

STATE OF WISCONSIN
TOWN OF CLAYTON, POLK COUNTY
ORDINANCE 2016-_____
Amended Driveway Ordinance

Article 1 - General

PURPOSE: To regulate driveway location and construction in the Town of Clayton, to promote health, safety, general welfare, water quality and aesthetics and, in doing this facilitate the orderly layout and use of land, safe access to roads and adequate provision for transportation and surface drainage.

AUTHORITY: The town board has the specific authority under s. 86.07, Wis. Stats., to adopt a Town Driveway Ordinance, and the general authority under its village powers under s. 60.22 Wis. Stats. to adopt ordinances.

DEFINITIONS: In this ordinance, unless the context or subject matter clearly requires otherwise,

- A. A “building” means the first building (of any kind, for example a house, garage, shed, etc.) constructed or moved onto a parcel.
- B. A “driveway” means an access, The purpose of which is private vehicular ingress and egress to any building located in the town.
- C. A “field driveway” means a private, vehicular or farm equipment access to a field used exclusively for agricultural and other non-residential purposes.
- D. An “edge of road” means the edge of the traveled surface of the road and does not mean the road shoulder.
- E. An “existing driveway” means a driveway that was built and in existence on the effective date of the original enactment of this Ordinance, August 16, 2005.
- F. A “lot” means a parcel of land numbered in sequence with other parcels and shown on a plat or a certified survey map.
- G. A “road” includes state highways, county highways and town roads.
- H. “Town” means the Town of Clayton or its appointed designee.

COMPLIANCE AND REQUIREMENTS:

- A. A driveway is required from the edge of a road to a building constructed or moved onto land in the Town of Clayton.
- B. Erosion and sedimentation control is required before, during and after driveway construction.
- C. Placement of a minimum eighteen (18) inch, if possible, culvert with flares, endcaps or aprons under a driveway to carry the natural flow of runoff water is required where deemed necessary by the Town.
- D. Before beginning construction of a building, a minimum of fifty (50) feet of driveway, measured from the edge of the access road, shall be built to avoid the unnecessary tracking of mud, clay or other soil debris onto the adjoining road surface and to provide access for emergency vehicles.

- E. Some soil conditions will require the removal of unstable soils and placement of good base material where required by the Town.

Article 2 – Permits

PERMIT REQUIREMENT: All driveways in the Town of Clayton require a permit from the Town, applied for and issued prior to construction and in conformity with the requirements of this ordinance. A driveway permit is also required for field driveways and for replacing a culvert in any existing driveway.

PERMIT APPLICATION: An owner, agent or contactor shall apply for and receive a Town driveway permit before replacing a culvert in an existing driveway or constructing a new driveway or a new field driveway in the Town of Clayton, or re-grading any driveway that affects the flow of water onto the road.

- A. Driveway permits require payment of a permit fee, as established in this ordinance.
- B. Every driveway permit application shall require onsite examination by the Town with the owner, agent or contractor to review the proposed design for the driveway, to determine size, location and placement of the driveway and to determine whether new or additional materials need to be placed below the sub-base. Determination of the aforementioned conditions is required before the Town can issue a driveway permit.
- C. The applicant shall include with its application a sketch or plan of the driveway sufficiently detailed to show the proposed driveway location in relation to neighboring property lines and any other driveway or field driveway or intersection, the approximate dimensions of the driveway, the roadway line of site distances from the proposed driveway entrance.
- D. Permits expire 365 days after issuance for completed new driveway and 120 days after issuance for the first fifty (50) feet of driveway construction and for culvert replacement. Reapplication and a second permit and fee are required after permit expiration.
- E. Driveways entering state or county highways require all necessary state and/or county driveway permits in addition to a Town driveway permit.
- F. The Town shall make available copies of this ordinance and necessary forms to permit applicants.

Article 3 – Standards

DRIVEWAY STANDARDS: The Town, with owner, agent and/or contractor, shall examine the proposed location and design of driveways to assure that its construction complies with this ordinance.

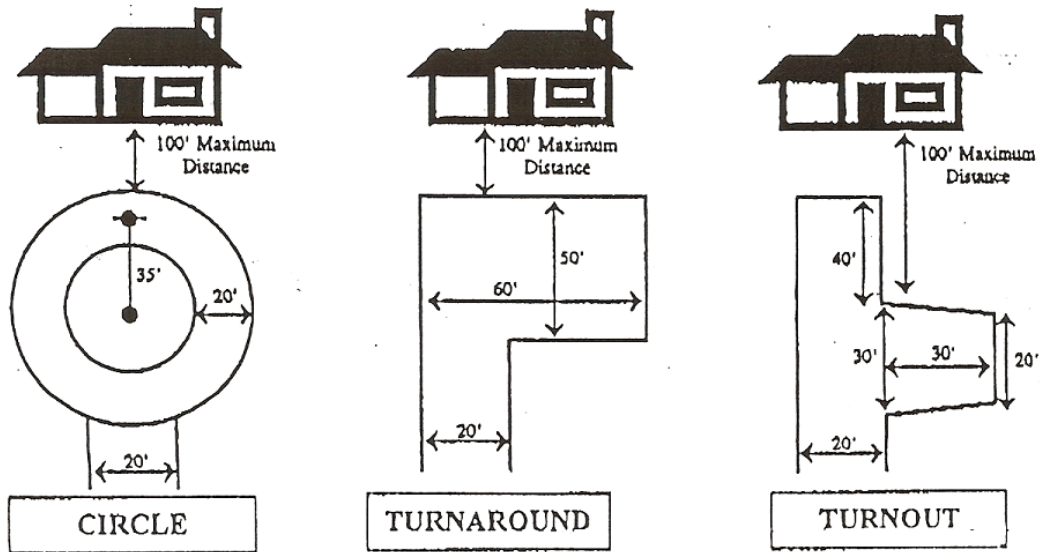
- A. Driveway within road right-of-way
 1. No material including mud, snow, ice or any other material shall be permitted to escape from a building site. This prohibition may be enforced against a contractor who allows the material to escape or against the owner of the land from which such materials escape.
 2. Suitable erosion control, approved by the Town prior to construction, shall be in place before, during and after driveway construction. This may include such

practices as in channel fabric, straw or hay bale barriers, staked sod, erosion control mats or rock riprap.

3. Culverts shall be installed and located entirely below the driveway surface and in a manner to sufficiently allow for the flow of stormwater.
4. Driveways and field driveways shall contain suitable materials for traffic load and use, but at a minimum must be sufficient for emergency vehicles to access any residences.

B. Driveways in general

1. Driveways shall be built to allow a width clearance of at least twelve (12) feet and a height clearance of at least eighteen (18) feet for emergency vehicle access. Width and height clearance shall be maintained by the property owner at all times, as shall a clear area round the posted fire number identifying property location.
2. Driveways longer than 300 feet shall have sufficient maintained area to permit the turn around of emergency vehicles at the building site. All turn around designs are subject to Town approval. Please note the following examples.



Article 4 – Specifications

CONSTRUCTION SPECIFICATIONS:

- A. Culverts, flares, end-caps or aprons shall be galvanized, corrugated steel pipe, pipe Arch, plate, plastic or reinforced concrete pipe, in conformity with American Ass'n of State Highway Transportation Official's (AASHTO) specifications.
- B. Driveway ditch slopes in the public road right of way shall have a four to one (4:1) maximum grade or a grade that meets with town approval.

- C. Driveway width shall be thirty three (33) feet minimum width at the edge of road, narrowing to twelve (12) feet minimum width thirty-three (33) feet from the center line of the road.
- D. Maximum grade for a driveway within fifty (50) feet of the center of a public road 1 (one) to 6 (six) percent away from the road.
- E. Minimum intersection angle of a driveway to a road: seventy-five (75) degrees.
- F. Minimum radius corners of a driveway: seventy-one (71) degrees.

Article 5 – Fees

FEES: All permit fees are due at the time of application.

- A. Driveway permit - \$50.00
The driveway permit fee covers plan review and one (1) on-site inspection for driveway location, design, water flow and depth of ditch for a culvert if required and one (1) inspection following construction of the fifty (50) feet of driveway closest to the road.
- B. Each additional Inspection - \$25.00
Each additional inspection fee covers one (1) inspection determining compliance of reconstruction of a non-compliance driveway with this ordinance.

Article 6 – General Provisions

VIOLATIONS AND PENALTIES:

- A. An owner, agent or contractor who fails to correct a violation of this ordinance within fourteen (14) days of the date the notice of violation is delivered, shall forfeit \$25.00 a day for each day a violation exists or continues, plus the court costs and costs of prosecution.
- B. The owner, agent or contractor of affected property shall be responsible for the repair of all damage to a Town road as a result of and during driveway construction and shall reimburse the Town accordingly for immediate or future repair of the Town road. As an alternative, the Town may undertake and complete the repair work and treat the cost thereof as a special charge pursuant to Wis. Stats. 66.0627, including placing the special charge on the owner's property tax bill.
- C. The town maintains the right to require an owner, agent or contractor to remove and reconstruct any driveway construction that does not comply with this ordinance.

DISCLAIMER OF LIABILITY

The Town makes no representation that a driveway built to the requirements of this ordinance will be free of construction flaws or accidents, the Town asserts that there is no liability on the part of the Town, its agents, officers or employees for problems or damages that may occur because of reliance on or compliance with this ordinance.

SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect toher provisions or applications of this ordinance that can be given effect without the invalid provision or application.

Date Adopted: _____

Date Published: _____

Effective Date: _____

By, _____

Odell Olson, Town Chair

ATTEST: This ordinance was passed by the Town Board of Supervisors of the Town of Clayton, Polk County, Wisconsin, at a duly noticed and convened regular meeting held on

_____.

Tracy LaBlanc, Clerk

Town of Clayton