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Driveway Access Permit Ordinance 100-10.

STATE OF WISCONSIN

Town of La Grange, Monroe County

SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of La Grange Driveway Access Permit Ordinance. The purpose is to regulate, for public health and safety reasons, the establishment and construction of private driveways, to assure that the methods of construction practices used in any driveway will properly protect the public health, safety, and general welfare of persons in the Town of La Grange and to limit and regulate Town Road access by motor vehicles to any Town road in the town. This is not a town zoning ordinance.

SECTION II - AUTHORITY

The Town board has the specific authority under ss. 66.0425 and 86.07, Wis. stats. to adopt a town driveway access permit ordinance, and has the general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by permit of access to Town Roads within the Town.

SECTION IV - DEFINITIONS

In this ordinance;

- A. "Town Driveway Access Road" means any private way, private road, or other avenue of private travel that runs through any part of the Town Right of Way that connects or will connect with any public Town Road, and will provide vehicular access from the Town Road to a residence, business, recreational site, or other similarly appropriate use.
- B. "Emergency Vehicle" means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the town.
- C. "Impacted landowner" means an owner of real estate that is provided vehicular access to a public town road by a driveway determined to be unsafe.
- D. "Prime or productive agricultural or forestry land" means any land within the town that is currently being farmed or kept in forestry, including cropland and pastureland, or land that is included in a government sponsored agricultural or forestry program.
- E. "Reconstruction" means alteration of current Town Road Access by Landowner.
- F. "Town Maintenance" means work performed by Town of La Grange within Town Right of Way.
- G. "Town" means the Town of La Grange, Monroe County, Wisconsin,
- H. "Town Board" means the board of supervisors for the Town of La Grange,

Monroe County, Wisconsin, and includes any designee of the board authorized to act for the board.

I. "Town Clerk" means the clerk of the Town of La Grange, Monroe County, Wisconsin.

J. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

K. "Structures" means any immovable, permanent object or fixture that could cause significant damage, injury, or death should it be impacted by a vehicle traveling at the posted speed limit.

SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals.

Sections may be divided into subsections designated by uppercase letters.

Subsections may be divided into paragraphs designated by numbers. Paragraphs

may be divided into subdivisions designated by lowercase letters. Subdivisions may

be divided into subdivision paragraphs designated by lowercase Roman numerals.

Reference to a "section," "subsection," "paragraph," or "subdivision" includes all

divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VI - COVERAGE

A. No person may establish or construct a driveway or reconstruct, reroute, or alter the existing slope of any existing driveway whether new or previously existing, without first obtaining a Town Driveway Access Permit to be issued by the town board.

B. Any person prior to and at the time of seeking a Town Driveway Access Permit must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.

SECTION VII - SPECIFICATIONS

Commencing on the effective date of this ordinance for new driveways being constructed, all driveways in the town for which a Town Driveway Access Permit is required under Section VI shall meet all of the following minimum requirements. No permit shall be issued unless the materials submitted as required under Sections VIII and IX demonstrate compliance with the requirements of this section:

1. No more than a 5% incline or decline within the Towns Right of Way.
2. Culvert size to be determined by the Town Board or its representative, but will be no less than 15" in diameter as a standard.
3. Driveway width shall be a standard of no less than 16 feet for residential.
4. Driveway width shall be determined by the Town Board or its representative by the type of business to which it shall be used with a standard of 24 feet.
5. Driveway must meet Town road within town right of way at a 90 degree angle.
6. Line of sight will be 20 feet back from town road on proposed driveway and 200 feet in either direction.

7. Minimum of 4 inches compacted gravel from town road to the edge of right of way.
8. Minimum overhead clearance of 16 feet.
9. Brick, concrete, steel, stone, or wood structures or statues within the town's Right of Way are prohibited.
10. Driveway surfaces will be graded and finished level with the intersecting Town Road bed and in a manner to prevent snow plows or mowers from hooking the edge of the driveway and causing damage to Town equipment.
11. Mulching, matting, or any other erosion control is required.
12. Any other specifications deemed necessary and appropriate to protect the public health and safety after consultation with the Town board and emergency service providers.
13. A Variance may be granted to any of the above requirements where the unique nature of the property or the design of the roadway may make strict adherence to the above requirements impractical. Variances applied for and the justification for granting a variance by the Town Board will be documented on Driveway Permit Access Application.

NOTE 1: Any modifications to an established driveway surface will comply with the above guidance.

NOTE 2: Repair of damage to driveway surfaces in the Town's Right of Way caused by road, culvert, ditch, utility, or other work will be the responsibility of the home or business owner. However, the organization causing the damage will return the driveway to a passable state.

SECTION VIII -APPLICATION AND PERMIT PROVISIONS

- A. The Town Board shall approve a form for application for a Town Driveway Access Permit which shall be available from the Town's Building Inspector or at the Town's Recycling Center.
- B. The application for a Town Driveway Access Permit shall be submitted to the Town Board with the appropriate fee and with the following:
 1. Sketch Map. A sketch showing the conceptual idea of the project and approximate location and dimensions of the project. Sketches will be detailed enough for town personnel to fully understand the location and orientation of the finished driveway.
 2. Driveway Access Construction Plan if required under Section IX.
 3. Other Documents. The town board may require other documents to be attached to the Driveway Access Permit Application.
- C. Procedures for the evaluation of the Town Driveway Access Permit Application by the Town board or its designee, including any required site inspection of the proposed driveway, public hearing, and town board meetings, are as follows:
 1. Review Sketch Drawing.
 2. Perform an "On Site" inspection by any Town Board member or its designee.

3. Complete Driveway Permit Inspection Checklist (Attachment 1.)
4. Recommendation by Town Designee to Town Board at Next Scheduled Town Board Meeting.
5. Town Board Approval or Denial.

D. Any special meetings requested by the applicant will be at applicant's expense. Reasons for a special meeting could be for accelerating the approval process or for reviewing Driveway Access location.

E. The town board shall approve or deny every Town Driveway Access Permit Application and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the applicant. Reasons for denying a Town Driveway Access Permit Application may include, but are not limited to:

1. The inconsistency or non-conformance of the proposed driveway access with any of the following:
 - a. This ordinance.
 - b. Any existing town comprehensive plan, master plan, or land use plan.
 - c. Town ordinances, rules, regulations, or plans.
 - d. Any applicable county, state, or federal laws, ordinances, rules, regulations, or plans.
2. The driveway access when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for use by persons in the town.
3. The application as filed and submitted is incomplete or contains false material as determined by the town board.
4. Alternative driveway locations will be safer for person's ingress or egress on the driveway and access point by motor vehicle or for persons traveling on the adjacent town road.
5. Alternative driveway access locations will preserve or better protect more prime or productive agricultural or forestry land in the town.
6. Alternative driveway locations will have less negative land use impact on historically, archaeologically, community, public, or culturally significant or environmentally sensitive parcels of land or facilities in the town, including land adjacent to or near the proposed driveway.
7. The driveway will not provide timely and adequate ingress and egress for emergency vehicles.

F. In the event of a denial of a Town Driveway Access Permit Application, the town board shall recite in writing the particular facts upon which it bases its denial of the permit. The town board shall also afford the applicant an opportunity to review the town board's decision and present evidence at a public hearing after a Class 1 Notice under s. 985.07, Wis. stats. of the hearing to the town board refuting the determination. Thereafter, the town board may affirm, reverse, or modify its decision. The town board shall recite in writing findings for any decision to modify or

reverse its initial determination.

G. If the town board denies two consecutive applications for a Town Driveway Access Permit on the same parcel, no subsequent reapplication for a permit of the same type that was denied for that parcel will be considered.

H. The Town Driveway Access Permit will be effective for 12 months from the date of issuance.

I. Each permit may be renewed for an additional period of 6 months. If the driveway access has not been constructed by the end of one 6-month renewal period, a new application and fee must be submitted and approved.

J. No construction of buildings or structures will be permitted by the town until the driveway access is approved according to the specifications of the permit as issued and this ordinance.

K. An application fee that is nonrefundable in an amount determined by a resolution of the town board will be charged for each permit application as follows:

1. Town Driveway Access Permit Fee \$100.00

SECTION IX - CONSTRUCTION PLAN OR HIGHWAY ACCESS PLAN

A. The town board may in writing require a driveway construction plan prior to any proposed driveway access construction, reconstruction, rerouting, or alteration. A driveway construction plan is required for any of the following unless the requirement is waived by the town board in writing:

1. Construction of a driveway or segment of a driveway that requires the disturbance of land with a slope of more than 5%.
2. A driveway or segment of a driveway that requires a retaining wall or other special erosion control measure as determined by the town board, town building inspector, or other designated officer and prior to any permit issuance.
3. A driveway that crosses a waterway or has the potential to significantly alter existing drainage patterns or quantity of runoff.
4. Construction or modification of a driveway that necessitates construction or improvement of a bridge or culvert.
5. When the town board in writing requests a driveway construction plan.

B. A Driveway Access Plan is required for all sections of any proposed driveway by the applicant that will enter onto a town road.

C. If required by the town board or its designee, a driveway construction plan will include a scale plan showing all of the following:

1. Location. The precise location of the driveway or the segment of the driveway for which the driveway construction plan is required, including the width and length of the driveway.
2. Slope. A profile of the driveway route before and after construction showing a maximum finished driveway slope of 5%.
3. Retaining Walls. The location and structure of any retaining walls.
4. Bridges. The location, size, and design calculations of any bridges.

5. Culverts. The location, size, and design calculations of any culverts.
6. Cross-section. Typical cross-sections of the driveway.
7. Erosion Control. Required mulching, matting, or other erosion control.
8. Storm Water Management. Drainage methods engineered for the particular surface type, including location and dimensions of ditches, proper grading technique, projected water handling capability, and water loads at the point of access to the public highway.
9. Other Access Points. The location of any other access points onto the town highway within one mile of the proposed access point.

D. No construction, reconstruction, rerouting, or alteration of a driveway access may commence until all of the following conditions are met:

1. The driveway access construction plan (if required) is approved by the town board.
2. A Town Driveway Access Permit is issued by the town.
3. The town board shall, when applicable, seek review and comment from the local fire chief, or his or her deputies, regarding the proposed driveway and whether the proposed driveway will allow for adequate and timely emergency vehicle access and other equipment access to buildings and structures within the premises.

E. The preparation of a driveway construction plan does not guarantee the approval of a Driveway Construction Permit by the town board

F. As a condition of any Town Access Driveway Permit the driveway and highway access shall be constructed and maintained by the owner or occupant to ensure safe, timely, and proper access and travel by emergency vehicles.

G. The approval of a Town Driveway Permit application by the town board does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for vehicles of the general public or emergency vehicles, that public access and travel is authorized, or that the applicant is in compliance with this ordinance. No person may rely on the issuance of the applicant to determine that a driveway, bridge, culvert, or highway access location is fit or safe for any purpose or that any person is in compliance with this ordinance or any State or County laws or ordinance.

H. The approval of the Town Driveway Access Permit application does not establish or commit the town to future approval of any driveway as a public road or highway in the town.

SECTION X – PENALTY PROVISION

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$250 or more than \$500, plus the applicable surcharges, assessments, and costs for each violation.

Each day a violation exists or continues constitutes a separate offense under this

ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

SECTION XI – SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the valid provision or application, and to this end the provisions of this ordinance are severable.

SECTION XII – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80.Wis Stats.

SECTION XIII – APPROVAL / SIGNATURES

This Ordinance was approved on January 9, 201~~8~~.

Town Board Chairman

Town Board Supervisor

Town Board Supervisor

