

TOWN OF CADIZ DRIVEWAY PERMIT ORDINANCE

1. AUTHORITY

This ordinance is a revision to the original ordinance and is adopted pursuant to the general police granted under Sec.60.22(3) and 61.23(1), Stats., and specific authority under Sec.236.45, Stats.

2. PURPOSE

The purpose of this ordinance is to promote public health, safety, and general welfare of the community. This ordinance applies to construction or modification of private driveways located in the Town of Cadiz, 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, road, field road, or other traveled way, giving access from a roadway to one or more buildings or to be constructed on adjacent lands.

4. 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 of Cadiz Board of Supervisors. Re-gravelling of previously constructed driveways does not constitute a change in the existing topography of the land. Prior to consideration of the application by the Town Board of Supervisors, the applicant shall submit to the Town Clerk of Cadiz, an application and a driveway construction plan, which shall accurately describe the location of the proposed driveway and the specifications required by Section 2 of this ordinance for the driveway's construction.
- 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 owner's intentions and time table to reseed, mulch, ditch, placement of culvert(s), 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 3 of this ordinance, an erosion control plan shall specify only those measures which are not mentioned or required in the engineer's plan.
- C. No building permit for new residential construction will be issued until the driveway is constructed according to the specifications of this ordinance. If a field driveway is converted to a residential driveway, it must be brought to code and be approved by the Town Board of Supervisors.
- D. With the approval of the Town Board of Supervisors, the driveway permit may be issued to allow for the excavation of the site to provide for site preparation and to provide fill for the proposed driveway.
- E. A non-refundable \$100.00 fee must be submitted with each driveway application.
- F. 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 driveway construction. In addition, the fee will not be refunded until the driveway is built to the specifications in this ordinance. Residence may not be taken until the driveway is built to specifications, or the refundable fee will be forfeited.
- G. A minimum of 200 feet of site will be required, in both directions, entering onto Town roads.

5. DRIVEWAYS ENTERING ON TO THE STATE AND COUNTY HIGHWAY

- A. The Town of Cadiz will regulate all driveways with building permits from the point of State or County right of way to the site of the home or building constructed.

6. SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS

- A. An engineer's plan showing adequate erosion control measures is required for any segment of the proposed driveway, which disturbs land with a grade of more than (25%) twenty-five percent, unless waived by the Town Board of Supervisors.
- B. The driveway shall be constructed with a minimum roadway of (16) sixteen feet in width, and a minimum shoulder of (3) three feet on each side, having a slope of (1) one foot of vertical rise for (6) six feet of horizontal distance.
- 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 and the length to be determined by the Town Board of Supervisors. The culvert must be of a metal consistency, preferably galvanized steel, unless prior approval has been authorized 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 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 onto the public road.
- E. Ditches, roadway crowning, and culverts, which provide acceptable drainage, are 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 (10%) ten 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 walls, ditching, culverts, crowning, mulching, and matting shall be completed within (30) thirty days.
- K. The driveway must have at least (6) six inches of (2) two-inch rock on the roadbed, and covered with (2) two-inches of $\frac{3}{4}$ -inch gravel unless the Town Board of Supervisors considers otherwise.
- L. All costs of the construction of said driveway, including the cost of culverts and engineer's plan, if required, shall be paid by the property owner requesting the driveway permit.
- M. An area of (20) twenty feet in width and (18) eighteen 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 clearing would be environmentally damaging, the 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 in-back out with a radius of at least (90) ninety degrees or a (50) fifty foot turning radius.
- O. The driveway must have a turning radius at the place where it intersects with a public road of at least (20) twenty feet and an unobstructed view at that place.
- P. Joint driveways will not be permitted without prior review and specified approval by the Town Board of Supervisors of the joint driveway agreement, establishing the proposed joint driveway and the manner of its construction, maintenance, and use.

7. 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 segment of a driveway whose construction requires the disturbance of land with a slope of (25%) twenty-five percent, 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 measure as determined by the Town Board of Supervisors or its authorized representatives.
 - 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 segment exceeding (10%) ten 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 is issued, and when applicable, any necessary approvals are obtained from Green County or the State of Wisconsin per Wis Stats. Section 86.07(2).
- D. The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

8. 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 such condition(s) within (30) thirty days after notice by the Town Board shall be subject to the penalties of this ordinance and shall also be liable for any cost incurred by the Town to eliminate the hazard as provided in Wis Stats. Section 66.60(1,2,6).

9. DRIVEWAYS THREE HUNDRED (300) FEET OR MORE

- A. Purpose: A section of driveway twenty-two (22) feet wide and fifty (50) feet long every three hundred (300) feet or in-back-out with a radius of at least ninety (90) degrees or a fifty (50) foot turning radius every three hundred (300) feet.
- B. Reason: To allow the safe passage of emergency vehicles in long driveways.

10. PENALTIES

- A. Should a driveway be constructed or modified in a way which violates the provisions of this ordinance, the owner(s) of the land through which the driveway passes shall pay a fine equal to (3) three times the fee chargeable 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.

- B. If the owner(s) of the land through which the driveway passes do not make the required corrections within the time specified, the Town Board shall determine the cost of correcting violations of the provisions of this ordinance, including when necessary the return of disturbed land to it's original condition. That 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).

The Town Board of the **TOWN OF CADIZ**, Wisconsin, do ordain as follows:

Section 1. The code of ordinances in book form entitled, "**MUNICIPAL CODE OF THE TOWN OF CADIZ, WISCONSIN,**" having been placed on file and open to public inspection in the office of the town clerk for a period of two weeks, commencing August 14, 2001, in accordance with the procedure provided under Sec. 66.035 of Wis Stats., is hereby adopted as the general code of ordinances in and for the Town of Cadiz, Green County, Wisconsin, and all previously adopted general ordinances of the Town of Cadiz are hereby repealed, except as provided in Section 2 of this ordinance.

Section 2. The code of general ordinances hereby adopted shall not be deemed to repeal any ordinances of the Town of Cadiz or any general ordinance or part hereof relating to the following subjects and not conflicting with any of the provisions of the "**MUNICIPAL CODE OF THE TOWN OF CADIZ, WISCONSIN.**"

Section 3. This ordinance shall take effect upon passage and publication as required by law.

Dated this _____ Day, of the Month of _____, 2004.

Kenneth Goodman, Jr
Town Of Cadiz Chairman

Approved, Attested by:

Jayne M. Butts
Town Of Cadiz Clerk

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