

STATE OF WISCONSIN TOWN OF LAKE MILLS JEFFERSON COUNTY

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 7 OF TITLE 5 OF THE TOWN OF LAKE MILLS CODE CONCERNING DRIVEWAYS AND CULVERTS

WHEREAS, certain questions and concerns have arisen regarding the Town’s regulations concerning driveways and culverts; and

WHEREAS, was presented to the Town Board for consideration and modification as appropriate; and

WHEREAS, the Town of Lake Mills finds that it is in the best interests of the health, safety and welfare of the Town of Lake Mills to modify the ordinance relating to driveways and culverts.

NOW, THEREFORE, the Town Board of the Town of Lake Mills, Jefferson County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 7 of Title 5 of the Municipal Code of the Town of Lake Mills entitled “Driveway and Culvert Ordinance” is hereby repealed and re-created to read as follows:

**CHAPTER 7
DRIVEWAY AND CULVERT ORDINANCE**

SECTION:

- 5-7-1 Purpose
- 5-7-2 Jurisdiction
- 5-7-3 Authority
- 5-7-4 Definitions.
- 5-7-5 Application
- 5-7-6 Plan Requirements
- 5-7-7 Specifications for the Construction of Driveways
- 5-7-8 Engineer’s Plan Specifications.
- 5-7-9 Costs of Application
- 5-7-10 Existing Driveways
- 5-7-11 Forfeitures and Penalties
- 5-7-12 Severability
- 5-7-13 Disclaimer

5-7-1 **PURPOSE:** The purpose of this Ordinance is to regulate the siting of a driveway to assure that the site will promote the public health, safety, entrance of emergency vehicles and general welfare of the residents of the Town of Lake

Mills, preserve agricultural land and productivity and enforce the goals and policies set forth in the Town of Lake Mills Land Use Plan.

5-7-2: JURISDICTION: Jurisdiction of these regulations shall include all driveways on parcels or building sites that are located within the Town of Lake Mills.

5-7-3: AUTHORITY: These regulations are adopted under the general police powers authority granted pursuant to sec. 60.10 (2)(c), 60.22 (3), and 61.34 (1) of the Wisconsin Statutes.

5-7-4: DEFINITIONS:

1. Agriculture Land: Land within the Town of Lake Mills that has been and is currently considered farmland.
2. Driveway: A private driveway, road or other avenue of travel that runs through any part of 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.
3. Field Road: A road where the primary use is not to access the property's residence or buildings.
4. Topography: The surface features of an area of land.
5. Town: The Town of Lake Mills, Jefferson County, Wisconsin.
6. Town Board: The Town of Lake Mills Board of Supervisors.
7. Town Clerk: The Clerk of the Town of Lake Mills.
8. Town Engineer: The Town of Lake Mills Engineer.

5-7-5: APPLICATION:

1. No person or entity shall construct a driveway without first obtaining a Driveway Permit from the Town Board or the Town's designated Driveway and Culvert representative.
 - a. The Driveway Permit Application forms are available from the Town Clerk.
2. Submit the completed Driveway Permit Application form with the appropriate fee and the following required attachments to the Town Clerk.
 - a. Plat Map
 - b. Aerial photo/site analysis
 - c. Soil/slope analysis
 - d. Erosion Control Plan
 - e. Driveway Construction Plan or Engineers Plan (if required)
 - f. Other Documents (the Town may require other documents to be attached to the Driveway Permit Application).
3. Procedures for the evaluation of the Driveway Permit Application:
 - a. A site review of the proposed driveway and culvert by the designated town representative is required also a review of the driveway location by the Plan Commission will be required in the case of a Rezone or Land Division request.

- b. An approved Driveway and Culvert Permit is required in order to obtain a Building Permit. In certain instances, the Towns Driveway and Culvert Representative may issue a Temporary Driveway and Culvert Permit that may be used to obtain a Building Permit. The temporary permit will expire 45 days after issuance, within that 45 days a permanent Driveway and Culvert Permit must be obtained from the Town Board or the Building Inspector will order construction to stop. The Town Boards Driveway and Culvert Representative may issue a permanent Driveway and Culvert Permit, without Town Board review, if the driveway will be less than 100 feet in length.
- c. Driveway and Culvert Permits will only be issued for driveway designs that comply with the Specifications for the Construction of Driveways as set forth in section 5-7-7 of this ordinance. The Town reserves the right to review compliance with the standards of this ordinance at any time.
- d. If the Town Board denies an application for a Driveway Permit, no re-application for relatively similar driveway will be considered within 3 months of the denial.
- e. The Driveway Permit is effective for 12 months from the date of issuance.
- f. The Driveway Permit shall expire after 12 months unless renewed.
- g. The Driveway Permit may be renewed for one additional period of 12 months, if the driveway has not been constructed by the end of this period, a new application must be submitted and approved.

5-7-6: PLAN REQUIREMENTS:

- 1. Engineers Plan: The Town Board may require a plan prepared by a licensed professional engineer prior to any proposed driveway construction or modification. An engineer's plan is required:
 - a. For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of 20% or more.
 - b. For a driveway or segment of a driveway that requires a retaining wall or other special erosion control measure as determined by the Town Board.
 - c. For a driveway that has a Bridge Structure related to it.
 - d. An Engineers Plan will be required for all segments of the proposed driveway. The plan shall be drawn to scale and show the location of the driveway on the lot as well as finished topography of the driveway.

5-7-7: SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS:

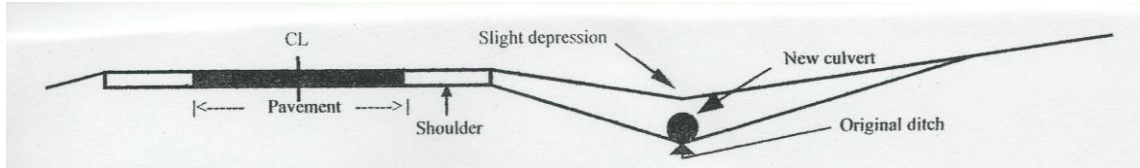
- 1. Slope: No land with a slope of more than 20% shall be disturbed for the establishment, construction, improvement, modification or reworking of a driveway without an Engineers Plan. The maximum final slope of a driveway or any portion of a driveway shall be no more than 16%.

Driveways which are surfaced with asphalt or concrete are permitted to have a maximum grade of 20%.

2. **Width, Rise and Ditch Distance:** A driveway shall be constructed with a minimum finished surface of 10 feet wide with a minimum of 4 feet side slope on each side with a maximum slope of 1 foot of vertical rise for each 4 feet of horizontal distance. (Such a rise equals a 25% slope.) There shall be a minimum of 20 feet from the center of the ditch on one side of the driveway to the center of the ditch on the other side. The center of each ditch must be at least 10 feet from the centerline of the 10-foot road. The side banks shall be constructed using earthen materials. Excluded from the side bank grading requirements are driveways for which retaining walls and/or other erosion control measures are installed as specified in an Engineer's Plan approved by the Town Board or their designee.
3. **Culverts:** Driveway culverts must have a minimum of fifteen (15) inch diameter unless existing topography or conditions do not allow a 15 in. culvert in which case the site reviewers may allow a 12 in diameter culvert or an elliptical or arched pipe to reduce height. The length of the culvert shall be four (4) feet wider than driveway at its intersection with the roadway. End sections are required. Culverts are to be constructed of new galvanized steel, used pipe is unacceptable. In places where the culverts being replaced are corroded or where corrosive soil conditions are known, aluminized pipe shall be used. In no case shall a driveway culvert be covered by less than eight (8) inches of gravel. The property owner is responsible for culvert maintenance and replacement, except in a situation in which the Town is rebuilding the road. Driveway culverts may not be required if the driveway is at the breaking point (high point) of a hill, if no ditch exists and the driveway slopes away from the roadway and in some cases, the culvert may be better if placed off the right of way which would make a culvert unnecessary if the drainage is properly served.
4. No concrete, stone, timber, or any other material that could constitute a menace or danger to the traveling public will be permitted as end walls to a driveway. Only standard manufactured apron end sections shall be used.
5. If the property has frontage on both a Town road and a County road, the property shall have access from the Town road only.
6. A driveway located at an intersection of a public highway is not allowed to enter from one street and exit onto the other adjacent street, i.e. no circular driveways are allowed at an intersection of a public roadway.
7. **Juncture with a Public Road:** A driveway with an upslope situation shall have at least six (6) feet level with the road or down slope away from the public road. A minimum of 25-foot length of driveway shall have a maximum of 5% slope at the point where the driveway enters onto a public road. In a level or down slope situation at least twenty-five (25) feet of driveway shall be level with the roadway or slope down and away at a maximum of three percent (3%). A slight dip across the driveway shall be placed just before entering the public road or at the driveway culvert to prevent water and debris from washing onto the public road.

Ditches shall be provided on both sides of a driveway for proper drainage. Proper measures shall be used to control erosion.

Sketch of required dip at ditch/culvert shown below:



8. **Visibility:** Any driveway entering a road posted 55 MPH must have four hundred fifty (450) feet visibility, any driveway entering a road posted at 30–45 MPH must have three hundred (300) feet visibility and any driveway entering a road posted below 30 MPH must have two hundred (200) feet visibility. The line of sight of a driver is determined as being three (3) feet above the driveway and fifteen (15) feet from the road pavement.
9. No portion of a driveway shall be closer than one hundred fifty (150) feet from the nearest edge of the right-of-way of an intersecting public roadway. Driveways located in a Subdivision are exempt from this rule. For driveways located in a Subdivision refer to Section 5-4-8 of the Town of Lake Mills Subdivision Ordinance.
10. **Drainage:** ditches, roadway crowning and culverts shall be provided by the property owner for drainage. The driveway shall be planned, constructed and maintained by the property owner in a manner that prevents diversion of surface water onto the public road and/or lands of other persons. No curbs or any other appurtenances are allowed on the sides of a driveway that will prevent surface runoff from entering the ditches on either side of a driveway.
11. **Radius of Curves:**
 - a. No driveway shall have a horizontal radius or curvature of less than 50 feet and additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to those from 100-200 feet.
 - b. The length of vertical curves in driveways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall be no less than 100 feet.
12. **Erosion Control:** Prior to beginning construction of a driveway, retaining wall or any other structure, all specified erosion control measures such as ditches, culverts, mulching, matting and seeding are to be installed.
13. **Substrate:** The driveway must have at least four inches of two-inch limerock on the roadbed covered with two inches of three-quarter inch gravel. Surfaces should be capable of supporting a seventy-three thousand five hundred (73,500) pound load. If it can be shown there is a suitable base, the provision requiring four inches of a two-inch limerock may be

- modified or waived by the Town Board. A field road is exempt from this provision.
14. Clearance for Emergency Vehicles: All driveways shall provide a minimum 10-foot traffic lane and an area 15 feet in width and 15 feet in height shall be cleared along the entire driveway in order to permit the safe passage of emergency vehicles to the structures served by the driveway. A field road is exempt from this requirement.
 15. Turnaround:
 - a. Driveways exceeding 200 feet in length, but less than 800 feet in length shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
 - b. A turnaround shall be provided at all building sites on driveways over 300 feet in length and shall be within 50 feet of the buildings.
 - c. The minimum radius for a turnaround shall be 50 feet. If hammerhead or "T" is used, the top of the "T" shall be a minimum of 60 feet in length.
 - d. The dimension of the driveway at the turnout shall be a minimum of 20 feet wide and shall have a minimum length of 60 feet.
 16. Driveway Bridges and Gates:
 - a. Gate entrances shall be at least four (4) feet wider than the width of the traffic lane being served by the gate. Gates providing access from the public road shall be located at least fifty (50) feet from the edge of the public roadway and shall open to allow a vehicle to stop without obstructing traffic on the public road.
 - b. A bridge structure shall be constructed to carry a minimum load of seventy-three thousand five hundred (73,500) pounds and be designed by a licensed professional engineer and provide the minimum vertical clearance as required by the Department of Transportation Vehicle Code Sections. Appropriate signing including but not limited to the weight or vertical clearance limitations shall be posted at the bridge. Culverts used in lieu of bridges must be designed for the same criteria as for bridges.
 - c. Cost: All costs of construction of said driveway, including the cost of the culverts and Engineer's Plan, if required, shall be paid by the property owner(s) requesting the permit.
 - d. Waiver of Specifications: Any specification(s) in this section may be waived or modified by the Town Board if it deems the specifications(s) would impose an unnecessary hardship. Any request by an applicant for a waiver or modification of any provision in this section must accompany the initial Driveway Permit Application and must state the reason for the request.

5-7-8: ENGINEER'S PLAN SPECIFICATIONS:

1. Components: If required, an Engineer's Plan will include a scale plan showing the following:
 - a. Location: The precise location of the driveway or segment of the driveway that requires an Engineer's Plan.
 - b. Slope: The slope of all segments of the driveway.
 - c. Retaining Walls: The location and design of any retaining walls.
 - d. Culverts: The location and size of any culverts. The culvert sizing shall provide capacity 25% higher than anticipated 100-year 24-hour flow.
 - e. Cross Section: Cross-sections of the driveway at a minimum of fifty (50) foot intervals.
 - f. Erosion Control: The required mulching, matting, seeding or other erosion control measures required by the governing authority.
 - g. Certification: The plan will include the engineer's name, address, professional stamp with signature and a statement from the engineer stating that he/she has fully complied with the design requirements.
2. Approval:
 - a. Conditions: No construction of a driveway may commence until the Engineer's Plan, if required, is approved by the Town Board, until a Driveway Permit and Culvert Permit has been issued by the Town and when applicable, any necessary approvals are obtained from Jefferson County or the State of Wisconsin (see section 86.07 of the Wisconsin Statutes). The preparation of an Engineer's Plan does not guarantee the Town's approval of the Driveway Permit Application.
 - b. Inspection: After the driveway has been completed, the Town Engineer shall inspect the driveway to determine whether or not it was constructed according to the plan(s) and is consistent with the requirements of this Ordinance.

5-7-9: COSTS OF APPLICATION:

1. Application Fee: An application, along with a non-refundable fee of fifty dollars (\$50.00) shall be submitted to the Town Clerk. Upon receipt of the application, the Township may require up to sixty (60) days to visit the site and approve or disapprove an application. The Driveway and Culvert Permit becomes valid upon the applicant receiving an approved copy. The permit fee is nonrefundable and will not be returned whether the application is approved or disapproved. In the event of a denial, an additional non-refundable fee of \$50.00 will be charged with a re-application. Re-application and additional site evaluation will result in additional fees.
2. Other Costs: All reasonable costs incurred by the Town or its Agents in order to properly review each Driveway Permit Application will be borne by the Applicant.

5-7-10: EXISTING DRIVEWAYS

1. Hazardous Conditions: When washing or other conditions created by existing driveways or field roads that do not meet the specifications required in this Ordinance obstruct or become a potential hazard to a public road, the Town Board shall notify the property owner of the conditions. Any property owner failing to correct such condition within 30 days after notice by the Town Board shall be subject to the penalties described in the penalties section of this Ordinance.
2. The Town of Lake Mills reserves the right to make such changes, additions, repairs, and relocations within statutory limits to a driveway or its appurtenances on the public road right-of-way as may at any time be considered necessary to facilitate the relocation, reconstruction, widening, and maintenance of a public road, or to provide proper protection to life and property on or adjacent to a public roadway.
3. For all parcels, the Town Board shall approve a driveway location that will have the least impact on agricultural land.
4. When alterations or improvements are made to an existing driveway that involves surfacing, curbs, regarding, etc., or grading in or around the driveway that will alter the flow of water will require a plan of the proposed work to be submitted to the Town Board or its representative, in charge of driveways and culverts, to assure that all design standards of this ordinance are complied with.

5-7-11: FORFEITURES and PENALTIES: A driveway constructed without an approved Driveway Permit will result in removal of the driveway at the owners expense. The owner of a driveway that is constructed in violation of any of the provisions of this Ordinance, or creates a hazard that is not corrected within 30 days of notification, shall upon conviction, pay a forfeiture of \$500.00 plus applicable surcharges and court costs per each violation. Each day that the violation continues to exist shall constitute a separate offense. An unlawful driveway constitutes a public nuisance and may be enjoined.

5-7-12: SEVERABILITY- The provisions of this Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

5-7-13: DISCLAIMER- The Town's approval of a Driveway Permit does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for the public. No person may rely on the issuance of a permit to determine that a driveway is for any and all purposes.

EFFECTIVE DATE- This Ordinance shall go into effect upon passage and publication on October 18, 2001.

Amended: January 11, 2005
Amended: June, 8, 2021

PASSED AND ADOPTED by the Town Board of the Town of Lake Mills, Jefferson County, Wisconsin on this _____ day of _____, 20__.

Adopted this _____ day of _____, 2021.

Attest: _____
Robin Untz, Town Clerk

Thomas Buechel, Chairperson

David Schroeder, Supervisor I

Jim Heinz, Supervisor II

DRAFT