

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF POUND
MARINETTE COUNTY, WISCONSIN**

Chapter 12: Driveway Ordinance

TABLE OF CONTENTS

Chapter 12: driveway ordinance

12.0100 INTRODUCTION

12.0101 Authority

12.0102 Title

12.0103 Purpose

12.0104 Intent

12.0200 GENERAL PROVISIONS

12.0201 Jurisdiction

12.0202 Compliance

12.0300 MINIMUM DRIVEWAY CONSTRUCTION STANDARDS

12.0302 Culverts

12.0303 Bridges

12.0304 Limits of Construction and Maintenance

12.0305 Applicability

12.0306 Driveway Construction Permit

12.0307 Conformance to Ordinance

12.0308 Placement of Fill

12.0309 Procedure and Fees

12.0310 Penalties

12.0400 EFFECTIVE DATE

12.0500 VALIDITY OF PORTIONS

12.0600 DEFINITIONS

Chapter 4: driveway ordinance

4.0100 introduction

4.0101 Authority

The Town of Pound pursuant to authority granted by sections 60.10, 60.22(3), 60.62, 61.35, and 62.23(70 and other relevant provisions of Wisconsin Statutes and amendments thereto, do ordain as follows:

The Board of Supervisors for the Town of Pound has been granted village powers pursuant the Sec. 60.10 Wis. Stats, and has the specific statutory authority, powers and duties pursuant to Sections. 60.10, 66.0425 and 86.0" to regulate, control, prevent and enforce against the Town of Pound certain uses, activities, businesses and operations by persons that may affect the public works and infrastructure in the Town of Pound and to act for the health, safety and welfare of the public.

4.0102 Title

This ordinance is entitled Chapter 12: Driveway Ordinance, of the Code of General Ordinances of the Town of Pound, Marinette County, Wisconsin and is hereafter referred to as the "Driveway Ordinance".

4.0103 Purpose

The Purpose of the ordinance is to regulate the location and construction of any Private Driveway or Field Access Road that will connect to any public road in the Town of Pound.

4.0104 Intent

The ordinance sets forth an orderly procedure for obtaining a Driveway Construction Permit, and will establish driveway permit fees and penalties for failure to obtain a required driveway permit.

4.0200 GENERAL PROVISIONS

4.0201 Jurisdiction

The jurisdiction of this Ordinance shall apply to all structures, lands, water, and air within the unincorporated limits of the Town of Pound, Marinette County, Wisconsin.

4.0202 Compliance

A. No person shall commence construction of any Private Driveway or Field Access Road which is intended to provide access to private property without providing detailed plans of the proposed construction and obtaining a permit for such construction from the Town of Pound's Zoning Administrator or person designated by the Town Board, along with a copy of this ordinance and a typical cross section. All costs incurred by the Town of Pound in the development and construction of said driveway shall be born by the private landowner or developer.

B. If the proposed driveway will connect to a County or State Highway, the Wisconsin Department of Transportation, the Marinette County Highway Department and the Marinette County Zoning Administrator will establish the rules and regulations regarding conditions for the permit and compliance with the permit.

C. Requirements for the construction of a driveway or field access road are as follows:

1. Requirements Governing the Driveway and its connection with a Public Road:

(a) The driveway must be designed and constructed in such a way that it will not cause any damage to the town road nor create any hazard to the public as they travel on the town road. In order to

meet this requirement, the Town Board's designee will determine (based on the specific location) whether or not a culvert is required and, if so, the minimum diameter and length of the culvert. They will also determine the angle and slope of the connecting portion of the driveway and whether any erosion control devices must be installed at or near the connection in order to minimize damage to the public road.

(b) The minimum road width at the connection shall be 20 feet, with a minimum width clearance of 24 feet and a culvert, if necessary, no less than 30 feet long.

(c) The minimum height clearance, free of trees, wires, etc., shall be 16 feet.

(d) It shall have minimum sub-base of (8) inches of pit run with a base course of 6 inches of compacted crushed $\frac{3}{4}$ " gravel or limestone at grade.

(e) The driveway within the area of the public right-of-way shall slope away from the connection at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road as measured from the edge of the roadway. The driveway will have a maximum slope of 2:1 in the area of the right of way down to the ditch line.

(f) The angle of any connection of a town road and driveway shall be no less than 90 degrees for a horizontal distance of 50 feet from the connection as measured from the edge of the roadway.

(g) All driveways shall have an adequate sight distance along the town highway in both directions.

2. Any variance from these requirements must have prior approval from the Town Board.

D. The applicant must agree to comply fully with Sections 66.0425 and 86.07 Wis. Stats, regarding correction of damage to public roads.

4.0300 Minimum Driveway Construction Standards

The Town Board requires that a proposed driveway that serves a dwelling (use MFL definition for dwelling) shall meet the minimum standards outlined below throughout its length to allow for possible ingress of emergency vehicles.

A. Standards

Minimum Driveway Surface Width	12 feet
Minimum Roadbed Width	16 feet
Width Clearance	20 feet
Height Clearance	16 feet
Maximum Grade	10% (10 Feet in 100 Feet)
Minimum Setback from Lot Line	10 feet

B. Roadbed

The roadbed shall consist of 4 inches of coarse base material covered with 4 inches of compacted crushed ¾ inch gravel or limestone. At the end of the driveway a method shall be provided to allow turnaround of service and emergency vehicles.

4.0302 Culverts

The Town Board’s designee shall decide if one or more culverts are necessary, and the location and size of said culvert(s).

- A. The culvert(s) shall be of galvanized steel or material of equivalent strength and endurance and a size adequate to insure proper drainage, with a minimum drop of 2” across the highway.**
- B. Multiple part culverts are to be banded with a band of the same size and gauge as the culvert.**
- C. All costs associated with the purchase and installation of said culvert(s) shall be the responsibility of the landowner or developer.**

4.0303 Bridges

Bridges require engineer-certified or DNR specifications and load ratings.

4.0304 Limits of Construction and Maintenance

All portions of the driveway, including the approach, culvert and ditch, between the edge of the highway shoulder and the right of way line shall be constructed and maintained by and at the expense of the driveway owner except modifications made during town road improvement projects.

4.0305 Applicability

This ordinance shall apply to all driveways; construction of which is completed after the effective date of this ordinance.

4.0306 Driveway Construction Permit

The driveway construction permit does guarantee that if the permit specifications are met and construction complies with the standards outlined in this ordinance and on the Permit, the applicant will not be liable for damages to the town road after construction is completed.

- A. A landowner who has purchased vacant property (for example, for hunting, camping, hiking. Etc.) with no intention of farming or building any improvements must construct a driveway that at a minimum will allow parking off the town road right-of way. A permit must be obtained from the Town Board’s designee and the driveway must meet all applicable standards for location, slope, drainage, size of culvert, and surface preparation outlined in section 3 (A) above.**
- B. Existing Driveway: If a landowner alleges that a driveway exists that is presently serving open land without improvements and that now an application is being filed for a building permit for a structure which will be served by that alleged driveway, the Town Board’s designee will examine the existing driveway to determine if it is adequate to meet the specifications of this ordinance. The designee will either document in writing the existence of an approved driveway or will require changes to bring the driveway up to standard.**
- C. Field Access Road: A Driveway Construction Permit is required for entry for agricultural purposes into a field or woods that border a town road. Any access to agricultural land from a county or state highway will be governed by the Wisconsin Department of Transportation and/or the Marinette County Highway Department and this ordinance has no authority over their conditions of requirements.**
- D. Cabins: Any property that is developed with cabins or small non-dwellings must have approved driveways before the land can be split up and sold.**

4.0307 Conformance to Ordinance

In the event that a residential dwelling located on property served by an existing driveway is reconstructed or razed and a new dwelling is constructed, the existing driveway shall be made to conform to the requirements of this ordinance.

4.0308 Placement of Fill

Filling of ditches and or culverts located within a public right-of-way is prohibited without written approval from the Town of Pound.

4.0309 Procedure and Fees

A. Application for a Permit

Application for a Driveway Construction Permit to connect a town road should be made to the Town Board's designee. The application will include the legal description of the property, a rough drawing of the proposed driveway site including grade, slope, width, length and erosion control procedures and payment of the required fee. The Driveway Construction Permit is effective for 12 months from the date of issuance. The permit shall expire after 12 months unless renewed. The permit may be renewed for one additional 12 month period. If the Driveway has not been constructed by the end of this period, a new application must be submitted and approved.

B. On-Site Review

The Town Board's designee will make an appointment to meet with the applicant at the site to discuss the specifics of the driveway. Any specific requirement will be entered on the permit and written permission will be given to begin construction.

C. Variance

A variance to this ordinance can be granted by Town Board action.

D. Costs of Construction

All expenses of construction and materials will be the responsibility of the applicant. Under no circumstances will the Town of Pound perform the actual work of constructing the driveway or setting the culvert, but the Town Board's designee may require that a town employee be present to oversee the construction.

E. Certification for Safety

The granting of a permit is not certification by the Town of Pound that the driveway is safe or adequate for use by emergency equipment.

F. Remediation

If the requirements and procedures of this ordinance are not followed and a private driveway is constructed in such a way as to cause damage to the town road or create a hazard to public safety, the Town will require the driveway or field access road be changed to correct these flaws at the owner's expense.

G. Final Inspection

When the driveway is completed, the applicant will notify the Town Board's designee who will then make a final inspection of the driveway, and if the driveway is properly constructed, the Town Board's designee will approve the driveway in writing on the permit.

H. Construction of Driveway Prior to Commencing Building Construction

The Town Board's designee shall determine whether a driveway 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 the following reasons:

- 1. Construction activities are reasonably likely to cause the tracking of soil, gravel, vegetation of other material onto the public roadway.**
- 2. Construction of the driveway is necessary to allow for the safe and efficient access of construction vehicles entering or leaving the construction site.**

I. Permit Fee

The fee for a Driveway Construction Permit shall be as defined in the Town of Pound Fee and Penalty Schedule. The Driveway Construction Permit includes initial on-site consultation, any interim inspections or consultations as necessary, and final site inspection and approval.

4.0310 PENALTIES

A. Any driveway constructed on land in the Town of Pound in violation of any of the provisions of this Ordinance shall be deemed to be an unlawful driveway.

B. Any person who constructs an unlawful driveway, which connects a town road in the Town of Pound in violation of any provision of the Ordinance, shall incur a penalty as defined in the Town of Pound Fee and Penalty Schedule. Each day a violation continues without action taken to remedy the situation constitutes a separate offense.

C. Failure to procure a permit before establishing a driveway shall incur a penalty as defined in the Town of Pound Fee and Penalty Schedule.

D. Any person who constructs an unlawful driveway, which connects a state or county highway on land in the Town of Pound, will be subject to any penalties, forfeitures of conditions established by the State of Wisconsin and/or Marinette County.

E. Any physical changes required by the Board of the Town of Pound to an unlawful driveway to bring the driveway into compliance with the terms of this Ordinance and the terms of the Driveway Construction Permit will be made at the private owner's expense.

4.0400 EFFECTIVE DATE

This Ordinance shall apply to tax parcels created and recorded in the Marinette County Register of Deeds office after the date of publication and enactment of this ordinance.

4.0500 VALIDITY OF PORTIONS

If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or Competent Jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

This ordinance shall take effect upon adoption by the Board of the Town of Pound and publishing or posting as required by law.

4.0600 DEFINITIONS

For the purpose of this ordinance the following definitions shall be used:

Driveway is a private road, field access road, 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 or private road.

Field Access Road is a road used only for agricultural purposes or to access agricultural land.

Private Road is a privately owned strip of land serving as access from a public highway to more than three (3) parcels of land and or residences (driveways); title to said parcels of land are not held by the same individual(s). If said road serves more than three (3) parcels of land and or residences it is considered a private road.

Town Highway is any Public Highway that the Town of Pound holds fee simple title to or has prescriptive rights in. Generally, Town of Pound considers a highway to be a town highway if it appears on the Town's gas tax map.

Subdivision is a division of a lot, parcel or tract of land by the owner thereof of the owner's agent for the purpose of sale or of building development, where:

The act of division creates 5 or more parcels or building sites or

Five or more parcels or building sites are created by successive divisions within a period of 5 years.

Driveway Construction Permit is a permit to construct a private driveway from a town road, through the public road right of way to private property. Issued by the Town of Pound.

Dwelling. Per state definition of meeting five of eight characteristics pertaining to dwelling as referenced in MFL legislation and according to Wisconsin Administrative Code NR 46.15(9) or if structure is occupied on a full time basis.

Connection means the portion of the driveway that connects through the public right of way to a public roadway.

Parcel means contiguous land under the control of a land divider not separated by streets, highways, navigable rivers, or railroad right-of-way.

Owner/Landowner is the Party who has legal title to the land or the designated agent of same.

Town Right-of-Way is the strip of land over which a public road is built. Town of Pound roads are presumed to be four (4) rods (66 feet) in width unless originally deeded to the town with a lesser width specified.