

GENERAL ORDINANCE NO. 07-1

OCTOBER 1, 2007

Driveways

The Town Board of Supervisors of the Town of Avon does ordain as follows:

1. Intent. It is the intent of this ordinance to control the location and construction of all private driveways in the interest of protecting the health, safety and welfare of the motoring public, as well as pedestrians. It is recognized that the importance of this control is increased as the activity in the driveways increases, and with the importance of the affected streets as major traffic carriers.

2. Permit Required. No person shall construct, reconstruct, or enlarge any private driveway within any public street under the control and the jurisdiction of the Town of Avon without first obtaining a permit therefore as provided by this ordinance.

3. Applications. Application for such permit shall be made to the Building Inspector on a form provided, and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered, or enlarged, lying within the public street, the dimensions thereof and a statement of the materials proposed to be used. Upon receipt of the application, the Building Inspector shall examine and approve such application if the proposed driveway complies with the terms and conditions of this and any other applicable Town ordinance, and does not interfere with any existing utility or other street appurtenances. Such application and the license issued pursuant thereto, shall contain a statement:

(a) That the applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to the applicant's property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the street, or for any other purpose.

(b) That, notwithstanding the construction of such driveway, the Town reserves the right to make any changes, additions, repairs or relocations with the street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner

of such private driveway for the damage or destruction of such private driveway.

(c) That the permittee, and the permittee's successors or assigns, agree to indemnify and hold harmless the Town, its officials, officers, agents or employees, against any claim or cause of action for personal injury or property damage sustained by reason of the exercise of such permit.

(d) That the Town does not assume any responsibility for the removal or clearance of snow, ice, or sleet, or the opening of any windrows of such material upon such portion of such driveway within in the street.

(e) That the Town reserves the right to control or restrict the flow of traffic into and out of the driveway, including the construction of physical barriers within the traveled portion of the street to implement such controls.

(f) The application shall be accompanied by a fee of \$

(g) The occupant permit shall not be issued until the approved driveway has been installed.

(h) The fire number shall be prominently posted at the driveway entrance.

(i) 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.

4. Location, Design, and Construction Requirements. The location, design and construction of such driveways shall be in accordance with the following:

(a) Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the

property served. Such driveway shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right of way required for effective traffic control or for street 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.

(b) The number of driveways to serve an individual property fronting on a street shall be the minimum deemed necessary by the Building Inspector for reasonable and adequate service to the property, considering the safety, convenience, dimensions and utility of the street.

(c) All driveways shall be set away from any street intersection by a minimum distance of fifty (50) feet as measured along the street right of way. The Building Inspector may require such additional separation from a street intersection as may be deemed necessary for the conditions of traffic or the physical features of the street, either existing or proposed. Such minimum distance may be increased by fifty (50) feet, when the driveway serves commercially zoned property, or when the driveway connects with a street designated as either an existing or proposed arterial or collector street as defined in the comprehensive community plan of the Town.

(d) The surface of the driveway connecting with rural type street cross sections shall slope gradually downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.

(e) Driveways shall not obstruct or impair drainage in street ditches or roadside areas. Each driveway shall have a culvert twenty-four (24) feet long and not less than eighteen (18) inches in diameter. The distance between the culverts under successive driveways shall not be less than ten (10) feet.



- (f) All driveways shall be twenty-four (24) feet wide with a hard surface of at least fourteen (14) feet and a minimum clearance of two (2) feet on each side. Hard surface requires a sub layer of stone with road rock, or other material such as blacktop or concrete. Each driveway shall have a clearance height of at least sixteen (16) feet along the entire driveway. The driveway must have at least six (6) inches of three (3) inch rock on the roadbed, and covered with two (2) inches of  $\frac{3}{4}$  inch gravel unless the Town Board of Supervisors considers otherwise.
- (g) 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. The minimum grade of the entire driveway or any given segment of the driveway shall not exceed twelve percent (12%).
- (h) Curves in the driveway shall have an inside radius of not less than thirty-six (36) feet.
- (i) No private driveway shall be constructed that leads to a public highway unless the parcel containing the private driveway has frontage on the public highway of at least two hundred fifty (250) feet.
- (j) Driveways of over one thousand (1,000) feet or more shall have a section of drive twenty-four (24) feet wide by seventy (70) feet long for every thousand (1,000) feet.
- (k) Any bridges which are part of a driveway should be constructed to support a minimum gross vehicle weight of sixty thousand (60,000) pounds.
- (l) Any of the above requirements of this section may be varied in such instances where the peculiar nature of the property or design of the street may make the rigid adherence to the above requirements impossible or impractical.

5. Special Requirements for Commercial Driveways. The following requirements shall be followed for driveways serving commercial or industrial property:

(a) No portion of a private driveway located within the dedicated portion of a public street shall, except as herein provided, have an effective width greater than thirty (30) feet measured at right angles to the centerline of said driveway, except as increased by permissible radii or flare. In instances where the 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 Building Inspector may permit a driveway of additional width.

(b) No return radius or flare projected between the edge of the street pavement and the driveway shall be greater than five (5) feet.

(c) The angle between the centerline of a private driveway and the edge of the street right of way shall not be less than forty-five degrees (45°).

(d) Driveways serving the same premises shall be separated by a minimum distance of thirty (3) feet as measured along the right of way.

6. Special Requirements for Noncommercial Driveways. The following requirements shall be followed for driveways serving noncommercial property:

(a) No noncommercial driveway or combination of driveways within a dedicated portion of a public street shall have an effective width greater than twenty-four (24) feet except as increased by permissible radii or flare.

(b) No return radius or flare projected between the edge of the street pavement and the driveway shall be greater than five (5) feet.

(c) The centerline of that part of the driveway lying with the street right of way shall, wherever possible, be approximately at right angles to the pavement.

7. Appeals.

(a) Any person feeling aggrieved by the refusal of the building inspector to issue a permit for a private driveway may appeal such refusal to the Board of Adjustment within twenty (20) days after the date of refusal. The Board of Adjustment, after due notice and public hearing, may grant the request of the applicant in whole or in part and modify the decision of the Building Inspector after finding that such modification:

1. is in conformity with the driveway regulations of this ordinance;
2. will not adversely affect adjoining property;
3. will not increase hazards to traffic safety; and,
4. will not create or be likely to create a nuisance.

(b) The Board of Adjustment, granting the modification, may impose such conditions of landscaping, fencing, drainage and paving as are reasonable or necessary to protect adjoining properties and promote traffic safety.

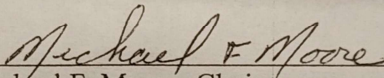
8. Penalties. Any person violating this ordinance shall be fined not less than \$50.00 nor more than \$500.00 for each offense.

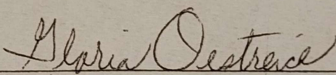


Imprisonment in the County Jail can be ordered only for failure to pay the fine that may be imposed. If imprisonment is ordered for failure to pay the fine, it shall be limited to one day of confinement for each \$5.00 of fine or fraction thereof.

9. Effective Date. In accordance with § 60.80(3) Wis. Stats., this Ordinance shall take effect the day after publication.

IN WITNESS WHEREOF, the undersigned Chairperson and Clerk of the Town Board have set their hands and seals this 1 day of October, 2007.

  
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Michael F. Moore, Chairperson

  
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Gloria Oestreich, Clerk

Adopted by the Town Board: October 1, 2007  
Published by Posting: October 2, 2007  
Publication: October 17, 2007  
Effective date of Ordinance: October 18, 2007