

**TOWN OF GRANT
PORTAGE COUNTY WISCONSIN
DRIVEWAY ORDINANCE
ORDINANCE NO. 2013-01**

SECTION 1: TITLE AND PURPOSE

The purpose of this Ordinance is to regulate driveways in the Town of Grant ("Town") to assure that location, repair, construction, alteration or relocation protects the public health, safety, and welfare of the community and to enforce the goals and policies set forth in the Town of Grant Comprehensive Plan.

An underlying principle of this Ordinance is to promote safe access onto town roads by establishing guidelines such as sight distance, separation, preservation of natural drainage and the number and location of driveways.

All existing driveways are exempt except where the Town deems a traffic hazard, safety concern, or drainage issue may exist. If such condition exists, then enforcement of this ordinance may be required. Routine maintenance of an existing driveway is exempt. Driveways directly affected by road construction or maintenance initiated by the Town would be the responsibility of the Town out to the right of way or construction limits. (Also refer to Town of Grant Road Construction Ordinance.)

SECTION 2: AUTHORITY

The Town Board has the specific authority under §66.0425 and §86.07 Wis. Stats., to adopt a town highway access permit ordinance, and has the general authority under its village powers under §60.22 Wis. Stats., to adopt this ordinance.

SECTION 3: 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 certain driveways and highway access locations in the town.

SECTION 4: DEFINITIONS

1. "Altered" means to physically modify or change the use of an existing driveway whose location will not change. Physical modifications include the work beyond routine maintenance such as paving, widening, replacing or installing a culvert.
2. "Agricultural driveway" provides access to properties used primarily for agricultural (crop and livestock production) land uses, and agricultural related residences (farmsteads). An agricultural driveway includes driveways providing access to farm fields, which are often commonly called field entrances. Agricultural driveways are characterized by having a significant volume of agricultural machinery usage.
3. "Approach grade" is the slope of the driveway in the area between the road surface and the right of way (includes driveway approach or apron).

4. "Clear Sight Window" is the horizontal boundaries (often referred to as a vision triangle) that match or achieve the Stopping Sight Distance (SSD) as stated. The vertical boundaries of the clear sight window should be free of obstructions, limbs, trees or vegetative cover that would obscure the driver's view of approaching vehicles from a point 1.5' above the driveway surface to approximately 8.5' above the driveway surface.
5. "Commercial driveway" provides access to properties with primarily retail, restaurant, institutional and, sale and service to the public, land uses. These land uses are reflected in the permitted and conditional land uses listed in the Town Zoning Ordinance. Commercial driveways are typically characterized by having a significant volume of general public vehicle traffic.
6. "Driveway" is any travel way, road or other avenue that runs through any part of a private or public parcel of land that connects or will connect with any public road, and will provide vehicular access from the road to an adjacent property.
7. "Emergency vehicle" is any fire, police, ambulance or first responder vehicle used in emergence or hazard activities in the town.
8. "End wall" is a device built around or attached to the ends of a culvert used to channel water flow, assist in slope management, and increase the safety margin. End walls are typically required where the culvert that is being used is abnormally large or deep.
9. "Existing driveway" is a driveway having been constructed prior to the enactment of this ordinance and being used.
10. "Industrial driveway" provides access to properties with primarily industrial, manufacturing, processing, wholesale, warehousing, truck terminal or similar land uses. Industrial driveways are typically characterized by having a significant volume of heavy truck usage.
11. "Intersection" means a road junction where two or more roads either meet or cross.
12. "Recreational driveway" provides access to undeveloped properties such as lands not being actively farmed, lands used primarily for hunting or other personal recreational uses, wood lots, and other land uses consistent with a conservancy district definition in the Town Zoning Ordinance. Recreational driveways are characterized by having intermittent usage and low traffic volume.
13. "Residential driveway" provides access to properties used for single or multifamily residences only. Residential driveways are characterized by having primarily personal vehicle traffic.
14. "Right-of-way" is the area of land, deeded or provided under state statutes by easement or dedication or otherwise, to the Town, for road purposes. This area includes not only the roadway surface area (the traveled portion of the roadway), but also the portion of land between the roadway surface area and the limits of the deed or statutory easement (property or easement lines).

15. "Routine maintenance" is for the following existing surface types:

- a) Asphalt:
 - Chip Sealing
 - Sealing cracks
 - Pothole repairs
 - Replacing damaged sections
- b) Gravel/Earthen:
 - Top dressing
 - Filling potholes
 - Reshaping
 - Asphalt paving that does not alter the existing layout

In addition the surface of the driveway within the town road right of way may be raised so long as a slope away from the road is maintained.

- 16. "Site sketch" is a drawing which shows dimensions to property lines, adjacent driveways including those of adjacent property owners and nearest side roads.
- 17. "Stopping Sight Distance" (SSD) is the length of roadway ahead that is visible to a driver that is sufficiently long enough to enable a vehicle traveling at the posted speed limit to stop before reaching a stationary object in its path (such as a vehicle stalled while pulling out of the driveway).
- 18. "Town" refers to The Town of Grant, Portage County, Wisconsin.
- 19. "Town board" refers to the Board of Supervisors in the Town.

SECTION 5: GENERAL PROVISIONS

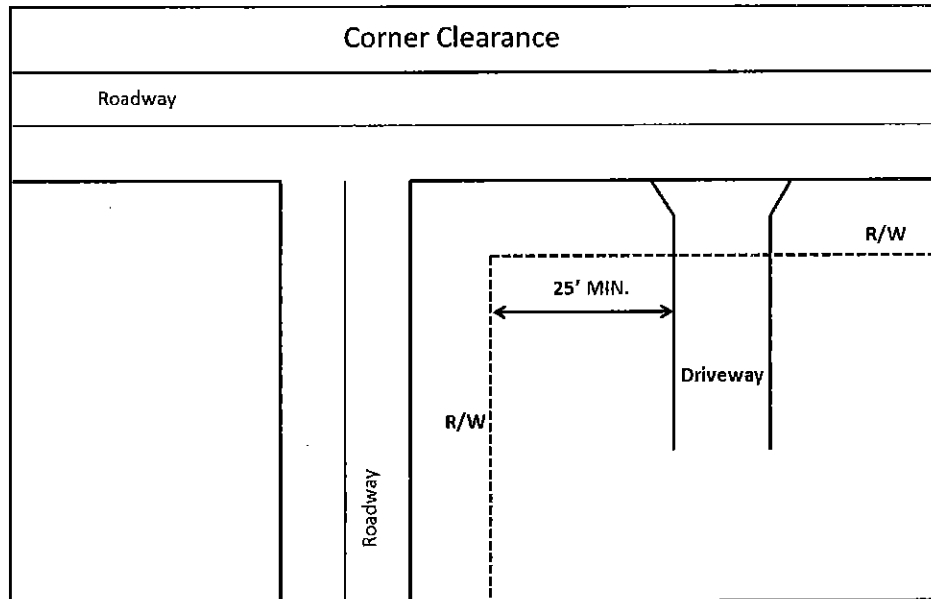
A Driveway Permit is required whenever a proposed driveway will physically meet or intersect with any town road in the Town. To prevent damage to the town road no Zoning Permit for new construction will be issued until a Driveway Permit Application is approved.

If the proposed driveway will meet with or intersect a county or state highway, the Portage County Highway Department or the Wisconsin Department of Transportation, respectively, will establish the rules and regulations regarding conditions for the permit and compliance with the permit.

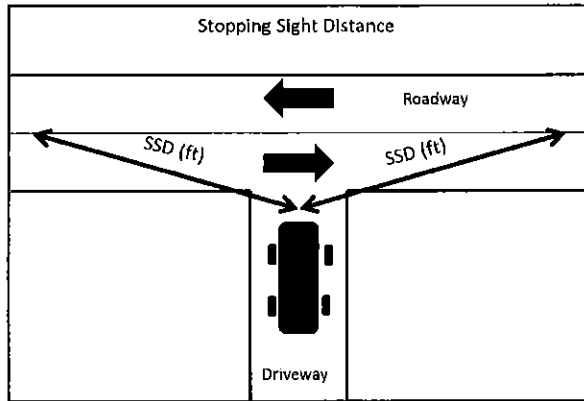
If the proposed driveway will intersect a town road, the Town board or its designee, subject to the following rules and regulations, will issue the Driveway Permit. A Driveway Permit Application can be obtained from the Zoning Administrator, and the driveway must meet all applicable standards for location, slope, drainage, size of culvert (if required), and surface preparation. An applicant is responsible for any other applicable permits that may be necessary, including but not limited to DNR permits for wetland impact.

New, altered or relocated driveways shall meet all the following minimum requirements:

1. Before an address or Zoning Permit for new construction is issued, the applicant shall first obtain a Driveway Permit.
2. The following minimum specifications shall apply to all new driveways.
 - a. One driveway is allowed for lots with 200 feet or less of road frontage.
 - b. Two driveways are allowed for lots with over 200 feet of road frontage.
 - c. Parcels over 1000' in road frontage are eligible for driveways beyond the normal two (2) allotted per lot.
 - d. The driveway shall be constructed with a minimum surface width of 10 feet in order to provide access for emergency vehicles;
 - There shall be an obstruction free minimum of a 16 foot width along the entire driveway length.
 - There shall be a minimum vertical clearance of 14 feet along the entire driveway length.
 - The side slope shall be a maximum of 1 foot of vertical drop or rise for each 3 feet of horizontal distance for a minimum of 3 feet from each edge of the driveway.
 - e. The driveway shall be a minimum of 15 feet from property lines of adjacent parcels. However agricultural driveways servicing field entrances may be constructed on the lot line provided maintenance thereof does not encroach onto neighboring property.
 - f. The driveway shall be located a minimum of 25 feet from the intersection as measured along the road right of way.



- g. Stopping Sight Distance (SSD): Adequate SSD shall be provided. The following minimum SSD's are required from the driveway looking both directions down the roadway:



Posted Speed	Minimum SSD
25 mph	155'
30 mph	200'
35 mph	250'
40 mph	305'
45 mph	360'
50 mph	425'
55 mph	500'

- h. Clear Sight Window: A clear sight window should exist at each driveway location established. The clear sight window should be evaluated from the driver's point of view measured from where the vehicle is likely to safely stop before entering the roadway.
- i. Maximum Surface Width of Access – The following are the maximum surface width of access points measured at the right of way (ROW) line:

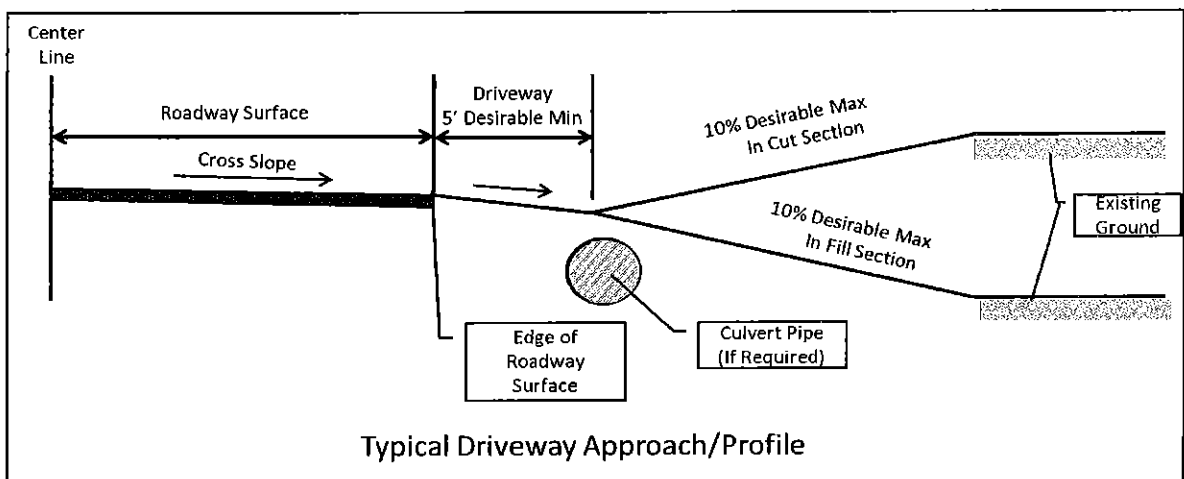
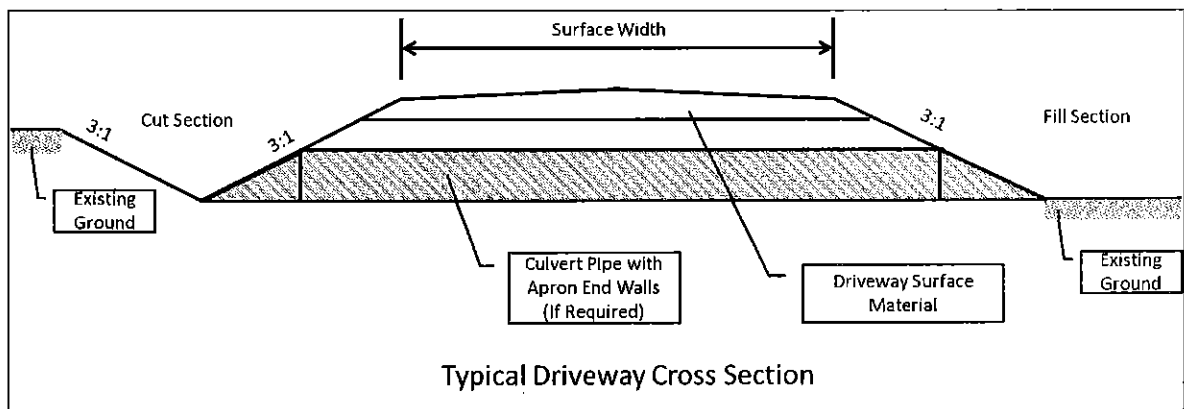
Type of Driveway	Max Width
Residential	24'
Recreational	24'
Agricultural	40'
Commercial	35'
Industrial	35'

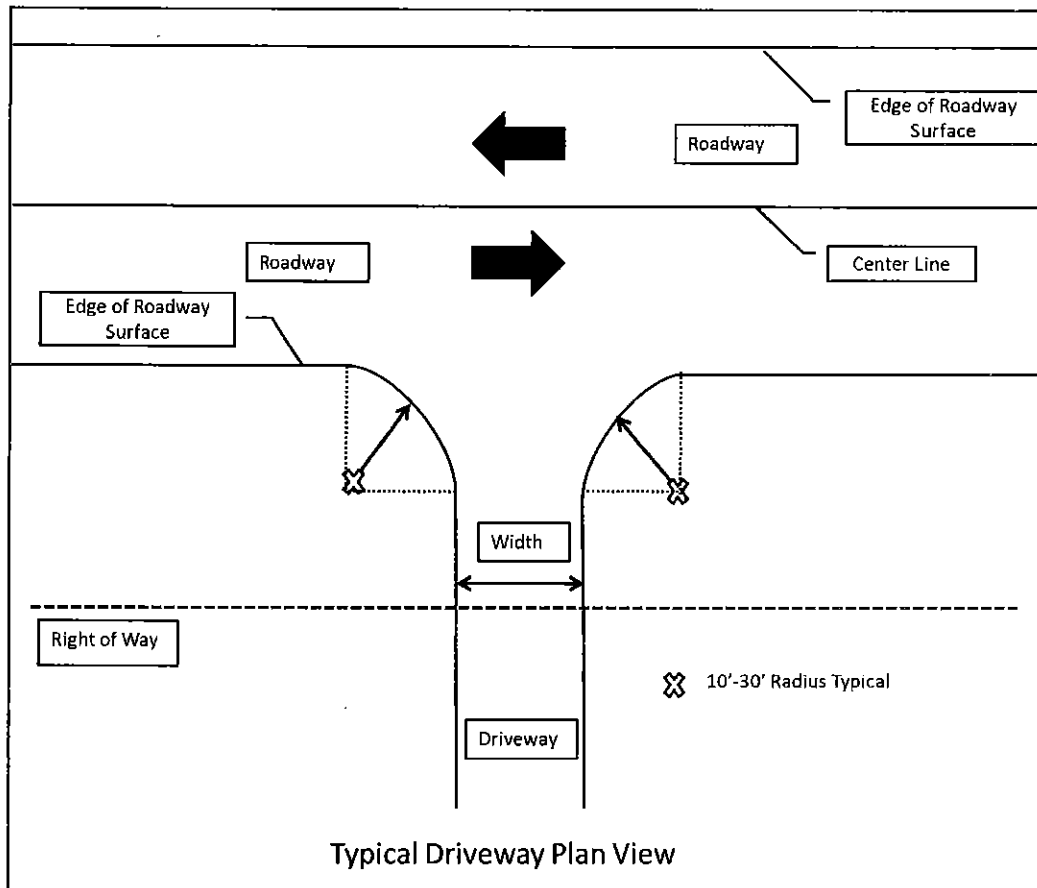
3. All Driveway Permits shall be reviewed by the Town board, or its designee for the possible installation of a culvert. Installation of a culvert is at the expense of the applicant. Culverts shall be required where there is adequate ditch depth and there is seasonal or periodic water flow, or possibility of water ponding or other such criteria, at the discretion of the Town board.

Culvert Specifications:

- Size: 12" minimum diameter with appropriate length of culvert to meet the 3 to 1 slope.
 - Type: Allowable types include steel, concrete, plastic or aluminum.
 - No change or obstruction of natural drainage waterway.
 - End walls are required with culverts of 30" diameter or greater.
4. The driveway should slope down and away from the road surface a sufficient grade and distance to prevent ordinary surface water drainage from the driveway flowing onto the roadway.

5. The approach grade of any driveway shall meet flush with the grade of the road surface and not cause an obstruction to the maintenance or snowplowing of such town road. The driveway elevation within the town road right-of-way shall be equal to or lower than adjacent road surface.
6. If a concrete driveway is installed in the right-of-way, a fiber expansion joint must be installed at the right of way or easement line. If the concrete driveway must be removed from within the right-of-way for roadway work, the Town will not be responsible for replacement in-kind.
7. To allow for adequate mowing and snowplowing no obstructions, (i.e. decorative rock walls, lighting, shrubs, or fences) shall be placed within the right of way.
8. Deviations from these provisions may be allowable at the Town board's discretion if it deems the specification(s) would impose an unnecessary hardship not caused by the applicant or owner.
9. A fee shall be charged upon application for a Driveway Permit. (*See Fee Schedule*)
10. Driveway Design Detail Sketches:





SECTION 6: PERMIT APPLICATION REQUIREMENTS AND PROCEDURES

1. **Who Must Apply:** A Driveway Permit shall be required for construction of a new driveway, or an alteration or relocation of an existing driveway. A Driveway Permit may be required where the Town board has deemed a hazard or drainage issue exists on an existing driveway. Said Driveway Permit is required to ensure compliance of ordinance provisions.
2. **Driveway Permit Application:** Submit a completed Driveway Permit with the appropriate fee to the Town board or its designee.
3. **Driveway Permit Review:** Upon receipt of the completed Driveway Permit Application, the Town board or designee will review the permit and conduct a site review.
4. **Permit Application Approval:** Upon completion of site review and assurance that the application conforms with terms of this ordinance the Town board or its designee will return an approved Driveway Permit to the applicant.
5. **Permit Application Denial:** In the event of a denial of the proposed permit, 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 refuting the determination, if so desired. 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.

6. Resubmittal of Application: If an application for a Driveway Permit Application is denied by the Town board, no reapplication for an unmodified Permit will be considered within 3 months of the denial.
7. Permit Period: The Driveway Permit is effective for 12 months from the date issuance. The Permit shall expire after 12 months unless renewed. The driveway must be constructed according to the application and the terms of the Ordinance within the permit period.
8. Renewal: The Driveway Permit may be renewed for one additional period of 12 months. If the driveway has not been constructed by the end of the period, then a new application must be submitted and approved according to the terms of this Ordinance.
9. Driveway Inspection: The applicant shall notify the Town board or designee within 30 days of completion of the construction or alteration. Within 30 days of notification, the Town will conduct an inspection of the driveway to ensure full compliance with the provisions of the Ordinance.
10. 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 Fee Schedule.
11. Exceptions: Deviations from these provisions may be allowable at the Town Board's discretion if it deems the specification(s) would impose an unnecessary hardship.

SECTION 7: ENFORCEMENT

This Ordinance shall be enforced under the direction of the Town Board, through the Town Zoning Administrator and county law enforcement officers.

SECTION 8: PENALTIES

Any person violating the provisions of this Ordinance shall be punished upon conviction according to the following forfeiture range: Not less than \$25.00 or more than \$250.00 per violation. A citation may be issued, according to the following schedule: \$25.00 for the first violation, \$50.00 for the second violation, \$100.00 for the third violation and subsequent violation, together with court costs, pursuant to Chapter 814, Wis. Stats. If any violation be continuing, each day's violation shall be deemed a separate offense. The Town board may use any and all lawful enforcement mechanisms to enforce this Ordinance, including seeking legal or equitable relief.

SECTION 9: SEVERABILITY

Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

SECTION 10: VALIDITY


Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

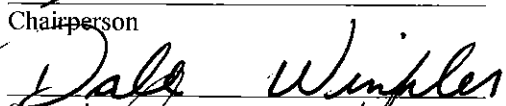
SECTION 11: DISCLAIMER

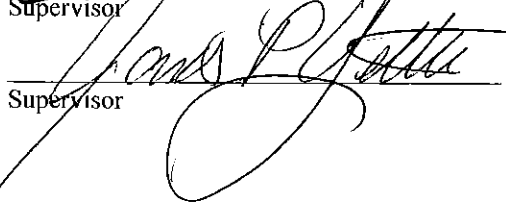
The Town of Grant does not, by issuing a permit, warranty or make assurance of any kind whatsoever, specifically as to whether the subject of the permit is safe, suitable for its intended purpose, merchantable, or in compliance with any applicable codes or regulations.

The Town of Grant voted to adopt this Ordinance on Oct. 9, 2013
Ordinance #: 2013-01

Signed:


Chairperson


Supervisor


Supervisor

Witnessed:


Town Clerk

10/9/13
Dated

10/18/13
Posted: Town Hall, Transfer Station, Oak & Townline