

**TOWN OF DOVER DRIVEWAY AND FIELD ROAD
PERMIT ORDINANCE
Ordinance 2016-1**

1. STATEMENT OF PURPOSE

- A. The purpose of this Ordinance is to regulate the procedures, establishment, constructions, improvement and modifications, of a driveway or field driveway to:
1. 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;
 2. Provide safe access to and from public roadways by avoiding dangerous driveway locations;
 3. Prevent damage to public roads, graded ditches, roadsides and other driveways by controlling drainage;
 4. Maintain safe travel on public roads;
 5. Promote the orderly layout of Town roads and mapping of same for continuations in and connections with the Town road systems.
 6. Implement the goals, objectives and Policies set forth in the Town of Dover Comprehensive Plan.

2. EFFECTIVE DATE

- A. This Ordinance shall be effective on July 14, 2016
- B. All existing driveways, posts, signs as of effective date are grandfathered in.

3. AUTHORITY

- A. These regulations are adopted under the general police powers authority granted pursuant to Wisconsin Statutes §§ 86.07(2), 60.10(2)©, 60.22(3), 61.34(1), 66.0425 and under the Town Highway authority granted by Wisconsin Statute Ch. 82.
- 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, temporary and field driveways, accessing town roads, which occur or are proposed to occur in the Town of Dover, Buffalo 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 Dover.

- D. This ordinance applies to all town roads, that are not grandfathered in, under the jurisdiction of the Town of Dover, Buffalo County, Wisconsin.

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 works used herein shall be interpreted as follows:
 1. Words used in the present tense include the future; in the singular include the plural and in the plural include the singular.
 2. The word "shall" is mandatory, not permissive.
 3. All distances, unless otherwise specified shall be measured horizontally.
 4. All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.

B. Definitions

1. Driveway: A private way, 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 recreational site of other appropriate use.
2. Field Driveway: A type of driveway used solely to access land for agricultural purposes.
3. Temporary Driveway: A driveway that may be placed for a specific purpose such as logging but which must be removed at the end of the allocated time.
4. ROW: The Town right of way, a minimum of 33 ft. from centerline of a Town Road.
5. Town Board: The Town Board of the Town of Dover.

7. DRIVEWAY PERMIT REQUIREMENTS

- A. All new driveways proposed to be installed or modification of any existing driveway shall require a permit and inspection by the Town Board's 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 and driveway completed before a building permit is issued for a new residence.
- C. Existing driveway 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.
- E. Any person prior to and at time of seeking a driveway permit must have legal interest in the parcel for which the permit is being applied.

8. DRIVEWAY PERMIT APPLICATION AND PROCEDURES

- A. The Town Board or Town Board representative shall review all driveways permits applications and may approve and issue all driveways permits.

- B. Driveway permit applications shall be available from the Town Clerk. The driveway permit application shall include the following information:
 - 1. Applicant name and contract information.
 - 2. Property owner name and contact information's, if different than the applicant.
 - 3. Property Information such as site address, legal description, town road name.
 - 4. Project information such as type of driveway, driveway locations, town road, and proposed construction plan and dates.
 - 5. A site plan or sketch, which shall include the following information:
 - 1. North arrow.
 - 2. Parcel or lot dimensions.
 - 3. Proposed driveway location.
 - 4. Locations of existing driveways on neighboring properties and road within 300 feet of the proposed driveway.
 - 5. Road name(s) and locations of lot or parcel and driveway.
 - 6. Driveway specifications including width, length and materials to be used.
 - 7. Culvert size, length and location, if needed.
 - 8. Drainage areas that impact or cross the driveway and descriptions of how water will be handled to protect the integrity of the driveway and town roads.
 - 9. Slopes of 20 percent or greater that the driveway will disturb or cross and description of how erosion will be prevented and/or sediment controlled.
 - 6. Contact information for whoever will be constructing the driveway.
- C. The application shall be signed by the property owner or representative.
- D. The applicant shall mark the proposed driveway location with flags and/or stakes. The proposed centerline of the driveway surfaces shall be marked.
- E. All applicants shall pay a non-refundable fee of an amount set by the Town Board. The fee amount shall be sufficient to cover the cost of driveway designs 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 30 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 Board or the Town Board's representative shall approve or deny the issuance of a driveway permit.
- H. The Town Board or Town Board representative shall require a final inspection to confirm the driveway construction is in conformance with the driveway permit and this ordinance.
- I. The driveway permit shall be valid for one year from the date of issue. All approved construction must be completed before the permit expires.

9. DRIVEWAY 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 improvements 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 assignees agree to hold harmless the Town of Dover and its duly appointed representative against any action for personal injury or property damage sustained by construction of the driveway authorized by Town of Dover permit.

- C. The Town of Dover 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. All such repairs, maintenance or replacement are the responsibility of each property owner.
- D. The Town of Dover does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of windrows of such material, upon an 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.
- F. All driveways shall be designed and maintained by the owner(s) to prevent surface water drainage from the driveway area from flowing onto the roadway.
- G. All driveways shall be designed 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 clearances for emergency access.
- H. Recommended that driveways shall be at least 200ft. from an intersection as measured from the side of the driveway.
- I. Only one driveway per parcel is allowed in major subdivisions.
- J. Clearance at driveway road intersection must be constructed to maintain adequate sight distances.
- K. Driveways shall not exceed one for every 500 feet of frontage per tax parceled ID with one possibly allowed for every tax parcel, except that additional driveways after one per parcel may be allowed for safety or environmental preservation on the parcel. Additional driveways after one per parcel shall not be permitted in anticipation of future use until approval of all requirements for the future use have been obtained. Town Board approval is required for additional driveways.
- L. Driveways will not be allowed where the driveway road intersection has a 6% or greater slope at point of intersection to maintain adequate line of sight and stopping distances.

10. DRIVEWAY DESIGN STANDARDS

- A. All driveway construction shall meet the following standards:
 - 1. Recommended grade of 2 percent within 33 feet of the centerline of the intersection road. The driveway surface walls initially follow the existing shoulder grade and shall slope away from the town road.
 - 2. All driveways should intersect the public road at approximately a 90 degree or right angle to the highway pavement.
 - 3. Recommended that all driveways on town roads with 45-55 mile per hour speed limits shall have an adequate sight distance of 450 feet along the intersection road, measured at a height of 3.5 feet from the shoulder line at proposed driveway location to 3.5 feet from the road's centerline surface, in both directions. (see diagram 1)
 - 4. Driveway access for a single site shall be located at least 10 feet or more from the property line, measured from edge of driveway. However, if approved by the Town Board, a joint or shared driveway for two properties may be placed on the property line.

5. 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)
 1. Driveway access openings shall have minimum width of 20 feet at the right of way line.
 2. The transition radii between the edge of the roadway and the edge of the driveway shall be maximum of 40 feet on a driveway. (see diagram 3)
6. A minimum driveway surface/mat of 12 feet in width.
7. 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.
8. Recommended that the side slope of the driveway shall be vegetated and graded to 4:1 slope (4 Feet horizontal to 1 foot vertical).
9. 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 vehicles access, but the size, design and location are the property owner's responsibility.
- 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 be corrugated steel and meet all Wisconsin Department of Transportation requirements and standards.
 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 it is recommend to be 12 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. Recommended the culvert's minimum size be 15-inch diameter, and additionally have standard apron end walls. If a larger culvert is necessary, the Town's representative 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, shoulder, ditches and vegetation disturbed by construction shall be restored by the property owner.
- I. On sites where slopes of 20 percent or greater will be disturbed, the Town representative should require that Department of Natural Resources Construction Site Erosion and Sediment Control and Storm water Management best management practices be used to control sediment and erosion during construction.
- J. A clear, obstruction-free 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 though the triangle may be placed.
- K. Granting of a Driveway Permit does not constitute a determination that driveway is safe or suitable.

11. TEMPORARY DRIVEWAY STANDARDS

- A. A temporary driveway may be allowed to accommodate short-term events or activities such as parking or logging.
- B. A nonrefundable fee of \$100.00 will be required before any temporary driveway permit is issued to cover administrative and inspection costs.
- C. In addition to meeting all the driveway standards in § 10. Driveway Design Standards above, the applicant shall provide a removal and repair cash deposit to be held by the Town. The deposit shall be an amount set by the Town Board up to \$10,000 to cover the cost of driveway removal, regarding, seeding, vegetation and associated administrative costs such as advertising and bidding.
- D. Town Board approval is required for all temporary driveways.
- E. A temporary driveway permit shall be issued until completion of the project for a maximum of six months.
- F. Within 30 days of the expiration of the temporary driveway permit, the driveway and any culvert shall be immediately removed and the ditch and right of way graded and seeded to match the grade and cover prior to installation. Extension may be granted in a case by case basis by the Town Board to accommodate weather conditions.
- G. Upon removal of the temporary driveway, the Town's representative shall be contacted to inspect the restoration prior to any return of deposit.
- H. In the event the driveway is not removed at the expiration of the permit, the Town Board shall exercise its right to retain the removal and repair deposit and use those funds to remove the driveway, repair the site and reestablish vegetation.
- I. Funds in excess of actual costs needed to repair the Town ROW shall be returned to the landowner.

12. 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 of 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 purpose 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 that 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).

13. 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.

14. MAILBOX AND NEWSPAPERBOX PLACEMENT (see Diagram 4)

- A. Placement of mailboxes or newspaper boxes within the town road right of way shall meet the following standards:
 1. Mailbox posts should be constructed to break away at impact. Acceptable standards include:
 - a. Pipes two inches inside diameter or less.
 - b. Square wood supports four by four inches or less; round wood posts 4.5 inches or less in diameter.
 - c. Metal channel posts not more than two pounds per foot in weight.
 - d. Embed supports no more than 24 inches into the ground and do not imbed in concrete.
 - e. Do not use anchor plates with metal posts. Anti-twist flanges are acceptable as long as they do not project more than 10 inches into the ground. These should be attached to the metal post or pipe with 2 3/8 inch muffler clamps.
- B. Mailboxes and newspaper boxes should be exposed 15 feet on each side during the snow season.

15. ENFORCEMENT AND PENALTIES

- A. Any person who constructs or modifies any driveway without a permit as required by this ordinance shall forfeit \$150.00 plus all applicable assessment, surcharges and court costs.
- B. Each day that any violation continues may constitute a spate 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 \$150.00 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 against the real property of the property over(s) as provided in § 66.0627 of the Wisconsin Statutes.

BY: Dean Hestekin, Town Chairman

ATTEST: Jennifer Severson, Town Clerk

DATE PUBLISHED: July 27th, 2016

EFFECTIVE DATE: July 14th, 2016

**TOWN OF DOVER
DRIVEWAY PERMIT APPLICATION**

FEE \$

Date:

Tax Parcel Number and legal description for driveway location:

Name of applicant:

Applicant's address and telephone number:

Property owner's name and contact information (if different from applicant):

Driveway address:

Type of driveway:

Proposed construction dates:

Contractor contact information:

I, _____, agreed to defend, indemnify and hold harmless the Town of Dover and its officers, employees and officials from any and all costs, damages, and fees arising out of or related to the construction, installation or use of the driveway requested under this permit.

PROPERTY OWNER/APPLICANT SIGNATURE: _____

APPLICATION AND DRIVEWAY REQUIREMENTS

- A. All driveways in the Town for which a driveway permit is required shall meet the requirements and specifications set forth in the Town of Dover Driveway and Culvert Ordinance.
- B. The applicant shall mark the proposed driveway location with flags and/or stakes. The proposed centerline of the driveway surface shall be marked.
- C. All applicants shall pay a non-refundable fee of \$_____.
- D. Any driveway permit issued is only valid for one (1) year from the issue date. All construction must be completed prior to expiration of the driveway permit.
- E. The applicant for a driveway permit shall submit to the Town Board a completed application for each proposed driveway with the appropriate fee and with an attached site plan or sketch map. The site plan or sketch map shall include the following information:
 - 1. North arrow.
 - 2. Parcel or lot dimensions.
 - 3. Locations of existing driveways on neighboring properties and roads with 300 feet of the proposed driveway.
 - 4. Road name(s) and locations of lot or parcel and driveway.
 - 5. Driveway specifications including width, length and materials to be used.

6. Culvert size, length and location, if needed.
7. Drainage areas that impact or cross the driveway and descriptions of how water will be handled to protect the integrity of the driveway and town roads.
8. For slopes of 20 percent or greater that the driveway will disturb or cross, include descriptions of how erosion will be prevented and sediment will be controlled.

FOR TOWN USE ONLY

Date applicant's site plan or sketch reviewed by Town Board representative for compliance with Driveway and Culvert Ordinance:

Date of site inspection:

Date permit approved:

Or

Date permit denied:

Date of final inspection: