

# TOWN OF ADAMS

GREEN COUNTY

## DRIVEWAY PERMIT ORDINANCE

### 1. AUTHORITY

This ordinance is adopted pursuant to the general police powers granted Under Sec. 60.22(3) and 61.34(1), WI. Stats. , and specific authority under Sec.236.45, Status.

### 2. PURPOSE

The purpose of this ordinance is to promote public health, safety, and general welfare of The community and to enforce the goals and policies of the Town Board of the Town of Adams. These standards are designed to lessen erosion and drainage problems common] To the terrain within the town and allow efficient provisions for emergency services, Including fire prevention or protection and ambulance services. This ordinance applies To construction or modification of private driveways located in the Town of Adams, Which provide access to buildings constructed or substantially modified after the effective Date of this ordinance.

### 3. DEFINITION

Driveway is defined as a private driveway or other traveled way giving access from a Public highway to one or more buildings located or to be constructed on adjacent lands.

### 4. GENERAL PROVISIONS OF DRIVEWAY OR DRIVEWAY ACCESS PERMIT

- A. Before applying for a permit legal title of property must be shown.
- B. No person shall construct, improve or rework a driveway which changes the existing topography of the and without first obtaining a Driveway Construction permit from the Town of Adams Board of Supervisors, the applicant shall submit to the town Clerk of Adams an application and a driveway construction pan which shall accurately describe the location of the proposed driveway and the specifications required by Section (5) Five of this ordinance for the driveway's construction.
- C. Any proposed driveway construction or modification shall be accompanied by an Erosion control pan presented to the Town Board of Supervisors prior to the issuance of a Driveway Construction Permit. An erosion control pan shall include the driveway owner's intentions and timetable to re-seed, mulch, ditch, placement of culvert(w), and carry out other erosion control measures, all of which shall be completed within (90) ninety days after beginning driveway construction or modification. If an engineer's plan of the driveway is prepared according to the requirements of Section (6) six of this ordinance, an erosion control pan shall specify only those measures which are not mentioned or required in the engineer's plan.

D. Driveway permits will be valid for one year from date of issue. Reapplication for a permit will be required for any improvements not completed during the permit period. Reapplication permits will not be denied without reasonable cause.

E. No building permit for a new residential construction will be issued until the driveway is constructed according to the specifications of this ordinance.

F. All new driveways proposed to be installed or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more structures shall be subject to an inspection fee as established by the Town Board. AN INSPECTION FEE OF \$1,000.00 SHALL BE PAID TO THE TOWNSHIP AND SUBMITTED WITH EACH DRIVEWAY APPLICATION, PRIOR TO THE START OF ANY CONSTRUCTION ON A NEW DRIVEWAY. A REFUNDABLE PORTION OF THE INSPECTION FEE (\$500.00), WILL BE GRANTED AT THE TIME OF DRIVEWAY COMPLETION, AS LONG AS THERE WAS NO DAMAGE DONE TO THE ROAD.

G. A driveway access permit will be issued for the purpose of permitting vehicular access or other means of travel from a public highway to a private driveway, road, and field road for all persons seeking a building permit. All driveway specifications for construction in this ordinance will apply. The applicant who may be the owner, agent, or contractor shall submit a location construction plan showing specifications including grade, slope, width, and length of the driveway and erosion control procedures. Said construction plan will specify completion dates for culvert placement, aggregate placement, erosion control procedures, and final application of 2 (two) inch layer of gravel. If the aforementioned completion dates are not met then a penalty as determined by Section 8(eight) will be assessed.

## 5. SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS

- a. An engineer's plan showing adequate erosion control measures is required for any segment of proposed driveway which disturbs land with a grade of more than 25% (percent), unless waived by the Town board of Supervisors.
- b. The driveway shall be constructed with a minimum roadway of (20) twenty feet in width and a minimum shoulder of (3) three feet on each side having a slope of (1) one foot of vertical rise of each (3) three feet of horizontal distance, except where retaining walls and or other erosion control measures are installed as specified in an engineer's plan approved by the Town Board of Supervisors.
- c. 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 shall be at least (18) eighteen inches in diameter or of sufficient size so as to permit adequate drainage of the affected area. The length shall be at least (30) thirty feet and shall be determined by the Town Board of Supervisors.
- d. A driveway, which is at least (24) twenty-four feet in length, shall have a maximum (5) five percent grade at the point where the driveway enters onto the 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 onto the public road.

e. Ditches, roadway crowning, and culvers, which provide acceptable drainage is required.

f. the driveway's side banks shall be graded to a slope of no more than (1) one foot of vertical rise in each (3) three feet of horizontal distance, except where retaining walls and or other erosion control measures are installed as specified in an engineer's plan approved by the town Board of Supervisors.

g. Curves in the driveway shall have an inside radius of not less than (36) thirty-six feet,

h. the maximum grade of the entire driveway or any given segment of the driveway shall not exceed (13) thirteen percent.

i. The side banks shall be seeded promptly to control erosion.

j. Once the construction of the driveway has begun, all specified erosion control measures including retaining wall, ditch, culverts, crowning, and mulching and matting shall be completed within (90) ninety days.

k. the driveway must have at least (5) five inches of (2) two-inch rock on the roadbed, and covered with (3) three inches of  $\frac{3}{4}$  inch gravel unless the town Board of Supervisors considers otherwise.

l. the property owner requesting the driveway permit shall pay all costs of the construction of the driveway, including the cost of the culverts and engineer's plan, if required.

m. an area of (18) eighteen feet in width and (14) fourteen feet in height shall be cleared along the driveway right-of-way in order to permit the safe passage of emergency vehicles. In cases where such a clearing would be environmentally damaging to Town Board of Supervisors will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard.

n. the driveway must have a back out with a radius of at least (90) ninety degrees or a (50) fifty-foot turning radius.

o. The driveway must have an approach at the place where it intersects with the public road of at least (20) twenty feet in width and an unobstructed view of at least 250' (feet) in each direction at that place unless the town Board of Supervisors allows otherwise.

## 6. REQUIREMENTS FOR AN ENGINEER'S PLAN

a. The town Board of Supervisors may require the applicant to obtain a plan prepared By a professional engineer licensed by the State of Wisconsin prior to the construction Or modification of any proposed driveway. An engineer's plan is required:

1. For a driveway or a segment of a driveway whose construction requires the Disturbance of land with a slope f 25% percent or greater, unless waived by the Town Board of Supervisors.
2. For a driveway or segment of a driveway whose construction requires a retaining Wall or other special erosion control measures as determined by the Town of Supervisors or its authorized representative; or

3. When the Town Board of Supervisors requests a plan for reasonable cause.
  - b. The engineer's plan will include the following:
    1. The precise location of the driveway or segment(s) of the driveway which requires an engineer's plan.
    2. Grade of the driveway showing no segments exceeding (13) thirteen percent.
    3. Location and structure of any retaining walls.
    4. Location and size of any culverts.
    5. Cross-section of the driveway.
    6. Mulching, matting or other erosion control measures.
  - c. When an engineer's plan is required, no construction of a driveway may commence until the engineer's plan is approved by the Town Board of Supervisors and a Driveway Permit issued, and when applicable, any necessary approvals are obtained by Green County or the State of Wisconsin per Wis. Stats., Section 86.07.
  - d. The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

## 7. EXISTING DRIVEWAYS AND FIELD ROADS

When washing or other conditions created by existing driveways or field roads become a Potential hazard to a public road, the Town Board of Supervisors shall notify the owner(s) Of the land through which the driveway passes of such condition(s). Any property owner Failing to correct a hazardous situation immediately (within 24 hours or less) upon notification shall be subject to the penalty of this ordinance and shall be subject to the penalties of this ordinance and shall be liable for any costs incurred by the Town of Adams to eliminate such hazards as provided by Wis. Stats. Section 66.60 (16). Problems of a non-emergency nature shall be corrected within 30 (thirty) days.

## 8. PENALTIES

- a. Should a driveway be constructed or modified in a way which violates the provision of this ordinance, the owner(s) of the land through which the driveway passes shall pay a forfeiture equal to (3) three times the fee charged for the permit application, whether or not that fee has been paid. The owner(s) of the land shall also make the corrections indicated by the Town Board within a reasonable period of time determined by the town Board of Supervisors.
- b. If the owner(s) of the land through which the driveway passes do not make the required corrections within the time specifications, the Town Board of Supervisors shall determine the cost of correcting violations of the provisions of this ordinance including when necessary the return of disturbed and to its original condition. The cost shall be paid to the town by the owner(s) of the property through which the driveway passes, as provided in Wis. Stats. Section 66.60(16).

9. 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 Adams, publication and posting by law.

Dated this 10<sup>th</sup> day of April, 2017.

Attested: Sharon A Paulson, Clerk

Town of Adams: Jeff Isely, Chairman

Jeff Isely  
Sharon Paulson, Clerk

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Adopted: July 10, 1995

Amended: August 7, 2000..... Effective: August 8, 2000

Published: July 20, 2000 & July 27, 2000 Pecatonica Valley Leader & Posted

Amended: April 15, 2002....passed amendments one month later....Posted & Published

Amended: Published and posted: June 13, 2005....passed amendments July 13, 2005

Amended: April 10<sup>th</sup>, 2017.....passed amendments and posted.