concrete or metal apron endwalls as directed by the Town Engineer or Town Board.
- (8) **Backfill Material.** Material used for backfill shall be of quantity and quality acceptable to the Town Engineer or Town Board and shall be free from frozen lumps, wood, debris or other extraneous or perishable materials. The minimum cover, measured from the top of the culvert pipe to the top of the subgrade, shall be six (6) inches.
- (9) **Erosion Control.** Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Town Engineer or Town Board.
- (10) **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).
- (11) **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.
- (12) **Appeals.** Persons may request a variance from the culvert requirements of this Section by filing a written appeals request with the Town Clerk, who shall place the matter as an agenda item for the Town Board's next meeting. The Town Board may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The Town Engineer or Public Works Department may be asked to render an opinion on the request.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

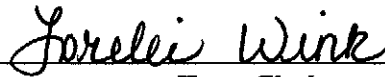
This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 14 day of August, 2024.

TOWN OF EMERALD, WISCONSIN



Town Chairperson



Town Clerk

INTRODUCED:

8-14-2024

ADOPTED:

8-14-2024

POSTED/PUBLISHED:

8-16-2024

State of Wisconsin:

County of St. Croix:

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of an Ordinance duly and regularly adopted by the Town Board of the Town of Emerald on the 14 day of August, 2024. and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 14 day of August, 2024.



Lorelei Wink, Town Clerk