

CHAPTER 17

DRIVEWAY ORDINANCE

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17-1 TITLE/PURPOSE

This ordinance is entitled the Town of Barnes Driveway Ordinance. The purpose of the ordinance is to regulate the location and construction of any private access road (private driveway) that will intersect any public road in the Town of Barnes. The ordinance sets forth an orderly procedure for obtaining a driveway permit, and establishes driveway permit fees and penalties for failure to obtain a required driveway permit. The primary purposes for the ordinance include but are not limited to the following:

- (a) Provide safe vehicle access to the public roadways.
(Ingress/egress)
- (b) Prevent water drainage and siltation from private driveways onto public roadways.

17-2 AUTHORITY

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

17-3 GENERAL PROVISIONS

A Driveway Permit is required whenever a proposed private access road (private driveway) will intersect any public road in the Town of Barnes. If the proposed driveway will intersect a county or state highway, the Wisconsin Department of Transportation, the Bayfield County Highway Department and or the Bayfield County Zoning Administrator may establish the rules and regulations regarding conditions for the permit and compliance with the permit.

If the proposed driveway will intersect a town road, the Board of the Town of Barnes, subject to the following rules and regulations, shall issue the Driveway Permit:

- (a) Requirements governing the Driveway and its Intersection with a Public Road:

The private 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 Board, or designee shall determine (based on the specific location) whether or not a culvert is required and, if so, the minimum diameter and the length of the culvert. It shall also determine the angle and slope of

the intersecting portion of the driveway and whether any erosion control devices must be installed at or near the intersection in order to minimize damage to the public road.

The minimum driveway surface width at the intersection shall be 20 feet, with a minimum cleared width of 24 feet and a culvert, if necessary, no less than 30 feet.

The minimum height clearance, free of trees, wires, etc., shall be 14 feet. It shall have a recommended road bed of at least 6 inches, composed of 2-3" breaker rock (now called minus) covered with four inches of 3/8" aggregate gravel at grade depending on soil conditions.

The driveway within the area of the public right-of-way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road.

The angle of any intersection of a town road and driveway shall be 90 degrees where possible, for a minimum horizontal distance of 33 ft. from the intersection as measured from the center of the roadway.

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

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

(c) Minimum Driveway/Private Road Recommendations: The following suggested minimum specifications apply to all new driveway/private roads that extend past the Town right-of-way. These specifications will help provide access to improved or unimproved lots for emergency vehicles such as fire trucks and ambulance service.

Minimum drivable surface: 12 feet for driveways, single property
16 feet for roads, multiple properties

Minimum total driveway/road cleared width: 24 feet.

Minimum height clearance: 14 feet.

Maximum grade: As determined by Town Board or designee.

Culverts: As determined by Town Board or designee.

(d) The Town Driveway Permit does not 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.

(e) EXISTING DRIVEWAYS AND FIELD ROADS

When conditions created by existing driveways or field roads becomes 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 liable for any costs incurred by the Town of Barnes to eliminate such hazard as provided in Wis. Statutes Section 66.60(16). Problems of a non-emergency nature, erosion of material, water, ice, snow, onto a Town road, shall be corrected in 10(Ten) days. Actions that will trigger the need to obtain a driveway permit for existing driveways includes construction of a new residential, commercial, industrial or animal confinement structure.

- (f) If a driveway already exists that presently serves open land and an application is filed for a building permit on the land which is accessed by an existing driveway, the Board will either examine the existing driveway to determine if it is adequate to meet the specifications of this ordinance. The Board shall either document the existence of an approved driveway or shall require changes to bring the driveway up to standard. An approved Town Driveway Permit must be in place before a building permit can be issued.
- a.) If a temporary driveway/access road is required to access a permitted construction site other than the approved driveway to the site a driveway permit is required. Specifications of a temporary driveway will be determined by the Town Board or designee. A temporary approved driveway/access road must be removed and access area restored to original non-driveway condition at time of completed construction or expiration of building permit.
- (g) This ordinance does not address or regulate access from a town road to agricultural land by agricultural implements or related equipment. No driveway permit is required for entry for agricultural purposes into a field or woods that border a town road. However, Sec. 66.0425, 80.021, and 86.07 Wis. Stats, would apply regarding damage or obstruction to a public road or right-of-way. No provision of this ordinance would relieve any person from a requirement to comply fully with Sec. 66.0425, 86.021, and 86.07, and corrective action would always be required from an owner or operator who damages a public road. Any access to agricultural land from a county or state highway will be governed by the Wisconsin Department of Transportation and/or the Bayfield County Highway Department and this ordinance has no authority over their conditions or requirements.
- (h) When a driveway permit is issued, applicant is required to obtain and have installed an address number and sign from Bayfield County Emergency Services.
- (i) A driveway shall be completed within 60 days from start of construction of the driveway or applicant's permit will be revoked. Approved driveway permits are only valid for 1(one) year.

17-4 FEES and PROCEDURES

- (a) Application for a Driveway Permit to intersect a town road should be made to the Town Clerk. The application shall include the legal description of the property; include a rough drawing of the proposed location of driveway, and payment of the required fee. A Town of Barnes representative shall make an appointment to meet with the applicant at the site to discuss the specifics of the access road. Any specific requirements shall be written on the permit and written permission shall be given to begin construction. All expenses of construction and materials will be the responsibility of the applicant.

Under no circumstances will the Town of Barnes perform the actual work of constructing the private access road or setting the culvert, but the Town Chairperson may require that a town employee be present to oversee the construction.

- (b) If permit is denied, applicant has 10(ten) days to submit written appeal to the Town Board.
- (c) 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 to create a hazard to public safety the land owner/applicant shall be required to correct these flaws at the land owner/applicant's expense.

- (d) When the private access road/driveway is completed, the applicant shall notify the Highway Department or designee, and a final inspection of the driveway will be done and documented on the permit.
- (e) The Board of the Town of Barnes will establish the fees for obtaining a Driveway Permit and penalties for failure to obtain a Driveway Permit before constructing a private access road. The fee schedule will be reviewed annually by the Board and adjusted as needed so that the fee will cover the direct costs of onsite consultation, inspection and administration, and the cost for an Address Number sign.

The initial fee schedule established by the Board is shown below and is effective with adoption of this ordinance:

Driveway Permit (includes initial on-site consultation, any interim inspections or consultations, final site inspection and approval) \$25.00.

17-5 FORFEITURES and PENALTIES.

The forfeitures and penalties provided for in this section shall be applicable to violations of this chapter of this Ordinance.

- (a) Violation of this ordinance shall be in accordance with the schedule of deposit, which are now in existence and as may be amended from time to time in the future, plus any applicable assessments, costs, fees and penalty enhances now in force in the Bayfield County Circuit Court, or as enforced in the future. Each day's failure to comply with this Chapter shall constitute a separate offense.

17-6 DEFINITIONS

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

- (a) **Driveway** (Also called Private Access Road) is a private road that gives access to private property from a public roadway.
- (b) **Driveway Permit** (Issued by Town of Barnes) a permit to construct a private driveway from a town road, through the public road right-of-way to private property. A permit for a driveway which would access a State or County highway, road or street will be defined, regulated and administered by the State of Wisconsin and/or Bayfield County and is not covered by this ordinance. A dwelling, per State definition, meets five of eight characteristics pertaining to dwellings as referenced in MFL legislation and according to Wisconsin Administrative Code NR46.15 (9) or if structure is occupied on a full time basis.
- (c) **Intersection** That portion of the driveway that passes through the public right-of-way to the Town roadway.
- (d) **Town Road Right-of-Way** Town roads in the Town of Barnes are presumed to be four rods in width unless originally deeded to the town with a lesser width specified.

17-7 EFFECTIVE DATE

This ordinance shall take effect after a Public Hearing and adoption by the Board of the Town of Barnes and posting as required by law.