

## **CHAPTER 34: DRIVEWAYS**

### **SECTION 34.01 PURPOSE**

The purpose of this ordinance is to regulate the establishment, construction, improvement, modification or reworking of a driveway to assure that the site, method of construction and conservation practices used will promote the public health, safety, and general welfare of the community.

### **SECTION 34.02 JURISDICTION**

Jurisdiction of these regulations shall include all driveways on land within the Town of Baraboo. Except as provided in Section 1.11, existing driveways that undergo repairs involving changes to the existing grade and/or re-routing are subject to the provisions of this ordinance. The provisions of this ordinance do not apply to field roads.

### **SECTION 34.03 AUTHORITY**

These regulations are adopted under the general police powers authority granted pursuant to Wis. Stat. §§ 60.10(2)(c), 60.22(3) and 61.34(1) and under the controlled access highway power granted pursuant to Wis. Stat. § 83.027(10).

### **SECTION 34.04 DEFINITIONS**

#### **A. FOR THE PURPOSES OF THIS CHAPTER:**

The following definitions apply for the purposes of this chapter:

1. Driveway. A private driveway, road or other avenue of travel that runs through any part of a private parcel of land and connects with any public roadway, and will provide service to a residence or business, except agricultural access driveways.
2. Agricultural Access Driveway. A private driveway, road or other avenue of travel that runs through any part of a private parcel of land that connects with any public roadway, that is used for the sole purpose of providing roadway access to agricultural buildings, fields or other agricultural areas.
3. Field Road. A road that does not connect with a public roadway and lies outside the right-of-way of a public roadway.
4. Town Building Inspector/Engineer. The individual(s) and/or agent(s) hired by the Town Board to act in these capacities.

### **SECTION 34.05 APPLICATION REQUIREMENTS AND PROCEDURES**

#### **A. WHO MUST APPLY.**

Any person or entity wishing to establish, construct, improve, modify or re-route a driveway or agricultural access driveway that changes the existing grade of the land or any driveway, must first obtain a Driveway Construction Permit from the Town Building Inspector/Engineer.

## **B. FORMS.**

The Town Building Inspector/Engineer shall approve an application form for Driveway Construction Permits. This is available from the Town Building Inspector/Engineer and/or the Town Clerk.

## **C. SKETCH MAP.**

Applicants are encouraged to submit a rough sketch map of the conceptual idea of the project, approximate location and dimensions to the Town Building Inspector/Engineer prior to preparing or submitting an application to provide initial comments. However, formal approval for a Driveway Construction Permit will not be granted without submitting a complete application and supporting documents.

## **D. APPLICATION AND SUPPORTING DOCUMENTS.**

The person or entity shall submit 1 copy of a completed Driveway Construction Permit Application with the appropriate fee and the following attachments to the Town Building Inspector/Engineer:

1. Site Map. Indicating the location and dimensions of the desired driveway. The map shall be no smaller than 1 inch = 100 feet scale and labeled with dimensions.
2. Driveway Location Plan or Driveway Construction Plan as required in 1.06. All applicants will need the Town Building Inspector/Engineer to view the driveway location to determine the grade and whether a Driveway Location Plan or a Construction Plan is needed. The application fee covers the initial inspection and completion inspection.
3. If submittal to the Town Plan Commission or Town Board is required, 12 copies of the completed Driveway Construction Permit Application shall be submitted to the Town Clerk.

## **E. PERMIT APPLICATION DENIAL.**

If the Town Building Inspector/Engineer denies two consecutive applications for a Driveway Construction Permit, the applicant may not submit a Driveway Construction Permit application within three months of denial.

## **F. PERMIT PERIOD.**

The Driveway Construction Permit is effective for 12 months from the date of issuance. The permit shall expire after these 12 months, unless renewed by the Town Building Inspector/Engineer.

## **G. DRIVEWAY INSPECTION.**

The applicant shall notify the Town Building Inspector/Engineer within 30 days of completing construction or modification. Within 30 days of this notice, the Town Building Inspector/Engineer will inspect the driveway to ensure full compliance with all of the provisions of this Ordinance.

#### **H. OCCUPANCY PERMIT.**

No Occupancy Permit for new residential construction shall be issued until the driveway is constructed according to the specifications of this Ordinance and the Town Building Inspector/Engineer approves the final inspection.

#### **I. APPLICATION FEE.**

A non-refundable application fee of an amount determined by a resolution of the Town Board and specified in the Town's Fee Schedule shall be charged for each application.

#### **J. OTHER FEES.**

The Town shall charge additional fees for each trip to the site by the Town Building Inspector/Engineer, other than the initial inspection and completion inspection. The Town Building Inspector/Engineer will minimize trips to sites to the extent possible; however, more sensitive sites will likely require more inspection. The amount of said other fees shall be determined by resolution of the Town Board and are specified in the Town's Fee Schedule.

#### **K. RESPONSIBILITY FOR COSTS.**

All costs of construction of said driveway, including permit fees, cost of culverts and various erosion controls and surface water management measures, engineer's plan(s), inspection(s), if required, shall be paid by the property owner requesting the permit.

### **SECTION 34.06 PLAN REQUIREMENTS**

#### **A. VIEWING.**

All applicants will need the Town Building Inspector/Engineer to view the driveway location (the initial inspection) to determine the grade and whether a Driveway Location Plan or a Driveway Construction Plan is required. All driveways shall meet the specifications as provided in Section 34.10.

#### **B. DRIVEWAY LOCATION PLAN.**

A Location Plan is required for all segments of the proposed driveway unless a Driveway Construction Plan is needed. The plan shall show the exact location of the driveway on the lot and meet all requirements for Driveway Location Plans as provided in Section 34.07.

#### **C. DRIVEWAY CONSTRUCTION PLAN.**

A Driveway Construction Plan is required for the entire driveway when at least one of the following applies:

1. Construction of a driveway or segment of a driveway requires disturbing land with a grade of 10 percent or more;
2. A driveway or segment of a driveway requires a retaining wall or other special erosion control measures as determined by the Town Building Inspector/Engineer; or
3. A driveway crosses a waterway or has the potential to significantly alter existing drainage patterns and/or quantity of runoff.

#### **D. CONSTRUCTION PLAN REQUIREMENTS.**

The plan shall show the exact location of the driveway on the lot and meet all requirements for Driveway Location Plans as provided in Section 34.08.

### **SECTION 34.07 SPECIFICATIONS FOR DRIVEWAY LOCATION PLANS**

#### **A. MUST INCLUDE.**

A Driveway Location Plan must include:

1. Location. The precise location of the driveway on the lot.
2. Grade. A profile of the proposed driveway route before and after construction.
3. Culvert. The location and size of any culverts as approved by the Town Building Inspector/Engineer to meet a minimum 25-year, 24-hour storm standard.
4. Erosion Control Plan. The proposal shall describe plans and dates to re-seed, mulch, ditch, place culverts, and carry out other erosion control practices.
  - a. With the exception of seeding and vegetation, all erosion controls shall be installed prior to land disturbance or at the appropriate stage of construction and shall remain in place until permanent vegetation is sufficiently established to effectively prevent erosion.
  - b. Identify the type and location of erosion control measures including, but not limited to, flow diversion, silt fence, erosion bales, stone ditch checks, and measures to prevent tracking soil onto public roadways.

#### **B. DISCLAIMER.**

Preparing a Driveway Location Plan does not guarantee approval of the Driveway Construction Permit Application by the Town Building Inspector/Engineer.

## **SECTION 34.08 SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION PLANS**

### **A. SCALE PLAN.**

If required, a Driveway Construction Plan will include a scale plan showing the following:

1. Location. The precise location of the driveway on the lot.
2. Grade. A profile of the proposed driveway route before and after construction.
3. Retaining Walls. The location and structure of any retaining walls.
4. Culverts. The location, size and design calculations of any culverts.
5. Storm Water Management. Drainage methods for the driveway for the particular surface type, including location and dimensions of ditches, and proper grading techniques.
6. Erosion Control Plan. The proposal shall describe plans and dates to re-seed, mulch, ditch, place culverts, and carry out other erosion control practices.
  - a. With the exception of seeding and vegetation, all erosion controls shall be installed prior to land disturbance or at the appropriate stage of construction and shall remain in place until permanent vegetation is sufficiently established to effectively prevent erosion.
  - b. Identify the type and location of erosion control measures including, but not limited to, flow diversion, silt fence, erosion bales, stone ditch checks and measures to prevent tracking soil onto public roadways.
7. Other Documents. The Town Building Inspector/Engineer may require other documents with the Driveway Construction Plan. Contact the Town Building Inspector/Engineer to determine if other documents are needed.

### **B. DISCLAIMER.**

Preparing a Driveway Construction Plan does not guarantee approval of the Driveway Construction Permit Application by the Town Building Inspector/Engineer.

## **SECTION 34.09 APPROVAL FOR DRIVEWAY CONSTRUCTION PERMITS**

### **A. CONDITIONS.**

No construction of a driveway may commence until all of the following have been met:

1. The Driveway Location or Construction Plan is approved by the Town Building Inspector/Engineer;

2. The Driveway Construction Permit is issued by the Town; and

3. When applicable, any necessary approvals are obtained from Sauk County or the State of Wisconsin (See Wis. Stat. § 86.07).

**B. DISCLAIMER.**

The Town's approval of a Driveway Construction 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.

**SECTION 34.10 SPECIFICATIONS FOR CONSTRUCTING DRIVEWAYS**

**A. DIVIDING AGRICULTURAL LAND.**

Driveway construction shall have the least substantial adverse impact on agricultural land.

**B. FORESTED AREAS.**

Driveway construction shall minimize breaks in forest canopy.

**C. ACCESS LIMITS.**

There shall be no more than one driveway for any parcel. Upon application, the Town Board may, by special permit, allow an additional driveway.

**D. AGRICULTURAL ACCESS DRIVEWAY.**

The Town Building Inspector/Engineer may allow more than one agricultural access driveway for any given parcel for the purpose of attaining necessary access to agricultural buildings, fields and other agricultural uses. In addition to this Ordinance, the agricultural access driveway is subject to the Sauk County permit process.

**E. AGRICULTURAL ACCESS DRIVEWAY CONSTRUCTION REQUIREMENTS.**

The same construction requirements listed in this Ordinance are required for agricultural access driveways.

**F. SHARED DRIVEWAYS.**

Shared access is encouraged, but shall be limited to provide access to no more than four single-family residences. Any driveway proposed for joint use shall be required to have recorded multi-party access easements, and maintenance agreements that include escrow accounts or performance bonds.

**G. GRADE.**

No land with a grade of 20 percent or more shall be disturbed to construct, establish, improve, modify or re-work a driveway. Under extraordinary circumstances, the Town Building Inspector/Engineer may permit development on land with grades equal to or greater than 20 percent only if all minimum environmental criteria are met and there is no adverse effect on surrounding property owners. Minimum environmental criteria include:

1. At least 60 percent of each building lot shall remain undisturbed and in its natural state. Existing trees and vegetation on the undisturbed portion shall not be removed by the development.
2. Plans acceptable to the Town Building Inspector/Engineer are submitted for retaining walls and other erosion control measures for each lot.
3. The Town Inspector/Engineer and/or Town Planning Commission may establish additional criteria.

#### **H. MAXIMUM FINISHED GRADE.**

The maximum finished driveway grade shall not be greater than 13 percent.

#### **I. RADIUS OF CURVES.**

Driveway curves shall have an inside radius of no less than 36 feet.

#### **J. VISIBILITY FROM THE ROADWAY.**

Driveways shall be so located as to not create a safety hazard for vehicles traveling on the roadway or exiting and entering the property. The Town Building Inspector/Engineer, using good engineering practice, shall approve the permitted location for driveways with consideration given to the roadway's classification, topography and posted travel speed. The near edge of a driveway shall be at least 100 feet from public roadway intersections measuring from the property line where the driveway intersects the road right-of-way. If the property abuts more than one roadway, the driveway should access the roadway with the least traffic volume.

#### **K. JUNCTURE WITH PUBLIC ROADWAY.**

1. The angle between the centerline of the driveway and the centerline of the roadway shall be no less than 70 degrees.
2. A length of driveway of a minimum of 12 feet shall have a maximum of 5 percent grade away from the roadway at the point where the driveway enters onto a public roadway. A slight dip across the drive shall be placed just before the culvert at the entrance to a public roadway to prevent debris from washing onto the public roadway.
3. Any pavement in the right of way, whether new, resurface or replacement may be required to be replaced at the owner's expense when it causes a safety or drainage problem.

4. Access onto a public roadway may require a paved apron within the right-of-way of the public roadway, at the owner's expense, in instances when usage or drainage warrants.

## **L. CULVERTS.**

Each driveway shall have installed a culvert at the ditch line where the driveway meets the public roadway, unless the Town Building Inspector/Engineer determines it is not necessary. Culverts shall be installed prior to construction work being commenced on the property. All culverts shall be constructed of material acceptable to the Town Building Inspector/Engineer. Culverts shall be sufficient gauge or schedule to provide adequate bearing capacity for vehicles expected to use the driveway as approved by the Town Building Inspector/Engineer.

1. Size. Culvert size shall be approved by the Town Building Inspector/Engineer and of a size to meet a minimum 25-year, 24-hour storm standard. Larger culverts may be required where needed to accommodate the area's water drainage, however, the minimum culvert size shall be 15" inside diameter.

2. Placement. Culverts shall be placed in the ditch line at elevations as approved by the Town Building Inspector/Engineer so as to adequately convey water and assure proper drainage.

3. End-walls. All culverts shall have flared metal or concrete end-wall sections so backfill and cover material will not erode the bottom of the ditch and reduce the capacity of the ditch and culvert.

4. Backfill and Cover Material. Culverts shall be bedded and backfilled with granular material, compacted in place, or other material acceptable to the Town Building Inspector/Engineer. The minimum cover, measured from the top of the pipe to the top of the subgrade material, shall be 12 inches.

5. Gauge/Schedule. The minimum wall thickness for corrugated metal culverts or HDPE (high density polyethylene) plastic pipe shall be:

Metal Pipe Diameter	Gauge
15- to 24-inch	16
30- to 36-inch	14
42- to 54-inch	12
60- to 72-inch	10
78- to 84-inch	8

  

HDPE Plastic Pipe Diameter	Schedule
15-inch	.035 inch
18-inch and greater	.050 inch

## **M. DRAINAGE.**



Ditches along the right-of-way, roadway crowning and culverts shall be provided by the landowner for acceptable drainage. The driveway shall be planned, constructed and maintained in a manner that prevents diversion of surface water onto a public roadway and/or the lands of other landowners.

**N. NATURAL DRAINAGE PATTERNS.**

Construction of driveways shall not interfere with the natural drainage patterns. Natural drainage crossings shall be rip-rapped or otherwise stabilized below drainage and culvert discharge points for a distance sufficient to carry the discharge water without channel erosion.

**O. ALIGN ALONG NATURAL TERRAIN.**

Grading for driveway construction will be required to preserve or match the natural contours of the site whenever possible. Driveway alignment should follow the natural terrain. Grading should attempt to retain existing trees and other natural vegetation to stabilize hillside cuts. The maximum grade of cut and fill side slopes shall be 3 feet horizontal to 1 foot vertical. The top and toe of the slopes shall be rounded to avoid additional erosion.

**P. RETAINING WALLS.**

Any cut and fill slopes greater than 3 to 1 will require constructing a retaining wall, rip-rapping or similar soil stabilization technique. Erosion control measures must be planted promptly with permanent vegetation to reduce soil erosion.

**Q. SIDE SLOPES:**

Driveway side slopes shall be a minimum of four feet on each side with a slope no steeper than 1 foot vertical in 4 feet horizontal (25 percent).

**R. DITCH BACK SLOPES.**

Ditch back slopes shall be no steeper than 1 foot vertical in 4 feet horizontal (25 percent).

**S. DRIVEWAY LENGTH.**

The maximum driveway length shall be 400 feet. Upon application, the Town Planning Commission/Town Board may, by special permit, allow a longer driveway the Town Planning Commission shall consult with the Fire Department when considering a special permit.

**T. DRIVEWAY WIDTH.**

Minimum driveway width shall be 12 feet for a single residence and 18 feet for a shared driveway.

**U. CLEAR SPACE.**

A clear space 16 feet high and 20 feet wide shall be maintained at all times for emergency vehicle access.

#### **V. TURNAROUND.**

Turnarounds are encouraged and may be required by the Town Building Inspector/Engineer to ensure safe and efficient access for emergency vehicles. The Town Building Inspector/Engineer may consult with the Fire Department for specifications.

#### **W. EMERGENCY SERVICE ACCESS SIGNAGE.**

Appropriate signage shall be placed at the entrance to a driveway servicing a residence or any other structure so emergency service personnel can accurately and expediently locate the driveway. The sign shall conform to current Sauk County regulations.

#### **X. MINIMUM DRIVEWAY SURFACE.**

Driveways shall have a firm surface capable of supporting cars and emergency vehicles under all weather conditions. A field road is exempt from this provision.

#### **Y. RESTORING ROADWAYS AND DISTURBED SURFACES.**

All public roadway surfaces and rights-of-way, shoulders, curbs, ditches, slopes and vegetation disturbed during driveway construction shall be restored to original conditions within 30 days of completing the driveway or before the Town Building Inspector/Engineer will issue an Occupancy Permit.

#### **Z. WAIVER OF SPECIFICATIONS.**

The Town Plan Commission may waive or modify any of the above specification(s) if the specification(s) is unnecessary to fulfill the purpose of this Ordinance. 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. The Plan Commission will submit a written statement detailing the reasons for waiving the specification(s) and attach it to the permit.

### **SECTION 34.11 EXISTING DRIVEWAYS**

#### **A. HAZARDOUS CONDITIONS.**

When washing or other conditions created by existing driveways or agricultural access driveways that do not meet the specifications in this Ordinance obstruct or become a potential hazard to a public roadway, or unreasonably hinder access to the property by emergency service personnel, the Town Building Inspector/Engineer shall notify the property owner of the condition(s). Any property owner failing to correct such condition(s) within 30 days after notice by the Town Building Inspector/Engineer shall be subject to the penalties described in the penalties section of this Ordinance and shall also be liable for any costs the Town incurs to eliminate the hazard as provided in Wis. Stat. § 66.0701.

## **B. CHANGE IN USE.**

No field road or agricultural access driveway may be used as a driveway to acquire access to a residential or commercial property unless the field road or agricultural access driveway has been approved as a driveway according to the provisions of this Ordinance.

## **SECTION 34.12 PENALTIES**

### **A. 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 pay a forfeiture of not less than \$100 nor more than \$200 plus applicable surcharges and court costs, for each violation. Each day the violation continues to exist shall constitute a separate offense and subject to another penalty. An unlawful driveway constitutes a public nuisance and may be enjoined.

### **B. CORRECTIONS.**

In addition, the landowner shall make the corrections ordered by the Town Building Inspector/Engineer within a period of time determined by the Town Board, but not less than 10 days.

### **C. SPECIAL CHARGE FOR CORRECTION BY TOWN.**

If the owner(s) of the land through which the driveway passes do(es) not make required corrections ordered by the Town Building Inspector/Engineer that affect a public roadway or right-of-way within the specified time period, the Town Board shall cause the required corrections to be made and charge the cost of correcting such violations, including, when necessary, the return of disturbed land to its original condition. The Town's direct and indirect costs of correcting the violation, including but not limited to engineering, legal, administrative, materials and construction expenses shall be imposed as a special charge against the property through which the driveway passes pursuant to Wis. Stat. § 66.0701. Any funds escrowed with the Town shall be disbursed to the Town in partial compensation for its above costs.

## **SECTION 34.13 EFFECTIVE DATE**

This ordinance shall take effect the day after publication as required by law. This Ordinance was adopted by the Town Board on the 14th day of February, 2005.