

Town of Center
Rock County, Wisconsin
Driveway/Field Road Ordinance

1.01 PURPOSE

The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification, or the reworking of a driveway or field roads that changes the existing topography of the land to assure that the site, method of construction, and conservation practices to be used will promote the public health, safety, and general welfare of the community, preserve agricultural land and productivity, and enforce the goals and policies of the Town of Center.

1.02 JURISTITION

Jurisdiction of these regulations shall include all driveways and field roads on land within the Town of Center.

1.03 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.

1.04 DEFINITIONS

1. **Driveway.** A private driveway, road, or other avenue of travel that runs through any part of a private 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 or other traveled way, giving access from a public highway to farmland or other adjacent vacant land used only for agricultural purposes.
3. **Town Board.** The Town of Center Board of Supervisors.
4. **Town Clerk.** Clerk of the Town of Center.
5. **Topography.** The surface features of an area of land.
6. **Agricultural Land.** Land within the Town of Center that has produced or is capable of producing a viable crop.

1.05 APPLICATION REQUIREMENTS AND PROCEDURES

1. **Who Must Apply.** No person shall establish, construct a driveway or field road, or make major improvements to an existing nonconforming driveway or field road without first filing an application and obtaining the appropriate permit from the Town Chairperson pursuant to this ordinance. All nonconforming driveways or field roads, which haven't been used for a period of one (1) year are considered vacated. A driveway or field road is considered nonconforming if it does not meet the specifications of the driveway/field road ordinance. All newly created parcels are entitled to one (1) driveway or field road. Unless otherwise determined necessary by the Town Board.
2. **Application Forms.** The Town Board shall approve a form for applications for driveway/field road permits. These are available from the Town Clerk and Building Inspector.
3. **Application.** Submit a completed Driveway/Field Road Construction Permit Application with the appropriate fee and the following required attachments, as required, to the Town Clerk and/or Building Inspector. The attachments (a) through (f) are described in the Town's Applications Guide, a copy of which is available from the Town Clerk.

- (a) Plat map.
 - (b) Aerial photo/site analysis.
 - (c) Soil/slope analysis.
 - (d) County Erosion Control Plan, *OR*
 - (e) Engineer's Plan (if required).
 - (f) Other Documents. The Town may require other documents to be attached to the Driveway/Field Road Construction Permit Application. Such documents, if any, would be described in the Applications Guide.
4. **Application Review.** Procedures for the evaluation of the Driveway/Field Road Construction Permit Application – including site view of the proposed drive – are described in the Applications Guide.
 5. **Permit Application Denial.** If the Town Board denies an application for a Driveway/Field Road Construction Permit, no reapplication for a relatively similar Driveway/Field Road Construction Permit will be considered within 3 months of the denial.
 6. **Permit Period.** The Driveway/Field Road Construction Permit is effective for 12 months from the date of issuance. The permit shall expire after 12 months unless renewed.
 7. **Renewal.** The permit may be renewed for 1 additional period of 12 months. If the driveway or field road has not been constructed by the end of this period, a new application must be submitted and approved.
 8. **Driveway/Field Road Inspection.** The applicant shall notify the Town Clerk or Building Inspector within 30 days of completion of the construction or modification. Within 30 days of notification, the Town will conduct an inspection of the driveway or field road to ensure full compliance with all of the provisions of this Ordinance.
 9. **Building Permits.** No Building Permit for new residential or other construction will be issued until the driveway or field road is constructed according to the specifications of this Ordinance. The only exception will be the final application of gravel or other approved surface, which may occur after heavy equipment needed for building activities will no longer be using the driveway or field road.
 10. **Application Fee.** An application fee of an amount determined by a resolution of the Town Board will be charged. This fee is specified in the "Application Fee Schedule" in the Applications Guide.

1.06 PLAN REQUIREMENTS

1. **Engineer's Plan.** The Town Board may require a plan prepared by a licensed professional engineer prior to any proposed driveway or field road construction or modification. An Engineer's Plan is required:
 - (a) For a driveway or field road or segment of a driveway or field road whose construction requires the disturbance of land with a slope of 20% - 25%;
 - (b) For a driveway or field road or segment of a driveway or field road that requires a retaining wall or other special erosion control measure as determined by the Town Board;
 - (c) When the Town Board requests a plan.
2. **Construction Plan.** A Construction Plan is required for all segments of the proposed driveway or field road not covered by an Engineer's Plan. The plan shall be drawn to scale and show the location of the driveway or field road on the lot.

1.07 SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS AND FIELD ROADS

1. **Slope.** No land with a slope of more than 25% shall be disturbed for the establishment, construction, improvement, modification, or reworking of a driveway or field road. The maximum final slope of the driveway or field road or any portion of the driveway or field road shall be no more than 13%.

2. **Width, Rise, and Ditch Distance.** The driveway shall be constructed with a minimum of a finished surface of 14 feet in width, 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 25% slope.) There shall be a minimum of 24 feet from the center of the ditch on one side of the driveway or field road to the center of the ditch on the other side.
3. **Culverts.** Each driveway or field road shall have a culvert at least 18 inches in diameter and should be 24 feet in length up to a maximum of 48 feet in length at the ditch line where the driveway or field road meets the public road, unless modified by the Town Board. The Town Board of Supervisors will determine the culvert diameter.
4. **Juncture with Public Road.** A length of driveway or field road of a minimum of 24 feet shall have a maximum of 5% slope at the point where the driveway or field road enters onto a public road. A slight dip across the drive shall be placed just before the culvert at the entrance to a public road to prevent debris from washing onto the public road.
5. **Drainage.** Ditches along the right of way, roadway crowning, and culverts shall be provided by the property owner for acceptable drainage. The driveway or field road shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto the public road and/or the lands of other persons.
6. **Side Banks.** The side banks shall be graded to a slope of no more than 1 foot of vertical rise in each 3 feet of horizontal distance. (Such a rise equals 33% slope.) Excluded from this grading requirement are driveways or field roads for which retaining walls and/or other erosion control measures are installed as specified in an Engineers' Plan approved by the Town Board. The side banks shall be constructed using earthen materials.
7. **Radius of Curves.** Curves in the driveway shall have an inside radius of no less than 36 feet.
8. **Erosion Control.** Once the construction of the driveway or field road has begun, all specified erosion controls – including retaining walls, ditching, culverts, crowing, mulching, matting, and bank seeding – shall be begun immediately. For winter construction, erosion alternatives must be implemented within 30 days until specified controls are available.
9. **Substrate.** The driveway must have at least 6 inches of 2-inch rock on the roadbed, covered with 2 inches of ¾-inch gravel. If it can be shown there is a suitable base, the provision requiring 6 inches of 2-inch rock may be modified or waived by the Town Board. A field road is exempt from this provision.
10. **Clearance for Emergency Vehicles.** An area 24 feet in width and 14 feet in height shall be cleared along the entire driveway right-of-way 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.
11. **Turnaround.** The driveway must have an in-back out with a radius of at least 90 degrees or a 50 foot turning radius.
12. **Costs.** All costs of construction of said driveway or field road, including the cost of the culverts and the Engineer's Plan, if required, shall be paid by the property owner requesting the permit.
13. **Waiver of Specifications.** Any specification(s) in this section may be waived or modified by the Town Board if it deems the specification(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 application and must state the reason for the request.
14. (a) Driveways exceeding 400 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 400 feet in length, and shall be within 50 feet of the building required.

15. **SIGHT REQUIREMENTS.** Driveways and Field Roads must have a minimum sight distance of five hundred feet (500) in each direction.

1.08 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 field road or the segment of driveway or field road that requires an Engineer's Plan.
 - (b) **Slope.** The slope of the driveway showing no segments exceeding 13%.
 - (c) **Retaining Walls.** The location and structure of any retaining walls.
 - (d) **Culverts.** The location and size of any culverts.
 - (e) **Cross-section.** A cross-section of the driveway.
 - (f) **Erosion Control.** The required mulching, matting, or other erosion control.
 - (g) **Certification.** The plan will include the Engineer's name, address, and signature; and a statement from the Engineer that he has fully complied with all the provisions of this Ordinance.
2. **Approval.**
 - (a) **Conditions.** No construction of a driveway or field road may commence until the Engineer's Plan, if required, is approved by the Town Board, until a Driveway/Field Road Construction Permit is issued by the Town and, when applicable, any necessary approvals are obtained from Rock County or the State of Wisconsin (See sec. 86.07 of the Wisconsin Statutes). The preparation of an Engineer's Plan does not guarantee the Town's approval of the Driveway/Field Road Construction Permit Application.
 - (b) **Inspection.** After the driveway or field road has been completed, a minimum of 2 Town Board Supervisors or 1 Town Board Supervisor and/or appointee 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.
 - (c) **Disclaimer.** The Town's approval of a driveway or field road permit application does not constitute a determination that the driveway or field road 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 or field road is fit for any purpose.

1.09 EXISTING DRIVEWAYS AND FIELD ROADS

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 a 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. ***Field Roads.*** No field road may be used for non-agricultural purposes unless the field road has been approved as a driveway under the purposes of this Ordinance.

1.10 AGRICULATURAL PRODUCTIVITY

No driveway or field road shall be approved in the Town of Center if the Town Board finds that the driveway or field road will adversely impact productive agricultural land, unless the Town Board finds that the driveway or field road is necessary to enhance the agricultural productivity of an adjacent parcel or the person requesting the permit can show that the parcel to be served by the driveway or field road is capable of producing at least \$6,000.00 of gross income per year. Under any circumstance, the Town Board shall approve a driveway or field road with the least impact on agricultural land.

1.11 PRIVATE DRIVE

All driveways and field roads within the Township are private. No private driveway or field road may be dedicated to the public without acceptance and approval by the Town Board. No private driveway or field road shall be considered a public roadway. The Town shall not be responsible for maintenance, upkeep or repair of any private driveway or field road.

1.12 PENALTIES

1. ***Forfeitures.*** Should a driveway or field road be constructed or modified in violation of the provisions of this Ordinance, or create a hazard that is not corrected within 30 days of notification, the owner(s) of the land through which the driveway or field road passes shall, upon conviction, pay a forfeiture of \$100.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense. An unlawful driveway or field road constitutes a public nuisance and may be enjoined.
2. ***Corrections.*** In addition, the landowner shall make the corrections ordered by the Town Board within 30 days or a period of time determined by the Town Board.

1.13 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.

1.14 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

1. **Town Board Approval:** The Town Board adopted this Ordinance on this 16 th day of August, 2000.¹

APPROVED BY:

Lawrence Phalin

Lawrence Phalin, Chairman

Wayne Udulutch

Wayne Udulutch, Supervisor

JoAnn Reese

JoAnn Reese, Supervisor

ATTESTED:

Devona Udulutch

Devona Udulutch, Clerk

2. **Public Notice.**

- (a) **Public Review.** A notice was published in The Evansville Review newspaper on 7-25-01 and 8-1-01, 2000¹ to inform residents that a final draft of this Driveway Ordinance was on file with the Town Clerk for a two week period (available July 30, 2001) during which it was available for inspection.
- (b) **Posting.** This Notice of Adoption of Ordinances relating to this Ordinance was posted on July 30 2001 at the Center Town Hall.
- (c) **Publication.** A Notice of adoption of Ordinances relating to this Ordinance was published in The Evansville Review, the publication of record for the Town of Center, on August 15, 2000.¹