

**TOWN OF EMERALD DRIVEWAY ORDINANCE
ST. CROIX COUNTY, WISCONSIN
2015 – 1**

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1. STATEMENT OF PURPOSE

A. The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification, or the reworking of a driveway or field driveway 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; maintain safe travel on public roads; provide safe entrance onto public roadways by avoiding dangerous driveway locations; prevent damage to public roads, graded ditches, roadsides and other driveways by controlling drainage; and implement the goals, objectives and policies set forth in the Town of Emerald Comprehensive Plan.

2. EFFECTIVE DATE

A. This ordinance shall be effective on January 31, 2015.

3. AUTHORITY

- A. These regulations are adopted under the general police powers authority granted pursuant to sections 86.07(2), 60.10(2)(c), 60.22(3), and 61.34(1) of the Wisconsin Statutes.
- B. Any amendments, repeals or recreations of the statutes relating to this ordinance are incorporated into this ordinance by reference as of the effective date of the amendment, repeal or recreation.

4. JURISDICTION

- A. This ordinance applies to all driveways, including residential, open space, agricultural, commercial, industrial and field driveways, accessing town roads, which occur or are proposed to occur in the Town of Emerald, St. Croix County, Wisconsin.
- B. Specific standards set forth by this ordinance apply only to those segments of driveways located within a town road right-of-way.
- C. Driveways accessing on to county, state or federal highways must obtain approval of the proper regulating authority for those roads for a driveway permit and are exempt from obtaining a driveway permit from the Town of Emerald.

5. SEVERABILITY

- A. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

6. DEFINITIONS OF TERMS

A. Interpretation

- 1) For the purpose of administering and enforcing this Ordinance, the terms or words used herein shall be interpreted as follows:
 - a. Words used in the present tense include the future; in the singular include the plural and in the plural include the singular.
 - b. The word “shall” is mandatory, not permissive.
 - c. All distances, unless otherwise specified shall be measured horizontally.
 - d. All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.

B. Definitions

- 1) Driveway: A private driveway, 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.
- 2) Field Driveway: A type of driveway used solely to access land for agricultural use.

2. PERMIT REQUIREMENTS

- A. All new driveways proposed to be installed or modification of any existing driveway shall require a permit and inspection by a Town Board representative designated by the Town Board. No construction work shall commence on a driveway prior to obtaining a permit.
- B. The driveway permit shall be obtained before the building permit is issued for a new residence.
- C. Existing driveway surface maintenance or repair does not require a driveway permit.
- D. The Town Board shall appoint or contract with a Town Board representative for driveway design review, inspection and approval.

3. PERMIT APPLICATION AND PROCEDURES

- A. The Town Board or Town Board representative shall review all driveway permit applications and approve and issue all driveway permits. Driveways to a single property shall be approved by the Town Board representative. Joint driveways to two properties shall be approved by the Town Board.
- B. Driveway permit applications shall be available from the Town Clerk. The driveway permit application shall include the following information:
 - 1) Applicant name and contact information.
 - 2) Property owner name and contact information, if different than the applicant.
 - 3) Property information such as site address, legal description, town road,
 - 4) Project information such as type of driveway, driveway location, town road, and proposed construction plan and dates.
 - 5) A site plan or sketch, which shall include the following information:
 - a. North arrow.
 - b. Parcel or lot dimensions.
 - c. Existing and/or proposed buildings.
 - d. Proposed driveway location.
 - e. Locations of existing driveways on neighboring properties within 300 feet of the proposed driveway.
 - f. Road name(s) and locations to lot or parcel and driveway.
 - g. Driveway specifications including width, length and materials to be used.
 - h. Culvert size, length and location, if needed.
 - 6) Contact information for whoever will be constructing the driveway.
- C. The application shall be signed by the property owner.
- D. The applicant shall mark the proposed driveway location with flags and/or stakes. The proposed centerline of the driveway surface shall be marked.

- E. All applicants shall pay a non-refundable permit review and inspection fee of an amount set by the Town Board. The fee amount shall be sufficient to cover the cost of driveway design review and inspection by the Town Board's designated representative and the cost of processing the permit.
- F. The application and site plan or sketch shall be reviewed by the Town Board representative for conformance with this ordinance.
- G. Within 15 days from the date of submittal of a properly completed application, including site plan, and after an inspection of the site has taken place, the Town Board's representative shall approve or deny the issuance of a driveway permit for a single property.
- H. For joint driveways, within 15 days from the date of submittal of a properly completed application, including site plan, and after an inspection of the site has taken place, the Town Board's representative shall make a recommendation to approve or deny to the Town Board. The Town Board shall review and may take action to approve or deny the issuance of the joint driveway permit at the next regular Town Board meeting.
- I. The Town Board or Town Board's representative may require a final inspection to confirm the driveway construction is in conformance with the driveway permit and this ordinance.
- J. The driveway permit shall be valid for one year from the date of issue. All approved construction must be completed before the permit expires.

4. GENERAL STANDARDS

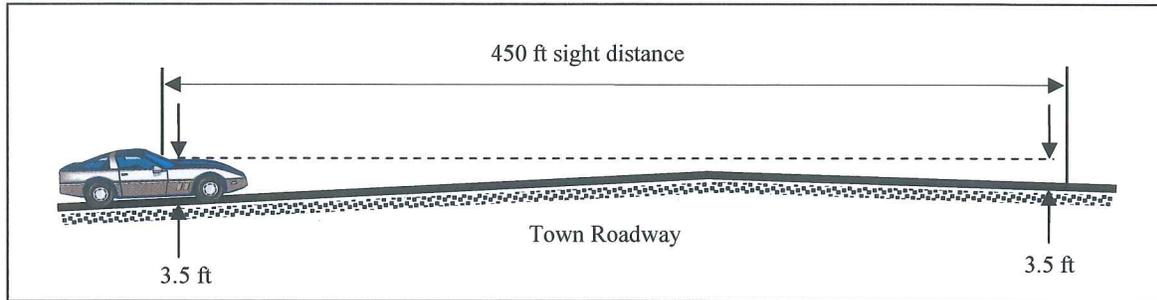
- A. The Town Board reserves the right to make such changes, additions, repairs and relocations within statutory limits to the driveway or its appurtenances on the right-of-way as may at any time be considered necessary to facilitate the relocation, reconstruction, widening and maintaining of the highway or to provide proper protection to life and property on or adjacent to the town road.
- B. The applicant, his successors and assigns agree to hold harmless the Town of Emerald and its duly appointed representative against any action for personal injury or property damage sustained by construction of the driveway authorized by Town of Emerald permit.
- C. The Town of Emerald does not assume any responsibility for repair or maintenance of any driveway along a town road, including repair, maintenance or replacement of culverts in the town road right-of-way. Repair, maintenance or replacement is the responsibility of each property owner.
- D. The Town of Emerald does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening on windrows of such material, upon any portion of any driveway along a town road, even though snow, ice or sleet is deposited or windrowed on said driveway by the town's authorized representatives engaged in normal winter maintenance operations.

- E. All driveways shall be designed and maintained by the owner(s) to not obstruct or impair drainage in highway side ditches or roadside areas, unless the driveway has been designed to redirect or hold water.
- F. All driveways shall be designed and maintained by the owner(s) to prevent surface water drainage from the driveway area flowing onto the roadway.
- G. All driveways shall be designed and maintained by the owner(s) to allow reasonable access by emergency vehicles. Based on standards recommended in the International Fire Code, every driveway should have 12 feet of horizontal clearance and 13.5 feet of vertical clearance to allow ingress and egress by emergency vehicles. Utility companies recommend 18 vertical feet of clearance. Driveway owners are responsible for trimming trees and bushes to maintain these clearances.
- H. Residential, open space and agricultural land uses shall have a maximum of one driveway access if the zoning district is Agriculture-1, Agriculture-2, Rural Residential or Conservancy.
- I. Commercial and industrial land uses shall have a maximum of two driveway accesses if the zoning district is Commercial or Industrial.
- J. Institutional land uses shall have a maximum of one driveway if the zoning district is Agriculture-1, Agriculture-2, Rural Residential or Conservancy; and a maximum of two driveways if the zoning district is Commercial or Industrial.
- K. Field driveways for agricultural land uses shall not exceed one for every 500 feet of frontage.
- L. Field driveways are required to obtain a driveway permit and to meet the other driveway design standards in **§ 8. Driveway Design Standards** below.
- M. Field driveways must obtain a proper town driveway permit prior to converting to a residential driveway.

5. DRIVEWAY DESIGN STANDARDS

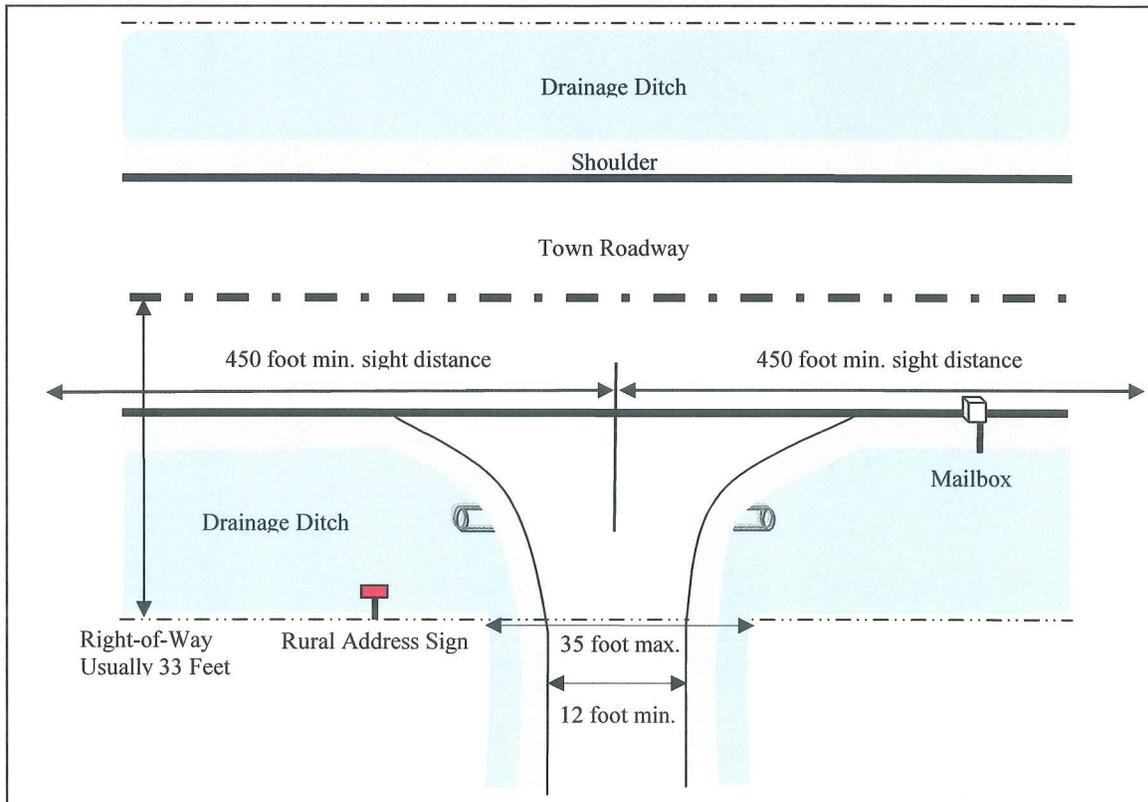
- A. All driveway construction shall meet the following standards:
 - 1) A maximum grade of 12 percent at any point along the driveway.
 - 2) A maximum grade of 2 percent within 50 feet of the centerline of the intersecting road. The driveway surface shall initially follow the existing shoulder grade and shall slope away from the town road.
 - 3) A minimum driveway separation of 200 feet measured from driveway centerline to driveway centerline.
 - 4) All driveways on town roads with 45-55 mile per hour speed limits shall have an adequate sight distance of 450 feet along the intersecting road, measured at a height of 3.5 feet from the driveway surface to 3.5 feet from the road surface, in both directions from the driveway centerline and along the road centerline. See Diagram 1: Adequate Sight Distance, below.

**Diagram 1: Adequate Sight Distance
For Illustrative Purposes Only
Not to Scale**



- 5) All driveways should intersect the public road at approximately a 90 degree or right angle to the highway pavement.
 - 6) Driveway access for a single site shall be located at least five feet for field driveways and 10 feet or more for all other driveways from the property line. However, if approved by the Town Board, a joint or shared driveway for two properties may be placed on the property line.
 - 7) Driveway access openings for vehicular ingress and egress shall be sufficiently wider at the roadway surface for safe turning movements and within the right-of-way to cover a culvert, when needed. See Diagram 2., Typical Residential Driveway, below.
 - a. Driveway access openings for residential and open space land uses shall have a minimum width of 16 feet and a maximum width of 24 feet at the right-of-way line.
 - b. Driveway access openings for commercial, industrial, and agricultural land uses shall have a minimum width of 20 feet and a maximum width of 35 feet at the right-of-way line.
 - 8) A minimum driveway surface/mat of 12 feet.
 - 9) The driveway must have at least six inches of $\frac{3}{4}$ -inch crushed aggregate rock on the roadbed within 33 feet of the centerline of the intersecting road.
 - 10) The side slope of the driveway access at the intersecting road shall be vegetated and graded to approximately 4:1 slope (4 feet horizontal to 1 foot vertical).
 - 11) No concrete driveways shall be allowed within town road right-of-way.
- B. Upon completion of the design review, the Town's representative shall inform the property owner when a culvert is deemed necessary.
- C. Culverts outside the right-of-way may be necessary for proper drainage and safe emergency vehicle access, but the size, design and location are the property owner's responsibility.

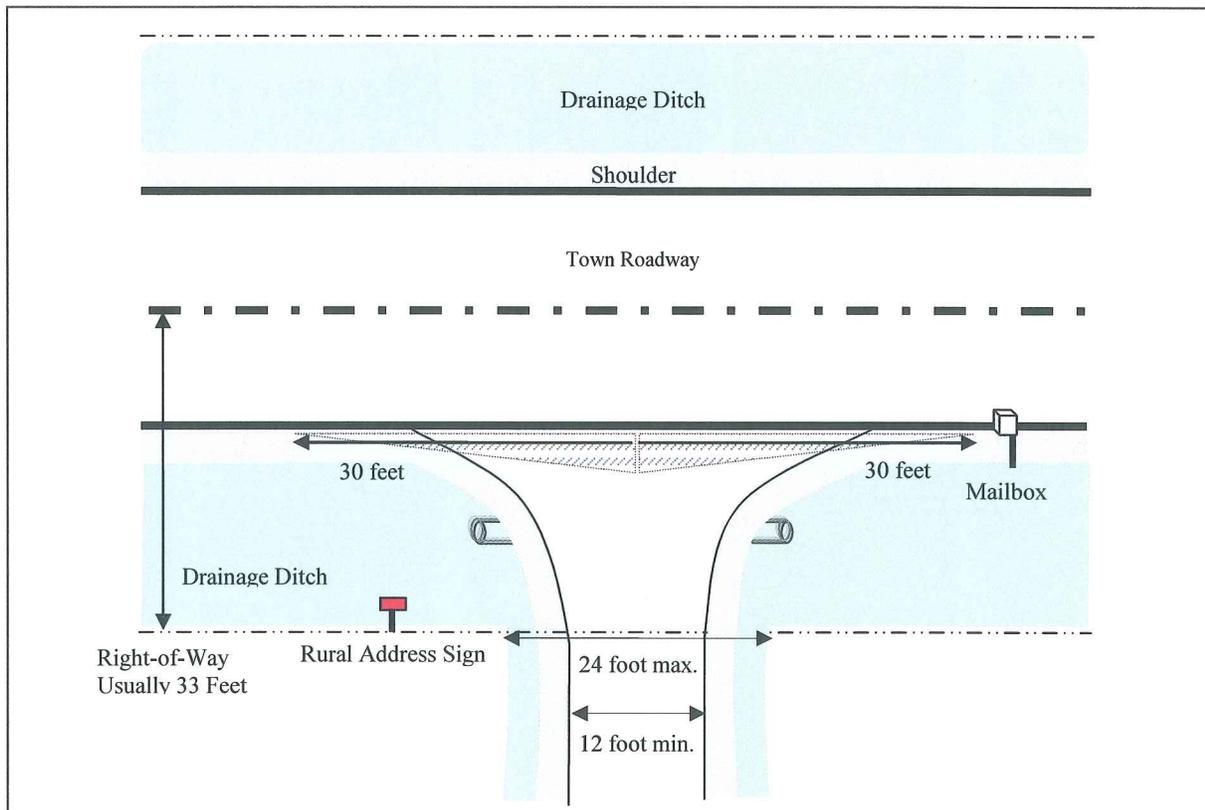
**Diagram 2: Typical Residential Driveway
For Illustrative Purposes Only
Not to Scale**



- D. All culverts shall meet the following standards:
- 1) The culvert shall be installed and maintained by the property owner. Replacement of a damaged or worn culvert is the property owner's responsibility.
 - 2) The culvert shall meet Wisconsin Department of Transportation requirements and shall be of metal construction.
 - 3) The culvert shall be of a size to provide proper drainage under the driveway entrance and along the town road.
 - 4) Minimum cover over the culvert shall be six inches measured from the top of the pipe to the top of the crushed aggregate.
- E. Culverts within the right-of-way shall meet the following additional standards:
- 1) The culvert's minimum size shall be 18-inch diameter, 26 feet in length, and will additionally have standard apron end walls. If a dimensional variance to the culvert is deemed necessary by the Town's representative, s/he shall provide the specifications to the property owner.
 - 2) Culverts shall be placed in the road ditch at an elevation that will ensure proper drainage.

- F. Any disagreements regarding the need for a culvert or needed size of the culvert shall be referred to the Town Board for a final decision and determination.
- G. Retaining walls and embankments of any kind, rocks, timbers and other similar driveway marking treatments are prohibited within the right-of-way.
- H. Town road surfaces, slopes, shoulders, ditches and vegetation disturbed by construction shall be restored by the property owner.
- I. Driveways shall not cross agricultural land unless no other alignment is possible.
- J. Driveways should be placed close to property lines or fence rows where ever possible.
- K. Every driveway over 500 feet in length should have an area sufficient for a turn-around of a tandem axle truck and be acceptable to the Fire Department providing service to the lot or property. Written approval is encouraged.
- L. A clear vision triangle of 30 feet from the centerline shall be maintained on each side of the driveway. No building, fence, structure, vegetation or any other object preventing a line of sight through the vision triangle may be placed. See Diagram 3: Typical Driveway Vision Triangle, below.

**Diagram 3: Typical Driveway Vision Triangle
For Illustrative Purposes Only
Not to Scale**



6. JOINT DRIVEWAY STANDARDS

- A. Joint or shared driveways may be allowed where beneficial, but the shared amount shall be the least amount necessary and shall not provide access to more than two lots or parcels.
- B. Joint driveways shall be approved by the Town Board.
- C. In addition to the standards in § 8. **Driveway Design Standards** above, joint or shared driveways shall have a minimum width of 20 feet and a maximum width of 35 feet at the right-of-way line.
- D. A shared driveway agreement addressing repair and maintenance is required for all shared driveways and shall be approved by the Town Board. The shared driveway agreement shall be recorded with each property's deed in the St. Croix County Register of Deeds Office.

7. WAIVER TO DRIVEWAY DESIGN STANDARDS

- A. If the applicant can clearly demonstrate that one or more unique conditions affecting the driveway location make the literal application of one or more of the design standards impracticable or unduly burdensome, the Town Board may waive such design standards as may be reasonable, provided that the waiver is not contrary to the general intent and purposes of this ordinance and the health, safety, and general welfare of the neighborhood.
- B. Any request by an applicant for a waiver of any standard must accompany the initial application and must state the reason for the request.
- C. A waiver may not be based on mere inconvenience or financial hardship to the applicant or a self-created hardship of the applicant.
- D. A waiver shall provide only the minimum relief necessary to overcome the unique condition(s).

8. TEMPORARY CONSTRUCTION DRIVEWAY/STONE TRACKING PAD

- A. A permanent driveway may be installed instead of a stone tracking pad/temporary construction driveway, if it meets the standards of this ordinance, is able to support construction traffic and meets the UDC standards.
- B. Under the Uniform Dwelling Code (UDC), a stone tracking pad/temporary construction driveway or washing station is required at all construction sites. Contact the Town of Emerald Building Inspector for a Building Permit and the standards for constructing a stone tracking pad/temporary construction driveway. Stone tracking pads reduce off-site sedimentation by eliminating the tracking of construction site sediment onto highways.

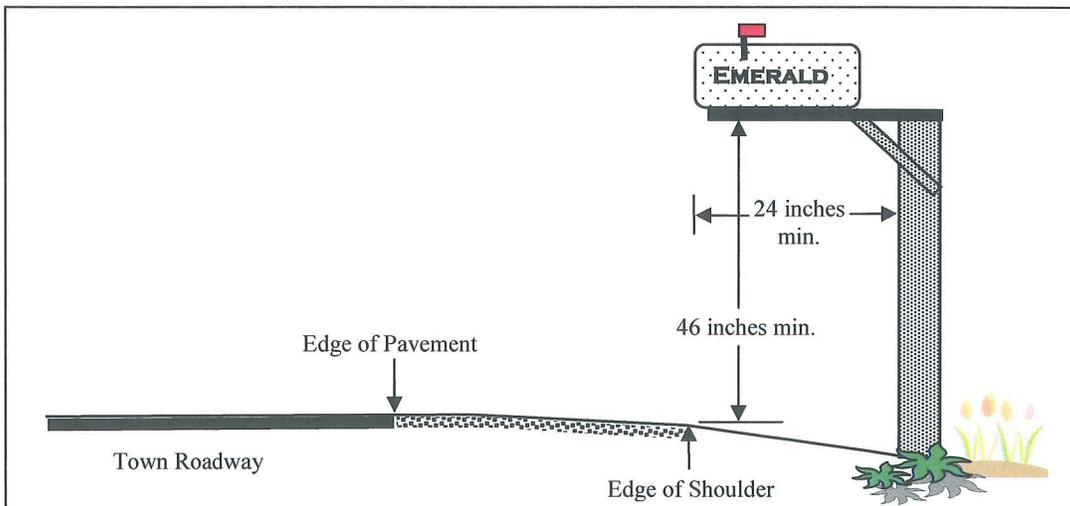
9. RURAL ADDRESS SIGN PLACEMENT

- A. Placement of rural address signs within the town road right-of-way shall meet the following standards:
 - 1) Address signs shall be placed on the right side of the driveway, when facing the driveway from the road and at the highway right-of-way line.
 - 2) The address sign shall be kept clear of obstruction and shall be placed parallel to the road for visibility in both directions. See Diagram 2: Typical Residential Driveway, above.

10. MAILBOX AND NEWSPAPER BOX PLACEMENT

- A. Placement of mailboxes or newspaper boxes within the town road right-of-way shall meet the following standards:
 - 1) Mailboxes and newspaper boxes shall be placed so the front of the box is aligned with the outside edge of the gravel shoulder.
 - 2) The post shall be placed a minimum of 24 inches from the front of the mailbox. The box may be on a swing arm.
 - 3) The bottom of the mailbox shall be between 42 and 48 inches above ground level. The recommended minimum height is 46 inches to allow snowplows to remove the snow. See Diagram 4: Typical Mailbox Installation, below.
 - 4) All mailboxes and newspaper boxes shall be placed on the same post to avoid unnecessary posts where possible.
 - 5) Mailboxes serving neighboring houses shall be grouped together where possible.
- B. Mailboxes and newspaper boxes should be exposed 15 feet on each side during the snow season.

**Diagram 4: Typical Mailbox Installation
For Illustrative Purposes Only
Not to Scale**



11. ENFORCEMENT AND PENALTIES

- A. Any person who constructs or modifies any driveway without a permit as required by this ordinance shall forfeit \$100 plus all applicable assessments, surcharges and court costs.
- B. Each day that any violation continues shall constitute a separate offense.
- C. Any person who constructs or modifies a driveway in violation of any other provisions of this Ordinance, unless the violation is corrected within thirty days of date of written notice from the Town Board or Town Representative or Building Inspector, shall forfeit \$100 plus all applicable assessments, surcharges and court costs for each violation.
- D. An unlawful driveway in violation of this ordinance constitutes a safety hazard or public nuisance and may be subject to removal.
- E. If the Town Board determines that removal or correction to the driveway is necessary to satisfy this ordinance, the Town Board may cause the removal or required corrections to be made. The cost of such repairs, corrections, restoration or removal will be charged to the property owner as provided in § 86.02 of the Wisconsin Statutes. The Town's direct and indirect costs may include but are not limited to, engineering, legal, administrative, materials, construction and demolition expenses. Should the landowner fail to pay the penalty and/or repair, correction, restoration or removal costs, a special charge may be imposed again the real property of the property owner(s) as provided in § 66.0627 of the Wisconsin Statutes.

Date of Approval by Town Board: January 14, 2015

By: Henry Hurtgen
Henry Hurtgen, Town Chairman

Tom Wink
Tom Wink, Supervisor

Fran Klatt
Fran Klatt, Supervisor

ATTEST:

By: Barb Prinsen
Barb Prinsen, Town Clerk