

Town of Taft  
Taylor County, WI  
**DRIVEWAY ACCESS ORDINANCE**  
**2008-10**

**DRIVEWAY ACCESS ORDINANCE Amended August 12, 2013**

**1.01 PURPOSE**

The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification or reworking of a driveway entrance to assure that the site, method of construction, conservation practices, and proper drainage of Township right-of-way, this will promote the public health, safety and general welfare of the Town of Taft.

**1.02 ABROGATION AND GREATER RESTRICTIONS**

It is not the intent of the Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restriction, and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern.

**1.03 AMENDMENTS**

The Town Board may amend, supplement, or repeal any of these regulations after public notice and hearing.

**1.04 SEVERABILITY**

The provisions of this Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid. If any section or portion of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**1.05 JURISDICTION**

Jurisdiction of these regulations shall include all driveways that provide access to any Town road within the Town of Taft. Driveways that access County roads are subject to regulations of Taylor County and driveways that access state highways are subject to regulation by the Wisconsin Department of Transportation, except as provided in section 1.10 of this Ordinance.

**1.06 AUTHORITY**

These regulations are adopted under the general police powers authority granted to Sec. 60.10(2)(c), and 60.22(3), and 61.34(1) of the Wisconsin Statutes, the controlled access highway power granted pursuant to Sec. 83.027(10), and 84.25(10), 86.02, 86.04, and 86.07(2) of the Wisconsin Statutes, and Sec. 236.45(2) of the Wisconsin Statutes.

**1.07 DEFINITIONS**

(1) Agricultural Land. Any land within the Town of Taft that is currently being farmed, including cropland and pastureland, or land that is included in government set-aside program.

(2) Driveway. A private driveway, road, or other avenue of travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide service to a residence, business, recreational site, agricultural land or other similarly appropriate uses.

(3) Town. The Town of Taft

(4) Alter Reconstruction. To change slope, location, access point, replace culvert, width. These are activities that are not surface maintenance.

(5) Surface Maintenance. Improve driveway entrance surface in a manner that is not alteration or reconstruction. Examples of surface maintenance are paving, seal coating, grading, graveling.

(6) Field Road. A road used only for agricultural purposes.

(7) Forest Road. A temporary road used to haul out forest products.

(8) Town Official. Town Supervisors, Town Chairman.

#### **1.08 APPLICATION REQUIREMENTS AND PROCEDURES**

(1) Who Must Apply. No person or entity shall establish, construct, reroute, install a new or replace an existing culvert, or alter existing slope of any driveway existence without first obtaining Driveway Access Construction Permit from the Town Board. The person(s) or entity seeking a permit must own or have a legal interest in and current access to the land in which permit will apply.

(2) Town Driveway Access Permit required for:

(A) Construction of all new driveways in the Town of Taft including field roads, recreational roads, and forest roads.

(B) Modification or reconstruction of existing driveway access and/or culvert replacement.

(C) Construction of a new residential building served by existing nonconforming driveway access that has not been permitted by this ordinance previously.

(D) Construction of a temporary driveway access to be used for the removal of forest products without the need of a culvert for drainage.

1. Forestry driveway access shall be abandoned to the same conditions as prior to being constructed to the road right-of-way.

(E) Existing driveway access surface maintenance does not require a permit.

(F) In the event of a denial of the proposal driveway access permit, the Town Board shall recite in writing the particular facts upon which it bases its denial of permit. The Town Board shall also afford the applicant an opportunity to review the Town Board's decision and present evidence refuting the determination if so deserved. Thereafter, the Town Board may affirm or modify its decision. The Town board shall recreate in writing finding any decision to modify or override its initial determination.

(G) The applicant shall notify Town Chairman within 30 days of completion of the construction or modification. Within 30 days of notification the Town will conduct an inspection of driveway access to ensure full compliance with all of the provisions of this Ordinance.

(H) An application fee of \$25 will be charged and submitted with driveway access application. The fee is used for the purpose to cover the costs of inspections. An application fee of \$25 will also be charged for application of temporary forest road permit. A refundable fee of \$200 will be required for a temporary forest road. This fee can be in the form of a cashier's check, company check or cash. If the temporary forest road is returned to the original condition within 30 days as to before construction, this fee will be refunded.

(3) Application Forms. The Town Board shall approve a form for applications for Driveway Access Construction Permits. These are available from Town Clerk or Chairperson.

(4) Application Procedure. The person or entity shall submit a completed Driveway Access Construction Permit with appropriate fee and following attachments, as required, to Town Board. The application must be submitted and signed by the property owner or its agent.

(1) Location of proposed Driveway Access

(2) Road Name

(3) Culvert Location

(4) Location of existing driveways within 250 feet of proposed driveway.

(5) Permit Issuance

(A) The application shall be reviewed by a town official for conformance with this Ordinance. The town official shall within (30) days from date of submission of the application and site plan, approve or deny the issuance of driveway access permit after an inspection of the site has taken place.

(B) The Driveway Access Construction Permit is effective for 12 months from the date of issuance. The permit shall expire after 12 months unless renewed. A permit may be renewed for an additional period of 6 months. All approved construction shall be completed before the permit expires. If driveway access has not been constructed by the end of this period, a new application must be submitted and approved.

## **1.09 VARIANCES**

If in the judgment of the town board, it would cause undue hardship to apply the provisions of this Ordinance, the town board may waive or modify any requirement as long as modification does not violate the intent of this Ordinance. Application for variance should be made in writing to the town chairman.

## **1.10 EXISTING DRIVEWAYS**

(1) Hazardous Conditions. When working, blockage of water flow, or other conditions created by an existing driveway access that does not meet the specifications in this Ordinance obstruct or become a potential hazard to a public highway, or unreasonably hinder access to the property by emergency services personnel, the Town Board shall notify the property owner of the condition(s). Any property owner failing to correct such conditions(s) within 30 days after notice by the Town Board shall be subject to the penalties described in the penalties section of this Ordinance.

(2) Field Roads. No field road may be used as driveway access to a residential or commercial property unless said access has been approved as a driveway access according to the provisions of this Ordinance.

## **1.11 SPECIFICATIONS FOR CONSTRUCTION OF DRIVEWAY ACCESS**

(1) If culverts are required, they shall:

A) Be a minimum of 15 inches in diameter and a length to be able to have an 18' flat service. If needed, due to flow of water, Town Official will determine diameter of culvert.

- B) Put in ditch line at elevation set by Town Official
- C) Constructed of material acceptable to Town Official.
- D) Driveway access surface shall be 18' within road right-of-way.
- E) Driveway access shoulders should have 3-1 slope.
- F) Driveway access within road right-of-way should have a minimum 1% slope away from public road.
- G) Driveway access should intersect public road at a 90 degree angle.
- H) Side banks of driveway access shall be constructed using earthen material. No stone, cement, or wood products may be used. The side banks shall be graded to a slope of no more than 1 foot vertical in each 3 feet of horizontal distance.
- I) Maintain a 200 foot unobstructed vision in either direction where driveway access meets public road.
- J) All costs of construction of said driveway access, including costs of culverts, permit, and all materials shall be paid by the owner requesting driveway access permit.
- K) There shall be no more than one driveway access to serve individual residential or commercial property fronting on a public road, except where deemed necessary and feasible in the solo discretion of the Town Board for reasonable and adequate service to property.
- L) No driveways within 250' of each other.

#### 1.12 PENALTIES

- 1) Forfeitures: Should a driveway access be constructed or modified in violation of the provisions of this Ordinance or create a hazard that is not corrected within 30 days of notification of the Town Board, by the owner(s) of the land through which driveway access passes, the Town Board may correct requirements. The Town's direct and indirect costs of correcting violations will be placed on the tax roll of said owner if landowner(s) fail to pay repair or correction costs as provided in Wisconsin Statutes 66.0627 and 86.02.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2013 by Town Board of Supervisors of the Town of Taft, Taylor County, WI

\_\_\_\_\_  
Town Chairperson

\_\_\_\_\_  
Town Supervisor

\_\_\_\_\_  
Town Supervisor

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 2013

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Clerk of Town of Taft