

ORDINANCE #2016-04
CREATING 08-03.00, Driveway Ordinance, Rockland Code of Ordinances,
Town of Rockland, Brown County, Wisconsin

WHEREAS, the Town Board finds that it is necessary and in the public interest to regulate the design, location and construction of private driveways and vehicular access points onto public highways in order to ensure that proposed and constructed improvements are consistent with the public safety and welfare and will not cause unnecessary damage or undue expense to the Town in connection with future maintenance of the adjacent drainage facilities or roadways; and

WHEREAS, the Town Board finds that is also is necessary and in the public's interest, safety, and welfare to regulate the design, location and construction of private driveways so that fire and emergency protection services can have immediate and adequate access to private properties;

WHEREAS, the Town Board previously enacted and amended the Town of Rockland Road Standards, Culverts, and Private Driveways, which established standards for culverts for driveways located in the Town right-of-way; and

WHEREAS, the Town Board finds that the current Town of Rockland Road Standards, Culverts, and Private Driveways, do not adequately define minimum standards for private driveways nor address fire and emergency protection service access requirements which assures uniformity of design and public safety;

NOW, THEREFORE, the Town Board of the Town of Rockland, Wisconsin, does ordain that Ordinance 2016-04 enacted by the Town Board on August 1, 2016, creates 08-03.00, Driveway Ordinance, to read as follows:

08-03.00: TITLE

This ordinance shall be known as the "Town of Rockland Driveway Ordinance."

08-03.01: AUTHORITY AND PURPOSE

This ordinance is adopted under the general authority granted pursuant to §§60.10 (2)(c), 60.22(3), 61.34(1) and 81.01 of the Wisconsin Statutes, to promote the public health, safety, and general welfare of the community and to further the safe and orderly layout of driveways that enter onto public roads within the Town.

08-03.02: DEFINITIONS

In this ordinance, the following words and phrase have the designated meaning unless a different meaning is expressly provided elsewhere in the Rockland Code of Ordinances (RCO) or the context clearly indicates a different meaning:

- (a) **Authorized Agent.** A person or organization designated by the Town Board to conduct activities, including, but not limited to, inspections and the issuance of citations, under this Ordinance. For purposes of this Ordinance, the Building Inspector is an authorized agent.
- (b) **Driveway, Construction.** A temporary access to a building site on a property that is constructed in a manner to minimize the tracking of mud and gravel onto a public or private road during the construction process and to minimize damage to the public highway.

- (c) **Driveway, Permanent.** A private driveway or field driveway or other avenue of vehicular travel that runs through any part of a private parcel of land and that connects or will connect to a public highway.
- (d) **Driveway Access.** That portion of a driveway which extends from a public roadway through the Town right of way and onto private property.
- (e) **Easement.** An interest in real property that transfers rights of use, but not ownership, of a portion of the owner's property.
- (f) **Fire Department.** The fire department or departments contracted by the Town of Rockland to provide fire protection services to its residents.
- (g) **Improvement.** Within the public right of way, any upgrade to, or reconstruction of a driveway access, including, but not limited to the addition of a permanent surface, changes in the location, dimensions, grade or drainage of an existing driveway, or the addition, removal, relocation or replacement of a culvert.
- (h) **Public Highway.** A vehicular thoroughfare dedicated to and maintained by the Town, the County, or the State.

08-03.03: APPLICATION REQUIREMENTS AND PROCEDURES

- (a) **Permit Required.** No person or entity shall do any of the following, in the Town right of way, without first obtaining a driveway construction permit from the Town:
 1. Construct a new driveway;
 2. Modify a driveway access in the public right of way;
 3. Relocate an existing driveway;
 4. Replacing existing driveways in the Town right of way.
- (b) **State and County Permit Required.** Driveway access on state and county roads will require the appropriate permit from the applicable governing agency.
- (c) **Permit Period.** A driveway construction permit is effective for twelve (12) months from the date of approval by the Town or its authorized agent. If the driveway has not been completed within that permit period, the permit is deemed expired and a new application and accompanying fee must be submitted and approved. If new standards are in effect with the current review, the new standards shall apply to the application.
- (d) **Town Authority Preserved.** The Town, notwithstanding the issuance of any permit under this ordinance or construction of any driveway pursuant to such permit, reserves all of its rights and authority to make or cause any changes, additions, repairs, reconstruction or relocation of any part of a driveway located within the dedicated right-of-way at any time, including but not limited to,

modifications that may be necessary or convenient in connection with the relocation, reconstruction, widening and/or maintaining the road or right-of-way.

(e) **Driveway Inspection.** The applicant shall notify the Town or authorized agent within thirty (30) working days after the completion of the work authorized by the permit. The Town or authorized agent shall:

1. conduct an inspection of the driveway to ensure full compliance with all provisions of this ordinance and terms of the permit;
2. require the applicant to make such modifications as are necessary for full compliance; and
3. specify a date when any required modifications shall be completed.

(e) **Building Permits.** The Town or authorized agent shall determine whether the driveway construction or improvement must be completed prior to commencing construction of any building(s) on the parcel, and may condition any building permit on completion of the driveway, for any one or more of the following reasons:

- Construction activities are reasonably likely to cause the tracking of soil, gravel, vegetation or other material onto the public roadway unless the driveway is first constructed;
- Construction of the driveway is necessary to allow for the safe and efficient access of construction or other vehicles entering or leaving the construction site;
- Construction may cause damage to the existing roadway, shouldering or ditches. Construction activities may not cause damage to the existing roadway, shoulders, or ditches.

(f) **Amendments to Application.** Any amendments to the construction or size of the driveway or culvert requires prior written approval by the Town.

(g) **Fees.** The fee for obtaining a driveway permit shall be set as set forth in the Permit Fee Schedule and Developer Deposit Schedule adopted by the Town Board.

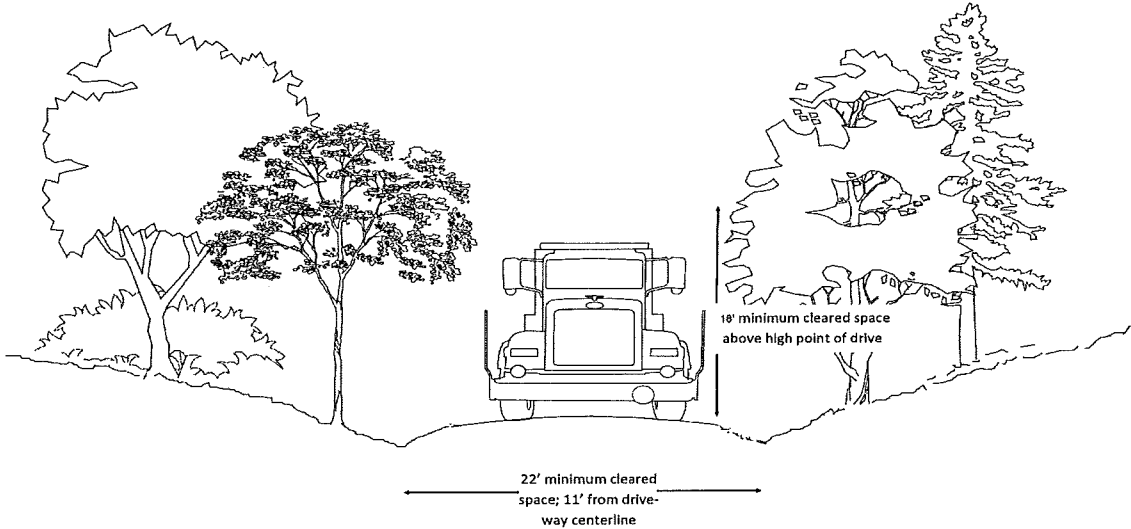
08-03.04: DRIVEWAY AND CULVERT LOCATION, DESIGN AND CONSTRUCTION REQUIREMENTS

(a) **General Design Requirements.** The location, design and construction of driveways shall be in accordance with the following standards:

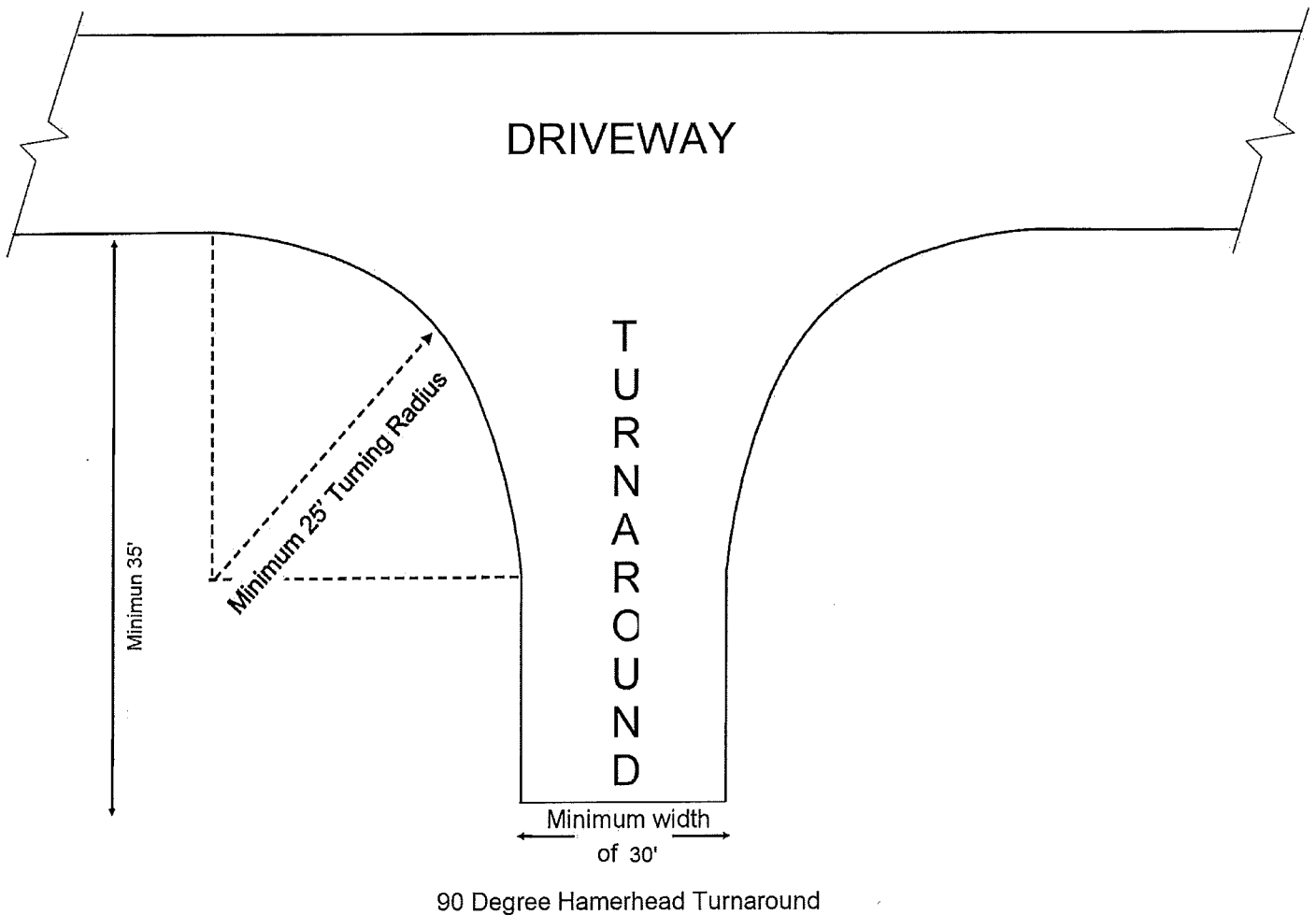
1. No driveway shall provide direct ingress or egress to or from any street intersection, nor encroach upon or occupy areas of the street right-of-way required for effective traffic control or movements. A driveway shall be located a minimum of either 100' from the intersecting centerlines of roadways, or a maximum distance from the intersecting centerlines to the driveway that can be practicably achieved to provide access to an existing lot. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate vision corners as defined in

Sec. 18-01.08.(155), RCO. The Town shall determine what trimming and planting removal is required as a condition of permit approval. Driveways shall, wherever possible, be located and constructed so as not to interfere with utilities in place.

2. Trees, shrubs, walls, pillars, and any other obstructions on either side of driveway shall be removed to allow for safe passage of emergency vehicles and as a location for snow storage during the winter season; the minimum width of this cleared path shall be 22' with the driveway centered to the path. Trees, shrubs and other vegetation shall be trimmed or removed as necessary to maintain a minimum of 18' height clearance over the entire 22' path at all times.



3. If the driveway length, from the paved portion of a Town road to any principal structure or any residential structure on the parcel is more than three hundred (300) feet in total length, the driveway permit application shall also be reviewed by the Fire Department for an assessment of proper and reasonable ingress and egress to the structure(s) by emergency vehicles. The Town or its authorized agent may deny any application for a driveway which will not provide adequate access for fire and other emergency purposes. In addition to the foregoing, such driveway shall provide adequate open space outside of the public right-of-way to allow for the deposit of snow cleared from the driveway without obstructing the minimum necessary travel lanes for emergency vehicles. To assure adequate emergency access on driveways exceeding 300 feet in total length a 90° hammerhead turnaround shall be constructed a minimum of 175' from each building intended for human occupancy with a minimum width of 30' unless determined unnecessary in a particular case by the Town or its authorized agent. Such turnarounds shall have a minimum turning radius of 25' and be a minimum 35' in depth.



4. The surface of the driveway access connecting with the road cross sections shall be sloped to preclude ordinary surface water drainage from flowing onto the roadbed. No driveway access shall extend into the street further than the pavement edge or face of the curb. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of the road, side ditches or roadside areas. All driveways and parking areas shall be graded and constructed in such a manner that no storm water is discharged onto the roadway.
5. Any costs of relocating utility structures or facilities shall be the responsibility of the property owner. Approval from the Town or its designated agent shall be obtained before any utility structure or facility is relocated within the Town right-of-way.

(b) Specific Requirements for Non-Residential Driveways.

1. Width of Driveway. A non-residential driveway located within the dedicated right-of-way shall have a minimum width of forty (40) feet measured parallel to the centerline of said roadway.

Each driveway shall include a driveway access extending to the paved portion of the adjacent roadway, which may be wider than the general driveway width. Additional standards may be required during the permitting process as defined by the Town.

2. Field Agricultural Driveways. All field agricultural driveways shall be constructed from the edge of the Town road to the end of the Town right of way and shall be backfilled with stone to a maximum depth that does not interfere with drainage from the roadway/ditch.

(c) Specific Requirements for Residential Driveways & Turn Arounds

1. Width of Drive. A residential driveway located within the dedicated right of way shall have a minimum width of twelve (12) feet measured parallel to the centerline of said driveway. Additional standards may be required during the permitting process as defined by the Town or its authorized agent. Residential driveways located on a state or county highway also must meet the driveway standards set forth by the state of Wisconsin and Brown County.
2. New Construction. The minimum depth of sub base, during the construction phase, shall be no less than 4 inches of compacted 3 inch diameter breaker run overlaid with 4 inches of compacted 1 ¼-1 ½ inch gravel and fines. The finished driveway, and turnaround, if applicable, shall have a total of 8 inches of stone applied atop that is graded to facilitate drainage of storm water. These minimum standards shall also apply to driveways with a paved surface layer.

(d) Culvert Construction Standards.

1. General. Culverts shall be installed prior to construction work being commenced on the property. All culverts shall be constructed of corrugated metal pipe or concrete, round or elliptical.
2. Length and Diameter. Unless otherwise determined by the Town, residential culverts for newly constructed driveways, or culverts being replaced, shall not be less than thirty (30) feet in length nor smaller than eighteen (18) inches in diameter with end walls. Unless otherwise determined by the Town, culverts constructed for new farm driveways, farm field access points, or replacement culverts, shall not be less than forty (40) feet in length nor smaller than eighteen (18) inches in diameter with end walls. Culverts for commercial driveways shall be determined as set forth in the site plan. The Town may require a larger capacity culvert in any case where it is deemed necessary to minimize the risk of flooding, to facilitate efficient maintenance, or otherwise to reduce the risk of harm to the public health, safety or welfare.
3. Placement. Culverts shall be placed in the ditch line at elevations approved by the Town so as to adequately convey water and assure proper drainage. In no circumstance, shall the culvert be located lower than the drain line of the existing ditch.
4. End walls. All culverts shall have flare end wall sections so that backfill and cover material will not erode into the bottom of the ditch and reduce the capacity of the ditch and culvert. End walls also serve a safety function in that vehicles that enter the ditch way inadvertently may not be stopped as abruptly by the flared end wall. All construction or placement of abutments constructed of timber or rock or similar material are prohibited.

5. Backfill and Cover Material. Culverts shall be covered with granular material compacted in place, or other material approved by the Town. The minimum cover, when possible, measured from the top of the culvert to the top of the sub grade material shall be six (6) inches.
6. Engineering Costs. The Town may request the owner to supply an engineering study to determine the proper sizing of the culvert. Costs incurred for said services are the sole responsibility of the owner.

(e) **Maintenance Responsibility.**

The property owner is responsible for maintaining the driveway approaches, culvert and ditch in such manner necessary to permit free and unobstructed flow of water. The Town of Rockland does not assume any responsibility for the removal or clearance of snow and or ice upon any portion of the driveway within the right-of-way.

- (f) **Existing Driveways.** Existing driveways shall be improved to the standards in effect at the time of significant changes in the permitted use of the land served, such as rezoning to a more intensive use district, or reconstruction or relocation of the driveway, unless the Town Board determines that the change or modification will have an insignificant impact on public facilities and public safety. When wash outs, erosion, or other conditions created by an existing driveway that does not meet the specification established by 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 conditions within thirty (30) days after notice by the Town Board shall be subject to the penalties provided herein.

- (g) **Existing Ditches.** Existing ditches shall not be used for access to any parcel, unless prior approval is obtained from the Town.

08-03.05: ENFORCEMENT

The Building Inspector or Town's authorized agent may post a stop work order if a driveway, culvert or other permitted construction, or any part thereof, is being installed contrary to the terms of this ordinance or without a permit. Every property owner shall comply with the terms of any stop work order so issued.

08-03.06: PENALTIES

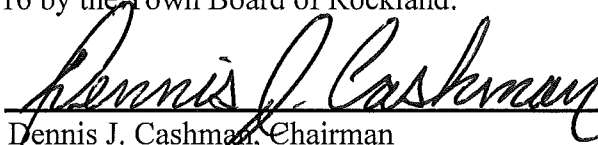
Any person, partnership, corporation or other legal entity that violates, disobeys, neglects, omits, or refuses to comply with or resists the enforcement of this ordinance shall be subject to the enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures and injunctive action in accordance with RCO 01-01.00.

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


08-03.07: EFFECTIVE DATE

This ordinance shall take effect the day after its enactment and publication of this ordinance or an appropriate notice hereof as provided by law.

Adopted this 1st of August, 2016 by the Town Board of Rockland:



Dennis J. Cashman, Chairman



Supervisor Van Vonderen



Supervisor Lasee



Attest: Jann Charette, Town Clerk

Roll Call Tally:
Cashman YES / NO
Van Vonderen YES / NO
Lasee YES / NO
Total YES 3 / NO 0