

Driveway and Culvert Ordinance

Town of Weyauwega

Ordinance 3-2015

An ordinance to establish standards and procedures for the Approval of Driveways and Culverts in the Town of Weyauwega.

Section 1.0 Introduction

1. Authority. This ordinance is adopted pursuant to authority conferred by Section 60.22 and 86.07, of the Wisconsin State Statues.
2. Purpose. The purpose of this ordinance is to promote the public health safety, and general welfare of the Town of Weyauwega by ensuring safe access and adequate means to convey surface water runoff within public right-of-ways in the Town of Weyauwega.

Section 2.0 General Provisions

1. Applicability. This ordinance applies to all driveway accesses and culverts located within public right-of-ways in the Town of Weyauwega. No driveway access and/or culvert in a public right-of-way may hereinafter be installed, relocated or replaced without a driveway access/culvert permit as provided herein.
2. Other Requirements. The standards procedures and approvals required by this Ordinance are minimum standards of the Town of Weyauwega. Any driveway access or culvert on a county, state or federal highway may be subject to additional standards, procedures and approvals of other government units. Where more than one governmental unit has authority to approve, a driveway access and culvert shall comply with the most restrictive requirements. A permit under this Ordinance only constitutes approval under this Ordinance. The applicant is solely responsible for obtaining any other required approvals.

Section 3.0 Design and Approval Requirements

1. Driveway Access. Unless otherwise determined by the Town of Weyauwega there shall not be more than one driveway access per parcel of record. The driveway may not obstruct or impair drainage in highway ditches or roadside areas. Driveways shall have adequate sight distance in both directions. The guidelines for determining adequate sight distance shall be ten feet (10') for each mile per hour posted speed limit.
2. Driveway Width and Angle.

(a) Commercial driveways shall not ordinarily have a width of greater than forty feet (40') measured at right angles to the centerline of the driveway except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the property would require a greater width than specified herein, the Weyauwega Town Board, its discretion, may permit a driveway of additional width. The angle between the center-line of the driveway and curb line or road edge should be at right angles or approximately right angles but in no case less than seventy degrees (70 degrees).

(b) Residential driveways shall not ordinarily have a width less than sixteen feet (16 ') or a

width greater than twenty-four feet (24') measured at right angles to the centerline of the driveway. The angle between the centerline of the driveway and curb line or road edge shall be a right angle or approximately right angle or parallel to the property line but in no case less than sixty degrees (60 degrees) unless the Weyauwega Town Board, in its discretion, approves a lesser angle because of topography or other unique circumstances.

(c) For the purpose of ensuring adequate and effective access to all dwellings for emergency vehicles, any driveway which is over one hundred feet (100') in length which is used or intended to be used as access to a dwelling shall have a right-of-way cleared of trees, brush, stumps and rocks of not less than sixteen feet (16') in width and a graveled surface width of not less than twelve feet (12'). In addition, all driveways shall have a height clearance of not less than fourteen feet (14').

3. Culvert Design. All culverts shall be large enough to pass normal surface water flows without creating any backwater. Culverts shall ordinarily be installed below the bed of the ditch channel. Culvert sizes, inlet type and slopes shall be determined by the Town of Weyauwega Board. Culverts shall comply with the following minimum standards:

(a) Culverts, if needed, shall be a minimum of fifteen inches (15") in diameter (or equivalent elliptical or arch), have at least eight (8") inches of suitable back-fill cover, and be constructed of corrugated metal or concrete unless otherwise authorized by the Weyauwega Town Board. Culverts shall have taper end walls if specified by the inspecting agent.

(b) Driveway height, at the point of the culvert, shall not exceed the level of the outside edge of the road shoulder. The surface of the driveway connecting with the public road shall slope downward and away from the public roadway.

(c) The slopes of the driveway shall equal or be flatter than the side slope of the public highway but shall not be steeper than four to one unless otherwise designated on an individual basis.

4. Prohibited Practices.

(a) Filling ditches and/or culverts within a public right-of-way without approval from the Weyauwega Town Board

(b) Discharging or directing drainage from a driveway onto any public road.

(c) Construction a private driveway within a public road right of way which causes an obstruction to the maintenance and clearing of the public roadway.

Section 4.0 Administration

1. Driveway Access/Culvert Permit Procedures.

(a) Obtain a copy of the Driveway and Culvert Ordinance and application form from the Township Of Weyauwega.

(b) Review the Ordinance and application form.

(c) Mark on the edge of the payment where the proposed driveway will be located,

(d) Call a Township representative to do a preliminary inspection

(e) After getting the preliminary inspection passed, file the application along with payment to the Town Clerk.

(f) The application will go before the Town Board at its monthly meeting for final consideration, and be either be approved, modified or denied.

(g) If approved, if need be a fire sign must be applied for and obtained before construction can start pending having the locations marked by Diggers Hotline.

2. Driveway Access/Culvert Permit. Application for a driveway access/ culvert permit for installation, Relocation or replacement of a driveway access/culvert within the Town of Weyauwega shall be made in writing. This permit is valid for six (6) months upon approval by the Weyauwega Town Board. A site plan to scale showing the proposed location, placement and design of the access

and shall accompany the written application. There shall be a permit fee paid by the applicant at the time the written application is submitted to the Town of Weyauwega. The Town or designated agent shall then review the application and designate the appropriate location, placement and design of the access and diameter, length and design of the culvert if necessary.

3. Installation and Inspection. Driveway access and culverts are subject to inspection by the Town of Weyauwega. The Town of Weyauwega shall notify the owner in writing if an improperly located or designed driveway access or culvert. If the owner fails to correct the deficiency within 90 days of written notice, the Town of Weyauwega may take such corrective action as it deems necessary and charge the cost to the owner.
4. Appeals. Any person aggrieved by any decision of a Town of Weyauwega official or agent in the administration and enforcement of this Ordinance may appeal such decision to Town of Weyauwega Board of Supervisors.
5. Variances. The Town of Weyauwega Board of Supervisors shall have the power to authorize upon appeal a variance from the terms of this Ordinance with a literal enforcement of the provisions of the ordinance will result in practical difficulty and unnecessary hardship.
6. Violation and Penalties. It shall be unlawful to install, relocate or replace a driveway access or culvert in violation of this ordinance. Any person, firm or corporation that fails to comply with the provisions of this Ordinance shall upon conviction thereof, forfeit not less than \$100.00 and not more than \$1000.00 and the cost of prosecution for each violation.
7. Fees. Cost of a driveway application shall be \$50.00.

Section 6.0 Severability

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or Unconstitutionality shall not affect the provisions or application.

Section 7.0 Effective Date

Upon adoption by the Weyauwega Town Board, this Ordinance shall take effect the day after the date of publication or posting provided by Section 60.60, Wisconsin State Statutes.

Adopted and Approved this 21st day of April, 2015.

Attest to:

Delores Harris, Clerk

James Biddison, Chairman

William Mallo, Supervisor

Terry Wilz, Supervisor