TOWN OF BREED

DRIVEWAY/CULVERT ORDINANCE

An ordinance to establish standards and procedures for the approval of driveways and culverts in the Town of Breed, Oconto County Wisconsin.

#1 AUTHORITY. These regulations are adopted under the general village powers granted pursuant to sec. 60.10 (2) (c) and 60.22 (3) of the Wisconsin Statutes.

#2 PURPOSE. The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification, or the reworking of a driveway 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 and forest land productivity, and enforce the goals of policies set forth in the Town of Breed Comprehensive Plan.

#3 JURISDICTION. Jurisdiction of these regulations shall include all driveways on land within the Town of Breed.

#4 DEFINITIONS. The following define a driveway and field road as referred to in this ordinance.

(A) 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 a field road lying outside of the right-of-way of any public roadway.
(B) Field Road. A road used for agricultural purposes.

#5 PERMIT REQUIREMENTS AND ADMINISTRATION. After the effective date of this ordinance no person shall construct, replace or relocate an access driveway connected to a public roadway unless the town board has issued a permit. No person shall fill a ditch or culvert within a public right-of-way or discharge or direct drainage from a driveway onto any public road unless a permit has been issued by the town board.

(A) Who must apply. No person or entity shall establish, construct, improve, modify, or rework a driveway that materially changes the existing topography of the land without first obtaining an Access Driveway and Culvert Permit from the Town Board. Where a permit issued by the Wisconsin Department of Transportation or the Oconto County Highway Department addresses the substantial concerns of this ordinance, no town permit shall be required. Driveways used for agricultural purposes only may be exempt from the requirements of this ordinance pursuant to town board approval.

(B) Application Forms. The Town Board shall approve a form for application for driveway/culvert permits. Application forms will include the driveway and culvert construction requirements as set forth in Section 6 of this ordinance. Application forms and construction requirements are available from the Town Clerk, or the Town Board.

(C) Application Procedure. Submit a completed Access Driveway and Culvert Permit Application with the appropriate fee to the Town Board or its designee.

(D) Application Review. Procedures for evaluation of the Access Driveway and Culvert Permit Application may include a site view of the proposed driveway, Town Board approval and subsequent issuance of a permit.

(E) Temporary Driveways Use of temporary driveways in the Town of Breed will be permitted with a deposit. Amount will be determined by town resolution. When the temporary driveway is removed and ditch area is returned to operational condition all of the deposit will be returned except amount as determined by the resolution for administration of the application.

(F) Permit Period. The Access Driveway and Culvert Permit is effective for 12 months from date of issuance. The permit shall expire after 12 months unless renewed.

(G) Renewal. The permit may be renewed for 1 additional period of 12 months. If the driveway has not been constructed by the end of this period, a new application and permit fee must be submitted and approved.

(H) Driveway Inspection. The applicant shall notify the Town Clerk or any Town Board member within 10 days of completion of the construction or modification. Within 10 days of notification, the Town Board or its designee will conduct an Inspection of the driveway to ensure full compliance with all of the provisions of this ordinance.

(I)Building Permits. No Building Permits for new residential construction will be issued until the driveway 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.

(J) Application Fee. An application fee of an amount determined by a resolution of the Town Board will be charged. The fee will be listed on the application form.

#6 CONSTRUCTION STANDARDS. A permit shall be granted for driveway construction and culvert installation that complies with the following standards:

(A) Width, Rise, and Ditch Distance. Minimum driveway width shall be 20 feet from the edge of the public roadway to a point that is 40 feet from the centerline of the existing public road. The same specifications shall apply to commercial driveway except the minimum width shall be 24 feet. The remainder of the driveway shall be constructed with a minimum of 12 feet in width. The driveway shall also be perpendicular to the centerline of the public road from the edge of the roadway to a point that is 40 feet from the centerline of the public road.

(B) Culverts. Each driveway shall have a culvert at least 18 inches in diameter at the ditch line where the driveway meets the public road, unless modified by the Town Board. The culvert length will be minimum of 24 feet for a private driveway and 28 feet for a commercial driveway and extend at least one (1) foot beyond the driveway shoulder where it intersects the bottom of the road ditch, unless an appropriate apron is installed. Culverts shall be installed in compliance with the manufacturer's specifications for over-top and other requirements. Culverts shall be in place, if needed, before construction begins.

(C) Junction with Public Road. The grade of a driveway where it meets the shoulder of the existing public road to a point that is 40 feet from the centerline of the public road shall be flat or at a negative grade from the shoulders edge, unless modified by the Town Board. Any driveway with a slope greater than 0% at the point where the driveway enters onto a public road shall require the construction of a slight dip across the drive just before the culvert at the entrance to a public road to prevent debris from washing onto the public road.

(D) Approach. The approach to a public roadway shall be clear of all visual obstructions including vegetation, structures and topography so as to allow full view of traffic approaching from both directions on the public roadway. Driveways shall be maximum distance from a public road corner as allowed by lot size to improve vision and safe entry to the public road.

(E) Drainage. Ditches along the right-of-way, roadway crowing, and culverts shall be provided by the property owner for acceptable drainage. The driveway shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto the public road and/or land of other persons.

(F) Side Banks. The side banks shall be graded to a slope of no more than 1 foot of vertical rise in each 2 feet of horizontal distance. The side banks shall be constructed using earthen materials. Use of block, brick, stone, cement or other hard material is prohibited because of safety concerns.

(G) Radius of Curves. Curves in the driveway shall have a radius of no less than 36 feet.

(H) Cement Driveways. Cement driveway can be constructed and shall stop at the edge of the road right-of-way. No cement driveway with in or over the right-of-way of a public road. (Right of Way is 33 feet from center of road)

(I) Erosion Control. Once the construction of the driveway has begun, all specified erosion controls, including retaining walls, ditching, culverts, crowing, mulching, matting, and bank seeding, shall begun immediately. For winter construction, erosion alternatives must be implemented within 30 days until specified controls are available.

(J) Substrate. The driveway must have at least 2 inches of ¾-inch rock on the roadbed. A field road is exempt from this provision.

(K) Costs. All cost of construction of said driveway. Including the cost of the culverts, if required, shall be paid by the property owner requesting the permit.

(L) Clearance for emergency Vehicles. All driveways shall allow reasonable access by emergency vehicles. An area 16 feet in width and 12 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.

(M) Wavier 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.

#7 EXISTING DRIVEWAYS.

(A) Hazardous Conditions. When washing or other conditions created by existing driveways or field roads that do not meet the specifications required in this Ordinance obstructs 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 will be subject to the penalties section of this Ordinance.

(B) 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.

#8 PENALTIES.

(A) Forfeitures. Should a driveway 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 passes shall pay a forfeiture of $100. If correction is not made within 6 months the Town Board, at its discretion may remove culvert/driveway and bill the landowner.

#9 SEVERABILITY. The provisions of this Ordinance shall be deemed serverable. 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.

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

This Ordinance was adopted by the Town Board on this 8TH day of AUGUST 2023

Phillip Christenson, Chairman

Timothy Mitchell, Supervisor

Mark Quandt, Supervisor

ORDINANCE
ATTESTED BY

Deanna Tachick, Clerk
Town of Breed