

**TOWN OF RICHMOND
ORDINANCE NO. 2017-4
DRIVEWAY ORDINANCE**

Section I. Purpose. The Town of Richmond, Shawano County, adopts the following ordinance to establish standards for driveways that will provide for better and safer provisions for adequate access from private development and adjoining properties to a public right of way.

Section II. Statutory Authority. This ordinance is enacted under the authority of Sec. 60.22 (1) & (3), and 61.34 of Wisconsin Statutes.

Section III. Definitions. Driveway (also called Access Road): Any area where travel occurs from a public road over land (whether be easement or ownership) not considered to be a part of the public road for the purpose of gaining access to land or improvements.

Section IV. Minimum Requirements.

(A) A driveway permit is required for any new driveway or when an existing driveway is altered, that abuts a town highway. Driveways which exit onto County or State roads need County or State approval and do not require a town permit. However, the driveways proposed for County or State roads, or existing onto County or State roads, and any existing driveways on Town roads must still comply with the requirements of this ordinance; in particular the specifications for the safety of emergency vehicles that may enter upon such driveways. The procedure for application and approval of a driveway permit is detailed in Section V of this Ordinance.

(B) The following specifications shall apply to all driveways:

1. Minimum road surface width..... 14 feet
2. Minimum width clearance..... 20 feet
3. Minimum height clearance free of trees, wires, etc. 20 feet
4. Maximum grade 10 percent
5. Concrete driveways must begin 10 feet or more from the edge of the road. Concrete driveways beginning less than 10 feet from the edge of the road will be dug out and corrected at the owner's expense.
6. Driveways in excess of 300 feet in length:
 - a. at least one 25 foot length and 18 foot width segment of roadway surface shall be provided for each 300 feet of driveway length to provide for safe passage of meeting vehicles.
 - b. which terminate in a dead-end, shall provide a turn-around with either a minimum 38 foot radius or some other method to allow the turnaround of tandem axle trucks.
7. The driveway within the area of the public right of way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion on to the public road.
8. An adequate road base of suitable material to support the projected traffic and any requirements for culverts shall be determined by the Town Board in considering an application for driveway approval.

9. If culverts are required, the minimum size shall be 18 inches x 30 feet and must include approved apron end walls, which become part of the culvert and allow flatter driveway slopes, eliminating headwalls. Apron end walls must be backfilled with dirt, which may be seeded or sodded. Longer culverts may be required for entry to farm fields or farm sites to protect the public road from damage from larger farm vehicles. Illegal culverts will be removed at the landowner's expense.

10. The centerline of that part of the driveway lying adjacent to the public road right of way shall always be approximately right angles to the public roadway pavement.

11. One driveway per parcel shall be allowed. Any additional driveways shall require approval by the Town Board.

12. Driveways shall be no closer than 10 feet from lot line to traveled portion of the driveway unless the driveway is shared with the adjoining land.

13. Driveways must be placed at least 100 feet from any intersection of any public road.

Section V. Procedure and Fees.

(A) Application for a driveway permit to intersect a town road should be made to the Town Chairperson or his/her designee. The application will include a legal description of the property, a rough drawing of the proposed driveway site, and payment of the required fee of \$25.00.

(B) The Town Chairperson or his/her designee will make an appointment to meet with the applicant at the site to discuss the specifics of the proposed access road. Any special requirements will be entered on the permit and written permission will be given to begin construction. All expenses of construction and materials will be the responsibility of the applicant. Under no circumstances will the Town of Richmond perform the actual work of constructing the private access road or setting the culvert, but the Town Chairperson may require that a town employee be present to oversee the construction. When the private driveway is completed, the applicant will notify the Town Chairperson or his/her designee who then make a final inspection of the driveway. If the driveway is properly constructed, the Town Chairperson or his/her designee will approve the driveway in writing on the permit.

Section VI. Penalties and Enforcement.

(A) Any driveway constructed on land in the Town of Richmond in violation of any provision of this Ordinance shall be deemed to be an unlawful driveway. The Town of Richmond may institute appropriate action or proceedings to enjoin a violation of this ordinance, or to require any person, corporation or organization to comply with the ordinance.

(B) Any applicant causing damage to the Town right of way including the town road, shall be responsible for payment of such costs to repair the Town right of way including the town road.

(C) No building permit shall be issued for construction of any building on any private property until a driveway permit has been issued under this Ordinance, unless there was a preexisting driveway at the time of passage of this ordinance.

Section VII. Variance. Where, because of practical necessity or impossibility, it appears the owner of an existing driveway cannot improve his/her driveway to meet the conditions of this Ordinance, the Town Board may in its discretion grant a variance to allow the alterations and/or improvements with such modifications or improvements to the existing driveway or culvert as the Town Board may direct.

Section VIII. Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town would have passed the 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 application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

Section IX. Effective Date. This ordinance shall be effective upon passage and publication as required by law.

Adopted this 13th day of November, 2017.

By the Town Board of the Town of Richmond, Shawano County.