

TOWN OF PLEASANT VALLEY
Eau Claire County, Wisconsin

ORDINANCE NO. 12-15-08
CHAPTER 6 – PUBLIC WORKS/INFRASTRUCTURE
ARTICLE - DRIVEWAY AND HIGHWAY ACCESS PERMIT

THE TOWN BOARD OF THE TOWN OF PLEASANT VALLEY DOES
ORDAIN AS FOLLOWS:

The following Article of the Code of Ordinances of the Town of Pleasant Valley is hereby created to read as follows:

6.01 Purpose

The purpose of this Ordinance is to regulate the establishment, design, repair, construction, improvement, modification and reconstruction of private driveways to assure that the methods of repair, construction, improvement, modification and reconstruction practices used in any driveway will protect the public health, safety and general welfare of persons in the Town of Pleasant Valley, promote the health and safety of the motoring public and emergency service personnel and equipment, and limit and regulate highway access by motor vehicles to any Town highway in the Town of Pleasant Valley.

6.02 Authority

Pursuant to and in accordance with s. 60.10(2)(c), 60.22(3), 61.34(1), 66.0425, 86.02, 86.04 and 86.07(2) Wi Stats, this Ordinance is created.

6.03 Definitions

(1) Driveway apron. means a surface maintained for motor vehicle travel between real property abutting a public road right-of-way and the paved or traveled portion of such public road, and includes any culvert, bridge, berm, fill, surface and paving constituting elements thereof.”

(2) Field Road Access. A road used only for agricultural or recreational purposes that does not connect with a public highway through an improved access point.

(3) Town. Town of Pleasant Valley, Eau Claire County, Wisconsin

(4) Town Board. Board of Supervisors of the Town of Pleasant Valley and includes any designee by of the Board authorized to act for the Board.

(5) Permit. Permit means a permit issued by the Town permitting the applicant to establish, construct, reconstruct, reroute, or alter any driveway apron or field road access.

(6) Person. Person means any person or entity, including, but not limited to, a corporation, partnership, limited partnership, limited liability partnership and limited liability company.

6.04 Permit Required

(1) No person shall establish, construct, reconstruct, reroute, or alter any driveway apron or field road access without first obtaining a Town Driveway Permit to be issued by the Town Board.”

(2) A permit will be issued only to a person who holds legal or equitable title, or a ground lease of 10 years or more, to the real estate which will obtain access to the public right-of-way if the permit is granted.”

6.05 Application/Permit Provisions

1. The Town Board shall provide a form for application for the Town Driveway Permit, which shall be available from and reviewed for completion by the Town Chair.

2. The completed application for the Town Driveway Permit shall be submitted to the Town Chair with a \$50 processing fee and the following attachments:

a. Sketch Map – A rough sketch showing the conceptual idea of the project and approximate location and dimensions. The sketch map may be submitted to the Town Board prior to the preparation or submission of the other supporting documents in order for the Town Board to provide initial comments and review of the proposal. However, formal approval for a Town Driveway Permit will not be granted without the submission of complete supporting documents. The sketch need not be prepared by a surveyor but shall be approximately to scale and shall show dimensions and locations of improvements (if any).

b. Other supporting documents which may be requested by the Town Board after initial review.

6.06 Driveway and Field Drives Specifications

To meet the various needs of the property owners desiring access to town, county and state roads, the general design requirements for these road approaches are described as follows:

(1) The location of road approaches must be consistent with the regulations in these rules and must not infringe on the frontage of adjoining property. Each road approach must be located so that it does not cause undue interference or hazard to the free movement of road traffic, as determined by the town;

(2) Final approval of said location of the road approach shall be determined by the Town Chair or Town Highway Foreman.

(3) The culvert under fill areas and in roadway ditches must be at least fifteen inches in diameter, at least twenty-four feet in length, and constructed of materials approved by the Town. The Town Chair or Highway Foreman may specify other dimensions. It will be the owners responsibility to procure and install the culvert his/her own expense;

(4) The length of culvert placed in roadway ditches shall be limited to one hundred feet unless cleanouts are provided for at distances not to exceed one hundred feet. Cleanouts shall consist of manhole type structures which will meet existing conditions, as approved by the Town Chairman or Highway Foreman.

(5) The minimum specifications for visibility and sight lines are as follows:

- a. Residential subdivision driveway apron or field road access: an object three and one-half feet (3.5ft) high and 200 feet away in each direction must be visible from the edge of the traveled portion of the highway when viewed from a height of three and one-half feet (3.5ft).
- b. Non-subdivision driveway apron: an object three and one-half feet (3.5ft) high and 300 feet away in each direction must be visible from the edge of the traveled portion of the highway when viewed from a height of three and one-half feet (3.5ft).

(6) The driveway shall be at least one hundred feet (100') from the paved or traveled portion of an intersecting public highway.

(7) No person shall place any object or structure within the Road Right-of-Way (typically 33 feet from the center of the road) except a mailbox with a wooden support no larger than 4 inches by 4 inches, or a 2-inch diameter standard steel or aluminum pipe, buried no more than 24 inches, and a newspaper receptacle within four feet of said mailbox.

6.07 Drainage provisions.

No person shall permit drainage from his or her property to flow from that property onto the surface of any Town road.

6.08 Construction of approaches.

Construction requirements for all road approaches shall be as follows:

(1) Construction of any driveway apron or field road access shall be completed, except for paving, within 30 days of the date of the permit, unless the time is extended in writing by the Town Chair.

(2) Approaches and related area must be constructed so that they do not impair drainage within the right-of-way, nor alter the stability of the roadway sub grade, nor materially alter the drainage of adjoining lands. Culverts, catch basins, ditches, etc. are to be constructed and maintained in accordance with the specifications and standards of the town.

(3) Erosion control must be provided with required mulching, matting or other erosion controls.

(4) The maximum allowable grade of the entire driveway or any segment is thirteen percent (13%) upward grade.

(5) The town has the right to specify the type, depth and area for surfacing and pavement for all road approaches.

(6) All material needed to construct road approaches must be supplied by the land owner. Materials must be satisfactory quality and in general conform to town road construction specifications for that type of work. Construction materials are subject to approval by the town.

(7) Driveways shall slope down and away from the road at a minimum of 2% grade and a maximum of 5% grade from the first 10 feet from the edge of the shoulder to minimize water flowing onto the public road and to provide a more level starting platform for vehicles starting out onto the road. For a distance of 25 feet from the edge of the highway pavement, the driveway shall be perpendicular to the road or on a radius of the curve out to the right of way line. Note: See Cross Section Design Drawing on back of application form.

(8) The driveway, including the culvert, shall be installed before any building supply trucks haul materials onto the lot. The driveway shall have

a base course with a non-tracking surface of aggregate or blacktop on it, to prevent dirt from being tracked onto the town road. Cement trucks and all building supply truck will use the driveway to enter/exit the property and will not drive through the road ditches. All washing of trucks and deposition of excess concrete will be done on the property, not on the road right of way. Damage to the Town road or failure to otherwise comply will be the responsibility of the applicant for this permit. The road ditches shall not be filled without prior approval by the town.

6.09 Owner Acquires Responsibility

The owner of any property which has an access to a highway within the Town which does not comply with all provisions of this ordinance, or who fails to maintain said access in a condition which impedes travel, does waive any right to damages from the Town or any emergency service provider which result difficulty or impossibility of emergency vehicles to gain access to the property because of such failure or such conditions.

6.10 Existing Driveways and Field Drives

When washing or other conditions created by an existing driveway apron or field road access become a potential hazard to a public highway, the Town Board shall notify the owners(s) in writing of such conditions(s). Any property owner failing to correct such condition(s) within ten (10) days after notice by the Town Board shall be subject to the penalties of this Ordinance and shall also be liable for any costs incurred by the Town to eliminate the hazard as provided by law.

6.11 Penalties.

Any person, partnership, corporation or other legal entity that fails to comply with any of the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$50 nor more than \$400, plus the applicable court costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this Ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations. If after a reasonable time, the party fails to abide by the provisions of this ordinance, the Town may perform the work necessary to make the road approach comply with the ordinance and assess the land owner the costs of said work on the land owners' next tax roll statement.

6.12 Severability Clause

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of this Ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are severable.

6.13 Effective date.

This ordinance shall take effect upon passage and publication by law.
Passed this 8th day of October, 2012.

Town Board, Town of Pleasant Valley

_____. Attested _____
Dan Hanson, Town Chairman Dale Welke, Clerk

Dan Green, Town Supervisor

Douglas Nelson, Town Supervisor