

**TOWN OF DUNN
DANE COUNTY, WISCONSIN
ORDINANCE NO. 13-2
REGULATING DRIVEWAYS**

An Ordinance to repeal Ordinance 13-5 and recreate Ordinance 13-2 of the Town of Dunn Building Code to provide for the regulations of driveways in the Town of Dunn.

Section 1: Authority

Pursuant to sections 60.22(1), 60.22(3), 61.34(1) and 81.01 of the Wisconsin State Statutes, the Town Board of the Town of Dunn, Dane County, Wisconsin, does hereby ordain as follows:

Section 2: Purpose

The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification, enlargement or the reconstruction (collectively “construction”) of driveways in the Town to assure the location of the driveway and method of construction will promote the public health, safety, and general welfare of the Town, preserve agricultural land and productivity, and comply with the goals and policies set forth in the Town of Dunn Comprehensive Land Use Plan. For the safety of the general public, the Town shall determine the location, size, use, construction and number of access points to public highways within the Town. It is the Town's intent to provide access to properties abutting public roadways provided that access is not deficient or dangerous to the general public.

Section 3: Definitions

1. *Driveway*: A private road or other avenue of travel that runs through a parcel of land or that connects or will connect with any public highway but shall not include any field road lying outside of the right-of-way of a public highway.
2. *Field Road*: A road regularly used only for agricultural purposes or to access agricultural land.
3. *Agricultural Land*: Land within the Town of Dunn that has produced or is capable of producing a viable crop.
4. *Private Road*: A road on private property which is accessed by one or more driveways and which provides access to a public highway.
5. *Public Highway*: All public ways and thoroughfares, including without limitation, town roads and county and state highways.

Section 4: Maximum Number of Driveways Per Parcel

1. The number of driveways allowed to serve an individual residential or commercial property shall be a maximum of two (2) driveways, subject to paragraph (2) below, provided that when two (2) driveways are utilized, there is also at least 180 feet of total frontage on the public highway or private road from which the driveways serve the parcel.
2. There shall be allowed one (1) driveway for the first acre of the served parcel, and one (1) additional driveway for the second acre or part thereof, up to a maximum of two (2) driveways.
3. For corner parcels, or parcels abutting more than one public highway or private road, access shall be allowed from only one of the public highways or private roads abutting the parcel.

4. Where two (2) driveways serve a parcel, each driveway shall be located no closer than 75 feet from each driveways' centerline and each driveway's edge must be at least 10 feet from the property line.
5. A variance from this provision may be granted by the Town Board under Section 11 of this Ordinance.

Section 5: Driveway Construction Permit Required

No person or public or private entity shall locate, establish, construct, or substantially reconstruct a driveway, road, or other access, to a property from a public highway or to a private road without first filing an application for and obtaining a Driveway Construction Permit from the Town of Dunn. All costs of subsequent driveway construction shall be paid by the holder of the Driveway Construction Permit.

Section 6: Driveway Construction Permit Submittal Requirements

1. Application Fee: The applicant shall pay a non-refundable fee at the time of making the application for a residential Driveway Construction Permit. There is a reduced fee for access to a field road for agricultural use only. View the Town's current fee schedule.
2. Application: A Driveway Construction Permit application shall be submitted to the Town of Dunn. The application shall include the following information:
 - a. A copy of any erosion control plan if required by Dane County.
 - b. A driveway construction plan consisting of a drawing or diagram showing the following information:
 - i. The length and width of the driveway;
 - ii. The relationship of the driveway to property lines and neighboring driveways;
 - iii. Any structures and existing roads;
 - iv. The location and size of any culverts;
 - v. The location and structure of any retaining walls;
 - vi. The Town may request additional information regarding the radius of any curves, the slope of the driveway, substrata, and/or any other information relevant to the application.

Section 7: Application Review and Approval

1. Upon full payment of the application fee and submittal of the completed application and all submittal requirements as described in Section 6 of this Ordinance, the Town's Highway Superintendent, or his or her representative, shall review all applications using this Section's guidelines and requirements. If all requirements are met, the under the discretion of the Highway Superintendent that all application requirements have been met, the Town may issue a Driveway Construction Permit.
 - a. The Town's issuance of a Driveway Construction Permit does not constitute a determination that the driveway is safe, suitable, or fit for any purpose.
2. If the Highway Superintendent in his or her discretion determines that the application presents issues that should be resolved by the Town Board, a meeting must be scheduled before the Town Board to review the application.

- a. The Town Board shall consider the application and, at its sole discretion, approve, conditionally approve, or deny the application.
 - i. If the Town Board approves the application, the Highway Superintendent shall issue a Driveway Construction Permit.
 - ii. If the Town Board conditionally approves the application, the Highway Superintendent shall issue a Driveway Construction Permit once the conditions of the approval have been fulfilled.
 - iii. If the Town Board denies the application for a Driveway Construction Permit, it will not consider a substantially similar application from the applicant for a period of three months from the date of the denial.
3. Driveway Inspection: The holder of the Driveway Construction Permit shall notify the Town within thirty (30) days of completion of the construction. Within thirty (30) days of notification, the Town Highway Superintendent shall conduct an inspection of the driveway to ensure full compliance with all the provisions of this Ordinance.
4. Permit Period: Upon application approval, the Driveway Construction Permit is effective for 12 months from the date of issuance. The permit shall expire after 12 months unless renewed.
5. Renewal: The Driveway Construction Permit may be renewed for one additional 12-month period upon request. If the driveway has not been constructed by the end of this period, a new application must be submitted and approved.

Section 8: Specifications for the Construction of Driveways

Driveway plans and specifications must comply with the following:

1. *General Design:* All driveways shall be located and constructed so that vehicles approaching or using it shall have adequate sight distance along the public highway or private road as determined by the Highway Superintendent. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the public road required for effective traffic control or for street signs or signals.
2. *Location:* Driveway approaches must be at least twenty (20) feet from nearest driveway and at least ten (10) feet from the property line. Driveways shall be placed wherever possible as not to interfere with utilities in place.
3. *Drainage:* All driveways, driveway entrances, and driveway approaches shall be constructed so that they shall not interfere with the drainage of public highways, side ditches, or roadside areas or with any existing structure on the right-of-way. Drainage from driveways shall run into adjacent ditches and not onto the public highway pavement. It is the property owner's responsibility to restore the road right-of-way area.
4. *Length and Width:* A driveway's length shall be a minimum of twenty-four (24) feet to ensure appropriate room for emergency vehicles. A driveway's width shall be a maximum of twenty-five (25) feet. For driveways longer than forty (40) feet, driveways shall have a minimum width of fourteen (14) feet where the driveway pavement meets the public road edge.
5. *Culvert Requirement:* A culvert with a diameter of at least 18 inches and 24 feet in length, unless a larger culvert is required by the Town Highway Superintendent, must be present and accompanied with end walls at the ditch line and a slight dip just before the culvert. It is the property owner's responsibility to provide a culvert at their own expense.

If no is culvert necessary, the applicant must receive a waiver from the Town's Highway Superintendent.

6. *Erosion Control*: Once driveway construction has begun, all specified erosion controls, including retaining walls, ditching, culverts, crowning, mulching, matting, and bank seeding, shall be begin immediately. For winter construction, erosion alternatives must be implemented immediately until specified controls are available. After construction is finished, ditches along the road right-of-way must be restored and seeded.
7. *Slope*: Driveways shall not be too steep which will prevent or inhibit safety vehicles from accessing the property.
8. *Side Banks*: Side banks shall be constructed using earthen materials. Excluded from the side bank requirement are driveways for which retaining walls and/or other erosion control measures are installed.
9. *Driveway Apron*: For concrete driveway aprons, there should six (6) to eight (8) inches of space remaining between the end of the driveway and the beginning of the public road pavement. This is to ensure enough space to mitigate potential apron damage from road maintenance. The Town shall be responsible for asphalt paving the remaining space between the end of the driveway and the beginning of the public road pavement.
10. *Agricultural Land*: If applicable, driveways shall be constructed in a way that minimizes adverse effects on productive agricultural land.
11. *Relocation of Utilities*: Driveways shall be placed wherever possible as not to interfere with utilities in place. If the relocation of utilities cannot be avoided, property owners must notify the Town prior to any utility relocation. Any costs of relocating utilities shall be the responsibility of the property owner.
12. *Substrata*: The driveway must have at least 4 inches of 3- to 4-inch rock on the roadbed, covered with 2 inches of 3/4-inch gravel. If it can be shown there is a suitable base, the provision requiring 4 inches of 3- to 4-inch rock may be modified or waived by the Town Highway Superintendent.

Section 9: Prohibited Driveways and Activities

1. No person shall place, construct, locate in, or cause to be placed, any obstruction or structure within the limits of any public highway or road.
2. The filling of ditches and/or culverts or interference with the drainage of public highways, side ditches, or road right-of-way areas is forbidden. The Town Board may grant a variance under certain circumstances. Applicants seeking a variance must notify the Town and provide requested documentation.
3. The placement of lawn sprinkler pipes in a public road right-of-way is prohibited.
4. Field access roads may not be used for non-agricultural purposes unless the field road has been approved as a driveway under the requirements and specifications of this Ordinance. Field Roads shall access public highways only at locations approved by the Town.

Section 10: Existing Driveways

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

Section 11: Variances

The provisions in Section 4 and or 8 of this Ordinance may be varied by the Town Board in such instances where the peculiar nature of the property or the design of the public road may make the adherence to the requirements impossible or impractical. Any request by an applicant for a variance or modification of any provision in Section 4 and or 8 of this Ordinance must accompany the initial application and must state the reason for the request.

Section 12: Penalties

1. *Non-Compliance:* Should a driveway be constructed or modified in violation of the provisions of this Ordinance, the Town Board shall send the property owner(s) a notice of non-compliance. A driveway that is constructed in violation of this Ordinance constitutes a public nuisance and may be enjoined. Any property owner failing to correct such condition within thirty (30) days after notice by the Town Board shall be subject to a penalty of \$100.00 per violation. Each day that the violation continues to exist shall constitute a separate offense.
2. *Hazardous Conditions:* When washing or other conditions created by existing driveways or field roads obstruct or become a potential hazard to a public road, the Town Board shall notify the property owner of the conditions. The hazard must be corrected within thirty (30) days of notification. Failure to correct the hazard within thirty (30) days will result in a forfeiture of \$100.00 per violation. Each day that the violation continues to exist shall constitute a separate offense.

Section 13: Severability

If any section or part of this Ordinance is adjudged to be unconstitutional, unlawful, or invalid, by a course of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 14: Effective Date

This Ordinance shall take effect the day after passage and posting or publication pursuant to law. The above and foregoing Ordinance was adopted by the Town Board of the Town of Dunn at its meeting held on August 19th, 2019.

By:  TOWN OF DUNN
 Edmond P. Minihan, Town Chair

Attest: 
 Cathy Hasslinger, Town Clerk Treasurer