

Ordinance Repealing and Recreating the "Town of Sylvester Driveway Ordinance"

**Town of Sylvester
Green County, WI
Driveway Ordinance #12-18-01
Amended 02-17-03
Amended 07-19-04**

1.) AUTHORITY

These regulations are adopted under the specific statutory authority, powers, and duty granted in Sections 81 and 86.07(2) of the Wisconsin State Statutes to regulate, enforce, and control certain activities related to Town roads and pursuant to the general police powers granted under the adoption of village powers in Sections 60.22(3) and 61.34(1) of the Wisconsin State Statutes to regulate, control, license, prevent or permit in the Town of Sylvester certain uses, activities, and constructions for the good order of the Town and for the health, safety, and welfare of the public and specific authority under Section 236.45 of the Wisconsin State Statutes.

2.) PURPOSE

The purpose of this ordinance is to promote the public health, safety and general welfare of the community, motoring public and emergency services personnel and equipment while ensuring safe and proper installation of driveways. This ordinance is designed to regulate the placement, design, modification and maintenance of private driveways and field roads accessing public highways in the Town of Sylvester as well as the issuance of new driveway permits along roadways within Sylvester Township.

3.) JURISDICTION

Jurisdiction of these regulations shall include all lands within the Town of Sylvester and shall apply to all driveways and field roads installed, altered, changed, replaced, or extended on or after the original effective date of this ordinance.

4.) COMPLIANCE

- a.) No person, firm, corporation, partnership or legal entity of any sort shall install a driveway on land located within the Town without compliance with all requirements of this ordinance and with:
- (1) All applicable Wisconsin Statutes;
 - (2) Green County Zoning Regulations regarding driveway installation;
 - (3) State of Wisconsin's Department of Transportation regulations relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the individual abuts on a state trunk highway or connecting street; and
 - (4) All applicable master plans, zoning ordinances, and any other ordinances and regulations.

Where provisions of this ordinance impose greater restrictions than a.)(1-4) above, it is intended that the provisions of this ordinance shall apply.

5.) GENERAL PROVISIONS

- a.) All persons, firms, corporations, partnerships, or legal entities desiring to install a driveway on land located within Sylvester Township shall have prior approval from the Town Board and the Green County Zoning office. No person shall establish or construct a private driveway, road or other access from a private property line to the traveled portion of a road located within the Township without first obtaining an application for a driveway permit from the Township and the County Zoning office.
- b.) The applicant shall contact the Chairman of Sylvester Township to request an application. The Town Chair and/or Board will make arrangements with the applicant to view the proposed driveway location.
- c.) Authorization for construction of a driveway is subject to approval by the Town Board and when so approved, the Town Chairman shall sign the driveway permit. The Town Clerk shall then make copies before releasing the document to the applicant.
- d.) It shall be the responsibility of the applicant to take the signed driveway permit to the County Zoning office.
- e.) A refundable fee of \$450.00 and a non-refundable administrative fee of \$50.00 shall be paid upon application for the driveway permit. The \$450.00 fee shall be refunded after an inspection by the Town Board or their designee determines that no damage was done to the

existing public roadway during the installation of the driveway or during any building construction on the site.

6.) SPECIFICATIONS

- a.) The driveway surface shall be no less than twenty-four (24) feet in width at the edge of the existing roadway.
- b.) Each driveway shall have a culvert at the ditch line unless otherwise specified by the Town Board. The property owner shall purchase all required culverts, the diameter of which shall be a minimum of eighteen (18) inches and a length of which shall be a minimum of twenty-eight (28) feet unless otherwise specified by the Town Board. Installation of the culvert shall be by the owner within a reasonable time after the issuance of the permit.
- c.) Any requirements for additional culverts shall be determined by the Town Board. If additional culverts are required, the minimum diameter shall be eighteen (18) inches.
- d.) At the intersection of the driveway's edge and the edge of the existing roadway, there shall be a minimum sight distance of 350 feet in each direction for oncoming traffic. Banks shall be sloped to provide unrestricted sight distance.
- e.) The angle of the driveway's approach at the edge of the right-of-way shall be between 70 and 110 degrees.
- f.) The driveway's side banks shall be graded to a slope of no more than one (1) foot of vertical rise in each three (3) feet of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in an engineer's plan approved by the Town Board.
- g.) Within the area of the public right-of-way, the driveway shall slope away from the existing roadway at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road.
- h.) The road bed base of any driveway shall consist of eight (8) inches of breaker rock, four (4) inches of gravel and covered with suitable material to support the projected traffic.
- i.) At the dead end of all new driveways in proposed subdivisions, a cul de sac measuring no less than 90 feet in diameter (45-foot radius) shall be constructed. For new driveways that will serve only one residence, a turn around shall be constructed that has been approved by the Town Board. Any exceptions to these specifications must be approved by the Town Board.
- j.) The driveway shall be constructed with a minimum unobstructed clearance width of twenty-four (24) feet, a minimum driving surface width of eighteen (18) feet, and a minimum shoulder of three (3) feet on each side having a slope of one (1) foot of vertical rise for six (6) feet of horizontal distance. If the final surface area for a single-residence driveway is blacktopped, a minimum of twelve (12) feet of the eighteen (18)-foot wide driving surface shall be covered with blacktop. The remaining six (6) feet of driving surface may be graveled. The width of the minimum unobstructed clearance width shall remain the same. If the final surface is gravel, the entire eighteen (18)-foot driving surface shall be graveled.
- k.) The driveway shall be constructed with a minimum unobstructed (i.e. free of trees, wires, etc.) clearance height of eighteen (18) feet along its entire length.
- l.) Curves in the driveway shall have an inside radius of not less than thirty-six (36) feet.
- m.) The maximum grade of the entire driveway or any given segment of the driveway shall not exceed ten percent (10%).
- n.) If the finished driveway is cemented, the cement surface shall end 3 feet before the road or other traveled way giving access from a public highway or subdivision driveway to allow for future road improvements.
- o.) All costs of the construction of said driveway, including the cost of the culverts and engineer's plan, if required, shall be paid by the property owner requesting the driveway permit.
- p.) Before any private driveway may be taken over as a Township road, the private driveway shall be blacktopped and meet all Town Board specifications for a 4-rod road. (See attached Minimum Design Standards for Town Roads.)

7.) REQUIREMENTS FOR AN ENGINEER'S PLAN

- a.) The Town Board may require the applicant to obtain a plan prepared by a professional engineer licensed by the State of Wisconsin prior to the construction or modification of any proposed driveway. An engineer's plan is required:
 - (1) For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of twenty-five percent (25%), unless waived by the Town Board;
 - (2) For a driveway or segment of a driveway whose construction requires a retaining wall or other special erosion control measure as determined by the Town Board or its authorized representative; or
 - (3) When the Town Board of Supervisors requests a plan for reasonable cause.
- b.) The engineer's plan shall include the following:

- (1) The precise location of the driveway or segment(s) of the driveway which requires an engineer's plan;
 - (2) Grade of the driveway showing no segment exceeding ten percent (10%);
 - (3) Location and structure of any retaining walls;
 - (4) Cross section of the driveway; and
 - (5) Mulching, matting or other erosion control measures.
- c.) When an engineer's plan is required, no construction of a driveway may commence until the engineer's plan is approved by the Town Board, a driveway permit is issued, and when applicable, any necessary approvals are obtained from Green County Zoning or the State of Wisconsin pursuant to Wisconsin Statutes Section 86.07.
- d.) The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

8.) APPROVAL

- a.) The Sylvester Town Board shall approve, approve conditionally, or reject a private driveway based upon the determination as to its conformance with the provision of this ordinance and other applicable Town ordinances. As a condition of approval, the Town Board may require the landowner to include deed restriction language on any instrument of conveyance.
- b.) No construction shall commence on property having a driveway that does not comply with the provisions of this ordinance.

9.) PERMIT LAPSE

Permits issued under this ordinance are valid for one (1) year. If driveway construction does not commence within one year of issuance, the rights granted thereunder shall lapse.

10.) DEFINITIONS

- a.) Town Board – the Sylvester Town Board
- b.) Driveway – a private entrance, road or other traveled way giving access from a public highway or subdivision driveway to one or more buildings located or to be constructed on adjacent lands. The minimum length of the driveway shall be the distance from the road or other traveled way giving access from a public highway or subdivision driveway to one or more buildings located or to be constructed on said land.
- c.) Field Road – a road or other traveled way giving access from a public highway to farmland or other adjacent vacant land.

11.) PENALTIES

Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction, be subject to penalties and forfeitures as provided by the Wisconsin Statutes.

Any person, firm or corporation who fails to comply with the provisions of this ordinance shall be subject to the corrective action outlined by the Town Board which may include but is not limited to removal of the driveway. All costs incurred in this process will be the responsibility of the property owner and may be assessed to the property owner's real estate tax bill if not paid.

12.) VARIANCES

Variations of the above requirements will need the approval of the Town Board. Nothing in this ordinance removes the applicant's responsibility to be in compliance with any other applicable State, County, or Town ordinances prior to the issuance of the driveway permit.

13.) ABATEMENT

The Town of Sylvester shall be entitled to abate the violation of this ordinance by any appropriate legal means including obtaining an injunction, declaratory relief or enlisting the aid of enforcement mechanisms available to their governmental agencies. Any driveway installed contrary to this ordinance or the provisions of a specific permit issued for its installation shall be removed by the property owner. If the offending driveway is not removed, the Town of Sylvester may remove it. Any and all costs incurred by the Town in effectuation and abatement shall be paid by the owner of the offending real estate or, if not paid, become a special assessment against the offending real estate.

14.) SEVERABILITY

The provisions of the ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the applicable thereof

to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

15.) EFFECTIVE DATE

This ordinance and subsequent amendments shall be effective one day after their publication or posting as required by law.

This ordinance was adopted by the Town Board of Supervisors of the Town of Sylvester at a regular meeting on the 17th day of December 2001 by a vote of three (3) aye and no (0) nay.

Chairman: aye; 1st Supervisor aye; 2nd Supervisor aye.

An amendment to section 6(j) decreasing the minimum shoulder width from 4' to 3' and an amendment to section 5(e) which includes the non-refundable administrative fee of \$50.00 were adopted by the Town Board of Supervisors of the Town of Sylvester at a regular meeting on the 17th day of February 2003 by a vote of three (3) aye and none (0) nay.

Chairman: aye; 1st Supervisor aye; 2nd Supervisor aye.

An amendment to section 6(b) increasing the minimum culvert length from twenty-four (24) feet to twenty-eight (28) feet; an amendment to section 6(n) requiring that the cement surface of cemented driveways shall end 3 feet before the road or other traveled way giving access from a public highway or subdivision driveway to allow for future road improvements; and an amendment to section 10(b) which further defines the length of a driveway were adopted by the Town Board of Supervisors of the Town of Sylvester at a regular meeting on the 19th day of July 2004 by a vote of _____ () aye and _____ () nay.

Chairman: _____; 1st Supervisor _____; 2nd Supervisor _____

Anna Anderson – Chairman

Terry Reed - First Supervisor

Ron Albright - Second Supervisor

This amended ordinance was filed in the office of the Town Clerk and properly posted as required by law on the 26th day of July 2004.

Alice Ladwig - Town Clerk

**Minimum Design Standards for Town Roads
(New Construction Only)
Effective for 2004
reviewed and subject to change annually**

Design Class	T2
Roadway Width	24'
Surfacing Width of Roadway	18'
Minimum Shoulder Width	3'
Highway Load	H15; *(HS20); (MS18)
Clear Roadway Width for Structures	24'
Blacktop Mat Depth	3'

* These design values shall be used for projects involving Federal Aid.