

ORDINANCE NUMBER 2019-03

AN ORDINANCE AMENDING ORDINANCE 1-2001, CONCERNING CONSTRUCTION, MAINTENANCE, AND REPAIR OF DRIVEWAYS

The Town Board of Supervisors of the Town of Dovre, Barron County, Wisconsin, does ordain as follows:

SECTION 1 – TITLE / PURPOSE

This ordinance shall be named the Driveway Ordinance; any previous ordinances or portions of ordinances enacted by the Town of Dovre in conflict herewith are repealed. This ordinance regulates the establishment, construction, improvement, modification, enlargement or reconstruction of driveways in the Town to ensure that the location of the driveway and method of construction will promote the public health, safety, and general welfare of the Town.

SECTION 2 – AUTHORITY

The Town Board of the Town of Dovre has specific authority and powers to enact this ordinance pursuant to sections 60.22(1), 60.22(3), 61.34(1), 66.0405, 86.021, 86.022, 86.05, 86.07, 88.87(3) of the Wisconsin Statutes.

SECTION 3 – DEFINITIONS

- 3.1 Construction or Construct: the establishment of a Driveway within the Town of Dovre.
- 3.2 Driveway: An access point for vehicular or other means of access to a parcel of land from a public highway.
- 3.3 Driveway Permit or Permit: written permission granted by the Town Board to the Owner to Construct, Improve, or Relocate a Driveway.
- 3.4 Field Road. A type of Driveway regularly used primarily to access agricultural land used for the growing and production of crops or for pasturing animals, for which a Driveway Permit has not been issued.
- 3.5 Improvement or Improve: the modification, enlargement or reconstruction of a Driveway in the Town.
- 3.6 Owner: the person(s) with legal title to the parcel of land accessed by the Driveway.

- 3.7 Patrolman: the Town of Dovre patrolman.
- 3.8 Relocation or Relocate: the change in location of an existing Driveway to a new location on the same parcel, or to an adjacent parcel owned by the same Owner.
- 3.9 Residential Driveway: a type of Driveway regularly used primarily to access a residence.
- 3.10 Road Damage: Any damage to a public road or shoulder from water run-off, or from the Construction, Improvement, Relocation, maintenance or use of a Driveway, including causing water to run onto the roadway.
- 3.11 Shared Driveway: a Residential Driveway that serves two or more residences, on one or more parcels in the Town.
- 3.12 Side Banks: the edges of a ditch under or adjacent to a Driveway.
- 3.13 Town: the Town of Dovre, Barron County, Wisconsin.
- 3.14 Town Board: the Town Board for the Town of Dovre.

SECTION 4 – PERMIT PROCESS

- 4.1 No Owner shall Construct, Improve, or Relocate a Driveway, without first obtaining a Driveway Permit from the Town Board.
- 4.2 An applicant for a Driveway Permit must file an application with the Town Clerk, on a form provided by the Town. The fee for a Driveway Permit application is \$25. The application form shall require all of the following with respect to the proposed driveway:
 - 4.2.1 Driveway specifications, including location, grade, and slope;
 - 4.2.2 The width, length and clearance height of the Driveway;
 - 4.2.3 Measures for implementing any applicable erosion control procedures required by the Town, Barron County, or the State;
 - 4.2.4 The location and size of any culverts;
 - 4.2.5 If the permit is to Improve an existing Driveway, evidence of the existence of the Driveway, such as a photograph;
 - 4.2.6 If the permit is to Relocate an existing Driveway, the applicant must provide the information in 4.2.1 to 4.2.4 for both the existing Driveway location and the proposed new Driveway location; and
 - 4.2.7 Signature of the Owner(s) of the parcel(s) to be served by the Driveway.

- 4.3 The Town Board Chair or the Patrolman will review applications for completeness. Once it is verified that an application is complete, the plan shall be referred to the Town Board. If there is sufficient time between the referral and the next Board meeting for Board members to consider the application, the application shall be considered and acted on by the Town Board at the next board meeting. If there is not sufficient time for Board member to consider the application prior to the next Board meeting, the application shall be considered and acted upon at the following Board meeting.
- 4.4 The Town Clerk shall notify the applicant of the decision of the Town Board on the application, in writing, including the reasoning if the application is denied. If the Town Board approves the application, the Town Clerk shall notify the Barron County Zoning Office.
- 4.5 If the Town Board denies the Permit, the applicant may amend and resubmit the application, or request reconsideration by the Town Board. Rejection of an amended Driveway Permit application, or of a Permit application on reconsideration by the Town Board, is a final decision of the Town Board.
- 4.6 The work authorized in a Driveway Permit must be completed within 60 days from the date of issuance, unless a longer period of time is specified by the Town Board in its decision. The Town Board may approve a 60-day extension of a Driveway Permit one time, if a request for the extension is made more than 14 days before the expiration of the Permit. If the work authorized in a Driveway Permit is not completed by the end of the applicable time period in the Permit, including any extension, and the applicant continues to want to conduct that work, the applicant must apply for a new Driveway Permit.
- 4.7 The applicant shall be responsible for any costs of relocating utility structures or facilities due to Construction, Improvement, or Relocation of a Driveway. Approval from the Town Board is required before any utility structure or facility is relocated within the Town right-of-way.
- 4.8 In addition to any other remedies available under Section 7, the Town chairperson or his or her designee, or the Patrolman, may post a stop work order if a Driveway, culvert, other permitted construction, or any part thereof is being installed contrary to the terms of this ordinance, or in a manner that may endanger the public health, safety or welfare.
- 4.9 The applicant shall notify the Town within 30 days of completing the Driveway Construction, Improvement, or Relocation authorized in a Driveway Permit. The Patrolman shall inspect the Driveway, within a reasonable time, to ensure compliance with this ordinance and the Driveway Permit. If the Driveway does not meet the standards of either this ordinance or the Driveway Permit, the Town may require the Owner to make modifications at the Owner's expense by a specified date.
- 4.10 Any amendment to a Permit requires a written amendment request, payment of a \$10 fee, and the written approval of the Town Board.

- 4.11 Each Driveway Permit shall contain the statement and be subject to the condition that **“The work shall be conducted subject to the rules and regulations in the Town’s Driveway Ordinance and be performed and completed to the Town’s satisfaction, and the permittee shall be liable to the Town for all damages which occur during the progress of said work or as a result thereof.”** An applicant for a Driveway Permit must separately initial this statement in the Driveway Permit.

SECTION 5 – MINIMUM DRIVEWAY REQUIREMENTS

- 5.1 Owners must meet the following specifications regarding Construction, Improvement or Relocation of all Driveways, unless an exception to a requirement is authorized by the Town Board:
- 5.1.1 The minimum Driveway surface width shall be 12 feet;
 - 5.1.2 The minimum Driveway width clearance shall be 24 feet;
 - 5.1.3 The minimum Driveway height clearance (required to be free of trees, vegetation, wires, and any other object that would inhibit the passage of any motor vehicle) shall be 18 feet;
 - 5.1.4 The minimum visibility left and right from any Driveway shall be 300 feet;
 - 5.1.5 The maximum grade of any land proposed to be developed into a Driveway shall be 25% over any distance of 25 feet;
 - 5.1.6 The maximum grade of any completed Driveway shall be 10%;
 - 5.1.7 The Driveway within the area of a public right-of-way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road; and
 - 5.1.8 The Driveway must have an adequate base of suitable material to support projected traffic. A minimum depth of 4 inches of packed gravel is recommended.
 - 5.1.9 The Driveway, between the edge of the right-of-way and the roadway, may not be constructed at an angle greater than 45 degrees to the centerline of the roadway
 - 5.1.10 The Driveway may not be located within 200 feet of a roadway intersection.
- 5.2 Field Roads: no Field Road may be used for non-agricultural purposes unless the Field Road has been approved as a Driveway under this Ordinance. The Town Board shall determine the location, width and number of Field Roads permitted so as to allow for the safe entry and exit of agricultural vehicles, and to promote the public health, safety and welfare.
- 5.3 Shared Driveways: Shared Driveways shall have a minimum of width of 12 feet if accessing one parcel. If accessing two parcels, the width of the Shared Driveway at the edge of the right-of-way shall be at least 22 feet and shall be at least 28 feet at the pavement edge of the roadway. The portion of a Shared Driveway between the edge of the right-of-way and the roadway shall be constructed of asphalt, concrete, or other material approved by the Town Board.

No Driveway Permit may be issued for a Shared Driveway unless the owners of each residence and parcel to be served by the Shared Driveway enter into a binding shared driveway agreement, record the agreement with the Barron County Register of Deeds with respect to each parcel, and provide a copy of the agreement to the Town. The Town shall not be party to shared driveway agreements and shall not accept maintenance responsibility for any part of a shared driveway.

- 5.4 Non-Residential Driveways: commercial, industrial and other non-residential Driveways that are not Field Roads shall have a minimum width of 28 feet. Non-residential Driveways shall be constructed of asphalt, concrete, or other material approved by the Town Board.
- 5.5 The Patrolman will determine if a culvert is required for any proposed Driveway project for which an application is submitted. If a culvert is required, the minimum diameter shall be 18 inches, and a larger diameter may be required by the Patrolman if the anticipated water volume through the culvert necessitates a larger diameter culvert. The applicant must supply any required culvert at the applicant's cost. Culverts shall be placed in the ditch line at elevations approved by the Town to adequately convey water and assure proper drainage. Culverts shall be provided with precast concrete or prefabricated metal apron endwalls, or with appropriate placement of riprap endwalls. Culverts shall be covered with a minimum of 6 inches of granular, compacted material.
- 5.6 Each Driveway longer than 50 feet, measured from the edge of the right-of-way, other than a Field Road, shall have a turn-around area of at least 25 feet in radius, or provide similar space to allow vehicles to turn around.
- 5.7 All ditches under or adjacent to a Driveway shall have Side Banks with a graded slope of no steeper than 30 degrees. Ditches shall be constructed of permeable material to allow for proper drainage, and shall be kept free of debris.
- 5.8 Driveways located along county roads are subject to the Barron County Driveway Ordinance. All culverts located along county roads must meet Barron County requirements as to size and length.
- 5.9 The applicant shall remove the previously-existing Driveway if approval is provided for Driveway Relocation.
- 5.10 Only one Driveway is permitted on any parcel of less than one acre. A maximum of two Driveways are permitted on any parcel larger than one acre, provided there is at least 180 feet of road frontage between each Driveway.
- 5.11 A Driveway may not cause or contribute to the cause of Road Damage.

SECTION 6 – MAINTENANCE

The Owner must maintain the Driveway approaches, culverts, and ditches to maintain the standards in this ordinance and any requirements specific to the Driveway

contained in the Driveway Permit, including to permit the free and unobstructed flow of water. The Town has no responsibility for the removal or clearance of snow or ice upon any portion of a Driveway, including the portion within the right-of-way. **A summary of the responsibilities of the Owner to maintain the culvert and approaches shall be specified in each Driveway Permit.**

SECTION 7 – PENALTIES

- 7.1 If a Driveway, ditch, culvert, or grade of the Driveway within the right-of-way that does not meet minimum standards under this ordinance, the Town may issue an order to the Owner requiring modifications necessary to comply with this ordinance. The Owner is responsible for all costs of any such required modifications.
- 7.2 Any person that violates this ordinance may be required to forfeit not less than \$50 nor more than \$200 for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.
- 7.3 The Town may, at the Town's sole discretion, remove or repair a Driveway that that does not meet minimum standards under this ordinance, at the expense of the Owner.
- 7.4 In addition to the remedies above, the Town may enforce this ordinance under any other remedy provided by law, and may also seek injunctive relief to abate a violation of this ordinance.

SECTION 8 – SEVERABILITY

If any provision of this ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provisions of this ordinance.

SECTION 9 - EFFECTIVE DATE

This ordinance will take effect after passage by the Town of Dovre Board of Supervisors and publishing as required by law.

The foregoing ordinance is adopted at a meeting of the Town Board of Dovre on the _____ day of _____, 2019.

(Signatures on following page)

Town of Dovre



Dean Trowbridge, Chairman



Cody Nyhagen, Supervisor



Dan North, Supervisor



Mitch Hanson, Supervisor



Jim Plummer, Supervisor

ATTEST:



Kelly Phillips, Clerk



Publication Date