

STATE OF WISCONSIN
Town of Long Lake
Washburn County
DRIVEWAY ORDINANCE # 2005-4

A. SECTION 1 – TITLE/PURPOSE

The title of this ordinance is the **Town of Long Lake Driveway and Highway Access Permit Ordinance**. The purpose is to:

- Regulate the establishment, repair, construction, improvement, modification, and reconstruction of public and private driveways.
- Assure that these methods or practices used in any driveway will protect properly the public health, safety, and general welfare of persons in the town.
- Protect and preserve the public's quality of life.
- Lessen negative impacts on the environment.
- Limit and regulate highway access by motor vehicles to any town highway in the town. This is not a Town Zoning Ordinance.

SECTION 2 – AUTHORITY

The town board has the specific authority under s. 86.07, Wis. stats., to adopt a Town Highway Access Permit Ordinance, and the general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

SECTION 3 – ADOPTION OF ORDINANCE

The town board, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the town to regulate and permit certain driveways and highway access locations in the town.

SECTION 4 – DEFINITIONS

- A. Prime agricultural land means any land within the town that is currently being farmed, including cropland and pastureland, or land that is included in a government set-aside program.
- B. Driveway means any private way, private road, easement road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide service to a residence, business, recreational site, or other similarly appropriate uses.
- C. Emergency vehicle means any fire, police, ambulance or first responder vehicles used in emergency or hazard activities in the Town.
- D. Impacted landowner means an owner of real estate that is provided vehicular access to a public highway by a driveway determined to be unsafe or nonconforming to the spirit of the township comprehensive plan.
- E. Structure means any man made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, which includes, but is not limited to, such objects as roofed or walled buildings, gas or liquid storage tanks, view obstructing non wire fences.
- F. Town means the Town of Long Lake, Washburn County, Wisconsin.
- G. Town board means the board of supervisors for the Town of Long Lake, Washburn County, Wisconsin and includes designees of the board authorized to act for the board.
- H. Town clerk means the clerk of the Town of Long Lake, Washburn County, Wisconsin.
- I. Wis. stats. means the Wisconsin Statutes, including successor provisions to cited statutes.
- J. Driveable means unobstructed, open, and capable of vehicle passage.

SECTION 5 – COVERAGE

- A. Town Driveway Permit -
No person shall:
 - Establish or construct a private or public driveway,
 - Reconstruct, reroute, or alter the existing slope of any private or public driveway or any town or other highway or highway right-of way,
 in the town without first obtaining a Town Driveway Permit to be issued by the town board.
- B. Town Highway Access Permit - No person shall establish or construct a driveway or reconstruct, reroute, or alter any highway access onto a town highway without first obtaining a Town Highway Access Permit.

SECTION 6 - MINIMUM DESIGN STANDARDS

- A. Setbacks - The setbacks of buildings or other structures shall be 100 feet from the centerline or 75 feet from the right of way line, whichever is greater.
- B. Access driveways and road spacing - Access driveways to highways from abutting properties shall comply with the following requirements:
 - A minimum of 300 feet spacing between access driveways; adjoining driveways permitted. Discretion is granted to the Town Board to permit driveways at a lesser setback for safety reasons.
 - Where there are two or more lots in less than 300 feet of frontage, a service road of not less than 66 feet of right-of-way shall be provided as a means of a shared driveway with access to each lot. Driveway should be at or near property line unless otherwise approved by Town Board.
- C. Vision triangle - At every driveway intersection there shall be a visual clearance triangle bounded by the road or driveway center lines and a line connecting them 75 feet down the centerlines in each direction. Nothing shall block the vision triangle from a height of 2 ½ feet to 15 feet above the ground. Open wire fences, telephone, and power transmission poles, field and forest crops are excepted with permission of the Town Board.
- D. Traveled road bed width - Driveways serving only one property owner shall be at least a minimum of 20 feet wide of driveable surface. Driveways serving more than one property owner shall be at least 24 feet wide to allow oncoming passing traffic.
- E. Driveway Right of Way shall be 4 rods in width (66 feet).
- F. Turnarounds - Driveways shall have a minimum turn around as indicated by Washburn County Zoning Ordinance.
- G. Exemptions from the provisions of this article would include:
 - New buildings that are 100 feet or less from a public road or a private road.
 - Those portions of both private roads and driveways which are restricted by an existing easement prior to 2005.
- H. In addition to the above township standards, access to county highways must be approved by the Washburn County Highway Department prior to construction of a driveway connecting to a county highway.
- I. Roads to be considered as future Town Roads must be brought up to Chapter Trans 204.03 standards of the Wisconsin Administrative Code, by the private landowners or developers.

SECTION 7 – APPLICATION

- The town board shall approve a form for application for both the Town Driveway Permit and the Town Highway Access Permit, which shall be available from the town clerk.
- The applicant for a Town Driveway Permit or a Town Highway Access Permit shall submit to the town clerk a completed application for each with the appropriate fee and with the following attachments:
 1. Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions. The sketch map may be submitted to the town board prior to the preparation or submission of the other supporting documents in order for the town board to provide initial comments and review of the proposal. However, formal approval for a Driveway Permit or Town Highway Access Permit will not be granted without the submission of complete supporting documents.
 2. Plat Map. A plat map and all related accompanying certified survey maps indicating the location and dimensions of the desired driveway and highway access locations, if any, as well as the parcels immediately adjacent to the applicant's property. The applicant may first submit only a sketch plat. Once the town board has reviewed the sketch plat, the applicant may be asked to submit an additional preliminary plat or final plat, or both.
 3. Aerial Photo/Site Analysis.
 4. Soil/Slope Analysis.
 5. Driveway Construction Plan (if required per this ordinance, see Section 7).
 6. Highway Access Location Plan. (If required per this ordinance, see Section 7).
 7. Other Documents. The town board may require other documents to be attached to the Driveway Permit Application, including a Town Highway Access Permit.
- C. Procedures for the evaluation of the Town Driveway Permit Application and any required Town Highway Access Permit Application by the town board, including any required site inspection of the proposed driveway, public hearing, and town board meetings, are as follows:
 1. Submit all application and application materials to township clerk with appropriate fees.
 2. Field stake and mark the proposed job site construction areas, driveway centerlines, and right of way, so as to prepare area for an on site inspection by the town board or it's delegated representatives.
 3. Appear before the Town of Long Lake Plan Commission for approval.
 4. Appear before the Town of Long Lake Board for approval.

- D. The town board shall approve or deny any Town Driveway Permit Application or Town Highway Access Permit Application and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the applicant/permittee. **Reasons for denying** a Town Driveway Permit Application or Town Highway Access Permit Application may include:
 - 1. Construction of a driveway prior to submitting an application to the Town.
 - 2. The inconsistency or nonconformance of the proposed driveway or highway access with this ordinance, with the town comprehensive plan, master plan, or land use plan, with town laws, ordinances, rules, regulations, or plans, or applicable county, state, or federal laws, ordinances, rules, regulations, or plans.
 - 3. The driveway, bridge, culvert, or highway access, or any combination, when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for use by persons in the town.
 - 4. The application as filed and submitted is incomplete or contains false material as determined by the town board.
 - 5. Alternative driveway locations, bridges, culverts, and highway access locations will be safer for persons by motor vehicle ingressing or egressing on the driveway and access point.
 - 6. Alternative driveway locations or alternative highway access locations will preserve or better protect more prime or productive agricultural or forestry land in the town.
 - 7. Alternative driveway locations or alternative access highway locations will have less negative impact on environmentally sensitive parcels of land, waters, or nearby property owners in the Town, including land adjacent or near the proposed driveway.
 - 8. The driveway will not provide timely and adequate ingress and egress for emergency vehicles, sanitation vehicles, public service vehicles, public utility vehicles, or government vehicles.
 - 9. The driveway adds to an increasing traffic density problem on a road that would effect the safety and quality of life neighboring landowners.

- E. **In the event of a denial** of a Town Driveway Permit Application or Town Highway Access Permit Application, 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 to the town board refuting the determination. Thereafter, the town board may affirm or modify its decision. The town board shall recite in writing findings for any decision to modify or override its initial determination.

- F. If the town board denies two consecutive applications for a Town Driveway Permit or denies two consecutive applications for a Town Highway Access Permit on the same parcel, no subsequent re-application for a permit of the same type that was denied for that parcel will be considered within three months of the second denial.

- G. Both the Town Driveway Permit and the Town Highway Access Permit are effective for twelve months from the date of issuance. Each permit shall expire after twelve months unless renewed.

- H. Each permit may be renewed for an additional period of 6 months. If the driveway or highway access has not been constructed by the end of one 6-month renewal period, a new application must be submitted and approved.

- I. The applicant shall notify the Town Clerk in writing within 30 days of completion of the construction, reconstruction, rerouting, or alteration of the driveway or highway access. Within 30 days of notification, the Town or its delegated representative will conduct an inspection of the driveway or highway access to ensure full compliance with all of permit conditions and provisions of this ordinance.

- J. No building permit for any construction of buildings or structures will be issued by the town until the driveway or highway access is constructed, reconstructed, rerouted, or altered according to the specifications of the permit as issued and this ordinance.

- K. An application fee in an amount determined by a resolution of the town board will be charged for each permit. These nonrefundable fees are specified as follows:
 - Driveway Permits - \$50.
 - Highway Access Permits - \$50.

- L. The town Board, or its designees, shall have the right of inspection onto land pursuant to a warrant issued under s. 66.0119, Wis. stats., for the purpose of inspecting existing or proposed driveways to determine if the driveways will allow for the safe and timely travel by emergency vehicles, government service vehicles, or vehicles of the general public.

SECTION 8 – PLANS

- A. The town board may in writing require a driveway construction plan or highway access plan prior to any proposed driveway or highway access construction, reconstruction, rerouting, or alteration.
- B. A **driveway construction plan** is required for any of the following unless the requirement is waived by the town board in writing:
 1. Construction of a driveway or segment of a driveway that requires the disturbance of land with a grade of more than 10 %.
 2. A driveway or segment of a driveway that requires a retaining wall or other special erosion control measure as determined by the town board or town building inspector.
 3. A driveway that crosses a waterway or has the potential to significantly alter existing drainage patterns or quantity of runoff.
 4. When construction or modification of the driveway necessitates construction or improvement of a bridge or culvert.
 5. When the town board in writing requests a driveway construction plan or town highway access plan.
- C. A **highway access plan** is required for all sections of any proposed driveway by the applicant that will enter onto a town highway.
- D. A **driveway construction plan** or **highway access plan** (if required) will include a scale plan showing all of the following:
 1. Location. The precise location of the driveway or the segment of the driveway for which the driveway construction plan is required.
 2. Grade. A profile of the driveway route before and after construction showing a maximum finished driveway grade of 10%.
 3. Retaining Walls. The location and structure of any retaining walls.
 4. Bridges. The location, size, and design calculations of any bridges.
 5. Culverts. The location, size, and design calculations of any culverts.
 6. Cross-section. Typical cross sections of the driveway.
 7. Erosion Control. Required mulching, matting, or other erosion control.
 8. Storm Water Management. Drainage methods engineered for the particular surface type, including location and dimensions of ditches, proper grading technique, projected water handling capability, and water loads at the point of access to the public highway.
 9. Other Access Points. The location of any other access points onto the town highway within one mile of proposed access point.
- E. No construction, reconstruction, rerouting, or alteration of a driveway nor construction of a highway access onto a town highway may commence until all of the following conditions are met:
 1. The driveway construction plan or highway access plan, if required, is approved by the town board.
 2. A Town Driveway Permit is issued by the town, and if applicable, a Town Highway Access Permit is issued by the town.
 3. When applicable, any other necessary approvals are obtained from Washburn County or the State of Wisconsin.
 4. The Town Board shall, when applicable, seek review and comment from the local fire chief, or his deputies, regarding the proposed driveway and whether such driveway will allow for adequate and timely emergency vehicle access and other equipment access to buildings and structures within the premises.
- F. The preparation of a driveway construction plan or a highway access plan does not guarantee the town's approval of a Driveway Construction Permit or Town Highway Access Permit.
- G. After the driveway has been completed, the town building inspector shall inspect the driveway and any town highway access locations to determine whether they were constructed according to the plans and are consistent with the requirements of this ordinance.
- H. As a condition of any Town Driveway Permit and any Town Highway Access Permit, the driveway and highway access shall be constructed and maintained by the owner or occupant to ensure safe, timely, and proper access and travel by emergency vehicles or other service vehicles.

- I. Future increased development, increasing population growth, and the ongoing addition of highway accesses can and will cause future traffic problems and safety issues. As a condition to accepting a driveway permit or a highway access permit, applicant agrees that it may be necessary to be required to move an existing driveway or combine and share a driveway with an adjoining property owner. Applicant understands the town board reserves the right to require this landowner cooperation as a condition of the applied permit(s).
- J. The approval of a Town Driveway Permit or Town Highway Access Permit application by the Town Board does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for vehicles of the general public or emergency vehicles, that public access and travel is authorized, or that the applicant or permittee is in compliance with this Ordinance. The Town Board may require issuance of an occupancy permit prior to any determination by the Town Board that the driveway is fit for timely and safe travel by vehicles of the general public and emergency vehicles and that such travel is authorized. No person may rely on the issuance of either permit to determine that a driveway, bridge, culvert, or highway access location is fit or safe for any purpose or that they are in compliance with the ordinance or any State or County laws or ordinance.
- K. The approval of the Town Driveway Permit or Town Highway Access Permit application does not establish future approval of any driveway as a public road in the Town.
- L. The existence of a parcel of land by Certified Survey Map or Plat does not ensure or establish future approval of any driveway permit in the Town.

SECTION 9 – PENALTY PROVISION

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction, pay a forfeiture of not less than \$ 10 nor more than \$100, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this Ordinance. In addition, the town board may seek injunctive relief from a Court of record to enjoin further violations. The violator must also restore the site disturbance back to its original condition prior to the violation.

SECTION 10 - SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 11 – EFFECTIVE DATE

This Ordinance is effective on publication.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 8th day of MARCH 2005

[Signatures of town board]

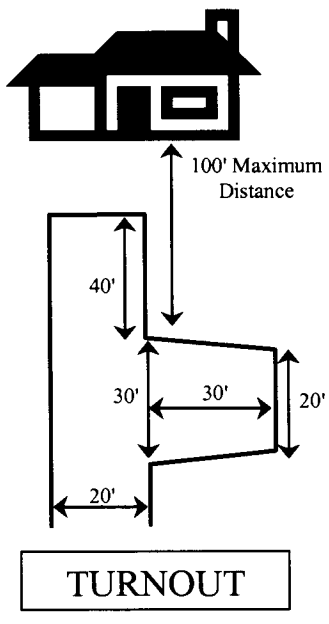
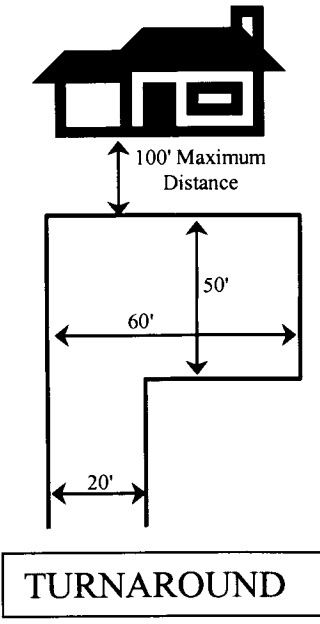
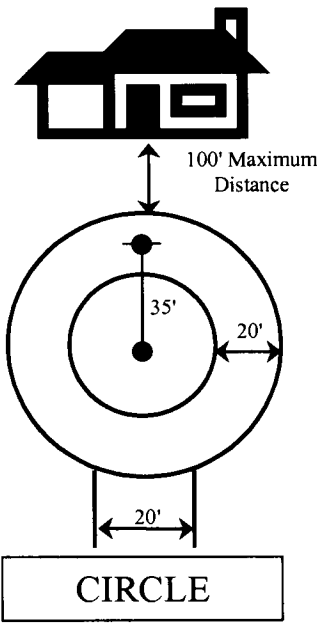
Attest: [Signature of town clerk]

- x *Thomas C. Oette* - CHAIRMAN LL
- x *Edward Olund* - supervisor
- x *Henry Lee* - Supervisor

Dolores Magnus, town clerk/attest to signatures March 8, 2005

Driveway specifications: Driveways and private roads not meeting the current standards will be subject to enforcement action.

- Width – must be at least 20 feet wide.
- Height (overhead clearance) – must have at least 15 feet of vertical clearance.
- Drainage – Driveways setting on ground higher than main roadway shall not drain water into main road. Driveways must be crowned at the centerline to drain water into driveway ditches. The driveway road elevation 10 feet from main road edge intersection must be 6 inches lower than main road shoulder.
- Driveways longer than 150 feet must provide an adequate turnaround that will accommodate a 30 foot long fire truck. Refer to the diagrams below for driveway and turnaround dimensions:



Culvert Pipe Placement: Road and driveway culverts shall be placed such that the pipe inlet and outlet is set 8 inches or more above the average ditch bottom elevation (based upon 20' from each end of culvert). This allows ponding of water in ditches and reduces channelized flows. The town board *may* approve variances to this ordinance due to site condition hardships on a case by case basis prior to driveway construction.

(Objective: The protection of ground water and surface water)
Water Quality depends on natural water infiltration into the soil. Storm water runoff from developed impervious surfaces contains many pollutants. These pollutants should not be carried directly to water bodies by means of fast moving, channelized flow. Fast, channelized flows will also increase flooding problems and downstream erosion. The goal is to pond water and allow it to naturally infiltrate into the soil.

