

**DRIVEWAY PERMIT ORDINANCE
ORDINANCE # 98-6-9**

Purpose:

The purpose of this Ordinance is to promote public health, safety, and the general welfare of the community and to enforce the goals and policies of the Board of Supervisors under the authority to provide emergency services of fire protection, s. 60.55 and to assure ambulance service s. 60.565.

Definition:

"Driveway" is defined as a private driveway, road, field road, or other traveled way-giving access from a public highway to adjacent lands.

General Provisions:

- A. No person shall construct, improve or rework a driveway which changes the existing topography of the land without first obtaining a Driveway Permit from the Town Board of Supervisors. Resurfacing previously constructed driveways does not constitute a change.
- B. Any proposed driveway construction or modification shall be accompanied by an erosion control plan presented to the Town Board of Supervisors prior to the issuance of a Driveway Permit. An erosion control plan shall include the driveway owners' intentions and time table to re-seed, mulch, ditch, placement of culvert or any other erosions control measures, all of which shall be completed within ninety (90) days after beginning driveway construction or modification.
- C. All property owners have a right to appeal to the Town Board of Supervisors of the Town of Jefferson. A written notice must be delivered to the Town Board of Supervisors ten (10) days before the requested hearing. The town board can grant variances. The following is a summary of these:
 - 1. The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - 2. The conditions upon on which the request for variance is based are unique to the property for which the variation is sought and are not applicable generally to other property.
 - 3. Because of particular surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, financial hardship.
- D. A fee of \$150.00 shall be charged for the issuance of a Driveway Permit for each parcel.

A fee of \$150.00 shall be charged for an additional driveway to the same parcel.
- E. Maps of the proposed building site to be presented to the Town Board of Supervisors.
- F. The town board may name a contact person (the town chairman, or his designee and at least one or both supervisors) shall review the items submitted and personally view the site. At this time they (town chairman and supervisor or supervisors) shall confer with the owner on standards and procedures.
- G. A refundable fee of \$500.00 must be submitted with each driveway application. This fee may be in the form of a personal check, surety bond, or cash bond. The fee or part thereof may not be refundable should there be damage to the Town Road during any phase of the construction.

SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS

1. Each driveway shall have a culvert at the ditch line where the driveway meets the public road, unless waived by the Town Board of Supervisors. The culvert diameter shall be a minimum of 18" and the length to be 20 feet unless the Town Board of Supervisors deems different dimensions necessary.
2. The driveway must have at least six (6) inches of three (3) inch rock on the roadbed and covered with two (2) inches of 3/4-inch gravel unless the Town Board of Supervisors considers otherwise. The driveway surface must be eighteen (18) feet in width, with three-foot (3') drivable shoulders.
3. An area of twenty feet (20) feet in width and eighteen (18) feet in height shall be cleared along the driveway right-of-way in order to permit emergency vehicles a safe passage and must be maintained as such.
4. The driveway must have a turning radius at the place where it intersects with a public road for twenty-two (22) feet and an unobstructed view at that place.
5. A driveway which is at least twenty-four (24) feet in length shall have a maximum five (5) percent grade at point where the driveway enters on to a public road. A slight dip across the driveway shall be placed just before the culvert at the entrance to the public road to prevent debris from washing on to the public road.
6. The side banks shall be seeded promptly to control erosion.
7. The property owner requesting the Driveway Permit shall pay all costs of construction of the driveway, including the costs of the culverts and engineers plan, if required.
8. Curves in the driveway must have an inside radius of not less than thirty-six (36) feet.
9. The house and driveway must be clearly marked with an appropriate fire number so emergency vehicles can efficiently respond.
10. The driveway must have either a ninety (90) degree Y-turn or a fifty (50) foot turning radius. The grade must not exceed eleven (11) percent.
11. Upon completion of the driveway they (town chairman, supervisor or supervisors) shall view the driveway to determine compliance with ordinance standards. If driveway meets ordinance standards the refundable fee of \$500 shall be returned.
12. This ordinance pertains to all driveways entering State, County, or Township, which includes private roads, field drives or lanes in the Town of Jefferson.

EXISTING DRIVEWAYS AND FIELD ROADS:

When washing or other conditions created by existing driveways or field roads becomes a potential hazard to a public road, the Town Board of Supervisors shall notify the owners of the land through which the driveway passes of such condition. Any property owner failing to correct such conditions within ninety (90) days after notice by the Town Board shall be subject to the penalties of this ordinance and shall be liable for any costs incurred by the Town of Jefferson to eliminate the hazard as provided in Wis. Stats, Section 66.60 (16).

PENALTIES:

- A. Should a driveway be constructed or modified in a way which violates the provisions of this ordinance, the owners of the land through which the driveway passes shall pay the forfeiture for violation of between \$50.00 and \$500.00. The owner of the land shall also make the corrections indicated by the Town Board within a reasonable period of time as determined by the Town Board of Supervisors. Violations of this ordinance will be turned over to legal counsel, at which time court costs will be added to the violation cost.
- B. If the owner of the land through which the driveway passes does not make the corrections within the time specified, the Town Board of Supervisors shall determine the cost of correcting the violations of the provisions of this ordinance. When necessary, the owner may be required to return the disturbed land to its original condition. The owners of the property, through which the driveway passes, as provided in Wis. Stats, Section 66.60 (16), shall pay cost to the Town at time of violation. A 5% interest fee will be charged if the bill is not paid within 30 days.

EFFECTIVE DATE:

This Ordinance shall take effect and be in force the day after its passage by the Town Board of Supervisors of the Town of Jefferson, publication and posting by law.

DATED THIS 10th day of MARCH, 2010

Attested: *Ann Kloeping* Town Clerk, Ann Kloeping
Harvey Mandel Harvey Mandel, Chairman
Lyle Samson Lyle Samson, 1st Supervisor
Gary Davis Gary Davis, 2nd Supervisor

APPROVAL FOR DRIVEWAY ON TOWN ROAD

Name of Applicant: _____

Address: _____

Township: _____ Section number: _____

Location: _____
(name of town road)

_____ side of road, _____ miles/feet _____

of _____

Driveway or access approved: Date _____, _____

Town Board Official

Applicant