

**Town of Perry
Dane County, Wisconsin**

Driveway Ordinance

1.01 PURPOSE

The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification, or the reworking of a 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, and is designed to enforce the goals and policies set forth in the Town of Perry Land Use Plan.

1.02 JURISDICTION

Jurisdiction of these regulations shall include all driveways on land within the Town of Perry.

1.03 AUTHORITY

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

1.03 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, but shall not include any field road lying outside of the right-of-way of a public highway.
- (2) Field Road. A road used only for agricultural purposes.
- (3) Town Board. The Town of Perry Board of Supervisors.
- (4) Town Clerk. Clerk of the Town of Perry.
- (5) Topography. The surface features of an area of land.

1.04 APPLICATION REQUIREMENTS AND PROCEDURES

- (1) Who Must Apply. No person or entity shall establish, construct, improve, modify, or rework a driveway that changes the existing topography of the land without first obtaining a Driveway Construction Permit from the Town Board.
- (2) Application Forms. The Town Board shall approve a form for applications for driveway permits. These are available from the Town Clerk.
- (3) To Apply. Submit a completed Driveway Construction Permit Application with the appropriate fee and the following required attachments to the Town Clerk. The

attachments (a) through (f) are described in the Town 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) **County Erosion Control Plan**
- (e) **Driveway Construction Plan OR**
- (f) **Engineer's Plan (if required)**
- (g) **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 Application Guide.

- (2) **Application Review.** Procedures for the evaluation of the Driveway Construction Permit Application – including site view of the proposed drive, public hearing, and Town Board meeting – are described in the Applications Guide.
- (3) **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 to ensure full compliance with all the provisions of this Ordinance. ***Driveways will be constructed in accordance with the construction standards in effect at the time of construction.***
- (4) **Building Permits.** No Building Permit for new residential construction will be issued until the driveway is constructed according to the specifications of this Ordinance. The only exception will be the final application of gravel, which may occur after heavy equipment needed for building activities will no longer be using the driveway.
- (5) **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 Application Guide.

1.05 PLAN REQUIREMENTS

- (1) **Engineer's Plan.** The Town Board may require a plan prepared by a licensed professional engineer prior to any proposed driveway construction or modification. An Engineer's Plan is required:
 - (a) For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of 15% through 20%;
 - (b) For a driveway or segment of a driveway that requires a retaining wall or other special erosion control measure as determined by the Town Board;
 - (c) When the Town Board requests a plan.
- (2) **Construction Plan.** A Construction Plan is required for all segments of the proposed driveway not covered by an Engineer's Plan. The plan shall be drawn to scale and show the location of the driveway on the lot.

1.06 SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS

- (1) **Slope**. No land with a slope of more than 20% shall be disturbed for the establishment, construction, improvement, modifications, or reworking of a driveway. The maximum final slope of the driveway or any portion of the driveway shall be no more than 13%.
- (2) **Width, Rise and Ditch Distance**. The driveway shall be constructed with a minimum road bed or surface of 12 feet in width, with a minimum of 4 feet side slope on each side with a slope of 1 foot of vertical rise for each 4 feet of horizontal distance. (Such a rise equals 25% slope.) There shall be a minimum of 20 feet from the center of the ditch on one side of the driveway to the center of the ditch on the other side.
- (3) **Culverts**. Each driveway shall have a culvert at least 18 inches in diameter at the ditch line where the driveway meets the public road, unless modified by the Town Board.
- (4) **Juncture with Public Road**. A length of driveway of a minimum of 24 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 just before the culvert at the entrance to a public road to prevent debris from washing onto the public road.
- (5) **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 road of the lands of other persons.
- (6) **Side Banks**. The side banks shall be graded to a slope of no more than 1 foot of vertical rise in each 3 feet of horizontal distance. (Such a rise equals 33% slope.) Excluded from this grading requirement are driveways for which retaining walls and/or other erosion control measures are installed as specified in an Engineer's Plan approved by the Town Board. The side banks shall be constructed using earthen materials.
- (7) **Radius of Curves**. Curves in the driveway shall have an inside radius of no less than 36 feet.
- (8) **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 completed within 90 days.
- (9) **Substate**. The driveway must have a least 4 inches of 2-inch rock on the roadbed, covered with 2 inches of ¾-inch gravel. If it can be shown there is a suitable base, the provision requiring 4 inches of 2-inch rock may be modified or waived by the Town Board. A field road is exempt from this provision.
- (10) **Clearance for Emergency Vehicles**. An area 20 feet in width and 14 feet in height shall be

cleared along the entire driveway right-of-way in order to permit the safe passage of emergency vehicles to the structures served by the driveway. A field road is exempt from this requirement.

(11) **Costs.** All costs of construction of said driveway, including the cost of the culverts and Engineer's Plan, if required, shall be paid by the property owner requesting the permit.

(12) **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.

1.07 ENGINEER'S PLAN SPECIFICATIONS

(1) **Components.** If required, an Engineer's Plan will include a scale plan showing the following:

(a) Location. The precise location of the driveway or the segment of the driveway that requires an Engineer's Plan.

(b) Slope. The slope of the driveway showing no segment exceeding 13%.

(c) Retaining Walls. The location and structure of any retaining walls.

(d) Culverts. The location and size of any culverts.

(e) Cross-section. A cross section of the driveway.

(f) Erosion control. The required mulching, matting, or other erosion control.

(g) Certification. The plan will include the engineer's name, address, and signature; and a statement from the engineer that he has fully complied with all the provisions of this Ordinance.

(2) **Approval.**

(a) Conditions. No construction of a driveway may commence until the Engineer's Plan, if required, is approved by the Town Board, until a Driveway Construction Permit is issued by the Town and, when applicable, any necessary approvals are obtained from Dane County or the State of Wisconsin (See Sec. 86.07 of the Wisconsin Statutes). The preparation of an Engineer's Plan does not guarantee the Town's approval of the Driveway Construction Permit Application.

(b) Inspection. After the driveway has been completed, the Town's Road Patrolman 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.

1.08 EXISTING DRIVEWAYS

- (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 non-agricultural purposes unless the field road has been approved as a driveway under the purposes of this Ordinance.

1.09 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 \$100.00 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.

1.10 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 provisions of this Ordinance is held invalid, the remainder of the Ordinance and the applications of such provisions to other persons or circumstances shall not be affected thereby.

1.11 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 13th day of April, 2000.

(signed copy on file)