

**Town of Prairie du Sac
Sauk County, WI**

Driveway Ordinance 07-4

1.01 PURPOSE

The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification, or the reworking of a driveway, or field road that connects to a Town road, and that changes the existing topography of the land to assure that the site, method of construction, and conservation practices to be used will promote the public health, safety, and general welfare of the community, preserve agricultural land and productivity, and enforce the goals and policies set forth in the Sauk Prairie Comprehensive Plan.

1.02 JURISDICTION

Jurisdiction of these regulations shall include all driveways, and field roads that connect to a Town road, on land within the Town of Prairie du Sac.

1.03 AUTHORITY

These regulations are adopted under the general police powers authority granted pursuant to sec. 60.10(2)(c), 60.22(3), and 61.34(1) of the Wisconsin Statutes.

1.04 DEFINITIONS

- (1) Driveway. A private road or other avenue of travel that runs through any part of a private parcel of land or that connects or will connect with any public highway, but shall not include any field road.
- (2) Field Road. A road used only for agricultural purposes.
- (3) Town Building Inspector. The individual hired by the Town Board to act in this capacity.
- (4) Town Board. The Town of Prairie du Sac Board of Supervisors.
- (5) Town Clerk. Clerk of the Town of Prairie du Sac.
- (6) Topography. The surface configuration of an area of land.
- (7) Agricultural Land. Land within the Town of Prairie du Sac that has produced or is capable of producing a viable crop.

1.05 SHARED DRIVEWAYS

For shared driveways a legal agreement acceptable to the Town Board shall be in place establishing access provisions and major responsibilities including maintenance, plowing, vegetation control, and cost sharing. This requirement applies to all driveway sharing agreements or arrangements established or changed after adoption of this ordinance.

1.06 ACCESS EASEMENTS

Easements established after adoption of this ordinance shall be 66 feet wide unless a lesser width is approved in writing by the Town Board. This lesser width shall not be less than 16 feet.

1.07 APPLICATION REQUIREMENTS AND PROCEDURES FOR OBTAINING A DRIVEWAY CONSTRUCTION PERMIT

- (1) Who Must Apply. No person or entity shall establish, construct, improve, modify, or rework a driveway that materially changes the existing topography of the land without first obtaining a Driveway Construction Permit from the Town Board. No person or entity shall construct, improve, modify, or rework a field road that connects to a Town road and that materially affects the Town road and adjacent topography without first obtaining a Field Road Construction Permit.
- (2) Application Forms. Forms for an application for a driveway or field road permit are available from the Town Clerk or Town Building Inspector.
- (3) Application for Driveway Permit. Submit a completed Driveway Construction Permit Application with the appropriate fee and the following required attachments, to the Town Clerk. The attachments (a) through (e) are described in the Town's Applications Guide, a copy of which is available from the Town Clerk.
 - (a) Plat map.
 - (b) Aerial photo/site analysis.
 - (c) Soil/slope analysis.
 - (d) Driveway Construction Plan
 - (e) Other Documents. The Town may require other documents to be attached to the Driveway Construction Permit Application. Such documents, if any, would be described in the Applications Guide.
- (4) Application for Field Road Permit. Submit to the Town Clerk a completed Field Road Construction Permit Application with the appropriate fee and a sketch showing the location and topography of the intersection of the field road with the highway.
- (5) Application Review. Upon receipt of the Driveway Construction Permit Application, with exhibits, and the application fee, the Town Clerk will schedule a meeting with the Town's Planning Commission.
- (6) Permit Application Denial. If an application for a Driveway Construction Permit or Field Road Construction Permit Application is denied by the Town Board, no reapplication for a relatively similar Permit will be considered within 3 months of the denial.

- (7) Permit Period. The Driveway Construction Permit or Field Road Construction Permit is effective for 12 months from the date of issuance. The Permit shall expire after 12 months unless renewed.
- (8) Renewal. The Driveway Construction Permit or Field Road Construction Permit may be renewed for 1 additional period of 12 months. If the driveway or field road has not been constructed by the end of this period, a new application must be submitted and approved.
- (9) Driveway Inspection. The applicant shall notify the Town Clerk within 30 days of completion of the construction or modification. Within 30 days of notification, the Town will conduct an inspection of the driveway or field road to ensure full compliance with all of the provisions of this Ordinance.
- (10) Building Permits. No Building Permit for new residential construction will be issued until an adequate approach from the Town Road to the construction site is provided to prevent damage to the Town road.
- (11) Application Fee. An application fee of an amount determined by a resolution of the Town Board will be charged. This fee is specified in the "Application Fee Schedule" in the Applications Guide.

1.08 DRIVEWAY CONSTRUCTION PLAN

A Driveway Plan shall include a scale plan showing the following:

- (1) Location. The precise location of the driveway or the segment of driveway that requires a Driveway Plan.
- (2) Slope. The slope of the driveway.
- (3) Retaining walls. The location and structure of any retaining walls.
- (4) Culverts. The location and size of any culverts.
- (5) Cross-section. A cross-section of the driveway.
- (6) Erosion control. The required mulching, matting, or other erosion control.

1.09 SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS

- (1) Slope. The slope of the driveway shall be less than 12% whenever practical. Plans for driveways with slopes between 12% and 20% shall be closely reviewed. Driveway slopes shall not exceed 20%.

- (2) Width, Rise, and Clearance. The driveway shall be constructed with a minimum width of 10 feet. There shall be no obstructions within 3 feet of the edge of the driveway. The side slope shall be a maximum of 1 foot of vertical drop or rise for each 3 feet of horizontal distance for a minimum of 3 feet from each edge of the driveway.
- (3) Drainage. Ditches along the right of way, roadway crowning, and culverts shall be provided by the property owner for acceptable drainage. The driveway shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto the public road and/or the lands of other persons.
- (4) Juncture with Public Road.
 - a) A length of driveway of a minimum of 12 feet shall have a maximum of 5% slope at the point where the driveway enters onto a public road. A slight dip across the drive shall be placed at the entrance to a public road to prevent debris from washing onto the public road.
 - b) The width of a driveway at the juncture with a public road shall be sufficient to allow access by emergency vehicles.
 - c) A driveway entering a town road shall provide an adequately unobstructed view of the road.
- (5) Radius of Curves. Curves in the driveway shall have an inside radius of no less than 36 feet.
- (6) Erosion Control. Once the construction of the driveway has begun, all specified erosion controls including retaining walls, ditching, culverts, crowning, mulching, matting, and bank seeding shall be begun immediately. For winter construction, erosion alternatives must be implemented within 30 days until specified controls are available.
- (7) Substrate. An adequate substrate sufficient to support emergency vehicles is required.
- (8) Costs. All costs of construction of said driveway, including the cost of the culverts, if required, and Driveway Plan shall be paid by the property owner requesting the permit.
- (9) Clearance for Emergency Vehicles. All driveways shall allow reasonable access by emergency vehicles.
- (10) Waiver of Specifications. Any specification(s) in this section may be waived or modified by the Town Board if it deems the specification(s) would impose an unnecessary hardship. Any request by an applicant for a waiver or modification of any provision in this section must accompany the initial application and must state the reason for the request.

1.10 SPECIFICATIONS FOR THE CONSTRUCTION OF FIELD ROADS

Items (3), (6), (8) and (10) of section 1.09 shall apply to the construction of field roads. In addition, sufficient substrate and gravel shall be provided at the juncture with the road to prevent undue road edge wear and damage caused by heavy farm machinery.

1.11 APPROVAL.

- (a) Conditions. No construction of a driveway may commence until the Driveway Plan is approved by the Town Board, until a Driveway Construction Permit is issued by the Town and, when applicable, until any necessary approvals are obtained from Sauk County, the State of Wisconsin (See sec. 86.07 of the Wisconsin Statutes), or the Federal Government. The preparation of a Driveway Plan does not guarantee the Town's approval of the Driveway Construction Permit Application.
- (b) Inspection. After the driveway has been completed, the Town Building Inspector shall inspect the driveway to determine whether or not it was constructed according to the plan(s) and is consistent with the requirements of this Ordinance.
- (c) Disclaimer. The Town's approval of a driveway permit application does not constitute a determination that the driveway is safe, suitable, for use or otherwise passable for the public. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose.

1.12 EXISTING DRIVEWAYS AND FIELD ROADS

- (1) Hazardous Conditions. When washing or other conditions created by existing driveways or field roads that do not meet the specifications required in this Ordinance obstruct or become a potential hazard to a public road, the Town Board shall notify the property owner of the conditions. Any property owner failing to correct such condition 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 for a residential driveway unless the field road has been approved as a driveway under the purposes of this Ordinance.

1.13 PENALTIES

- (1) Forfeitures. Should a driveway 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, the owner(s) of the land through which the driveway passes shall, upon conviction, pay a forfeiture of \$500.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense. An unlawful driveway constitutes a public nuisance and may be enjoined.
- (2) Corrections. In addition, the landowner shall make the corrections ordered by the Town Board within 30 days or a period of time determined by the Town Board.

1.14 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 or not one or more provisions may be declared invalid. If any provision of this Ordinance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

1.15 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

(1) Town Board Approval. This Ordinance was adopted by the Town Board on this thirteenth day of November, two thousand and seven.

APPROVED BY:

s/ Ronald Lins
Ronald Lins, Chairman

s/ John Lichtenheld
John Lichtenheld, Supervisor

s/ Thomas Murphy
Thomas Murphy, Supervisor

s/ David Lundgren
David Lundgren, Supervisor

s/ Thomas L. Schneller
Thomas Schneller, Supervisor

ATTESTED BY:

s/ Richard Nolden
Richard Nolden, Clerk

(2) Public Notice

(a) Public Review. A notice was published in the Eagle-Capital Newspaper newspaper on Oct. 31 & Nov. 7, 2007 to inform residents that a final draft of this Driveway Ordinance was on file with the Town Clerk for a two-week period (Oct. 31 thru Nov. 13, 2007) during which it was available for inspection.

(b) Posting. This Notice of Adoption of Ordinances relating to this Ordinance was posted on Oct. 31, 2007 at the Prairie du Sac Town Hall.

(c) Publication. A Notice of Adoption of Ordinances relating to this Ordinance was published in the Eagle-Capital newspaper, the publication of record for the Town of Prairie du Sac on Dec. 5, 2007.