

DRIVEWAY ORDINANCE
TOWN OF RICHMOND – ST. CROIX COUNTY, WISCONSIN
Ordinance #2021-02

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1. STATEMENT OF PURPOSE

- A. The purpose of this Ordinance is to regulate the procedures, establishment, construction, improvement, modification, or the reworking of a driveway or field driveway to:
- 1) Assure that the site and method of construction to be used will promote the public health, safety, and general welfare of the community;
 - 2) Provide safe entrance onto public roadways by avoiding dangerous driveway locations;
 - 3) Prevent damage to public roads, graded ditches, roadsides and other driveways by controlling drainage;
 - 4) Maintain safe travel on public roads;
 - 5) Provide uniform, consistent design standards for the construction and improvement of driveways;

2. AUTHORITY

- A. These regulations are adopted under the general police powers authority granted pursuant to Wisconsin Statutes §§ 86.07(2), 60.10(2)(c), 60.22(3), 61.34(1), 66.0425 and under the Town Highway authority granted by Wisconsin Statute Ch. 82.
- B. Any amendments, repeals or recreations of the statutes relating to this ordinance are incorporated into this ordinance by reference as of the effective date of the amendment, repeal or recreation.

3. JURISDICTION

- A. This ordinance applies to all driveways, including residential, open space, agricultural, commercial, industrial, temporary and field driveways, accessing town roads, which occur or are proposed to occur in the Town of Richmond, St. Croix County, Wisconsin.
- B. Specific standards set forth by this ordinance apply only to those segments of driveways located within a town road right-of-way.
- C. Driveways accessing on to county, state or federal highways must obtain approval of the proper regulating authority for those roads for a driveway permit and are exempt from obtaining a driveway permit from the Town of Richmond.

4. SEVERABILITY

- A. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

5. DEFINITIONS OF TERMS

A. Interpretation

- 1) For the purpose of administering and enforcing this Ordinance, the terms or words used herein shall be interpreted as follows:
 - a. Words used in the present tense include the future; in the singular include the plural and in the plural include the singular.
 - b. The word “shall” is mandatory, not permissive.
 - c. All distances, unless otherwise specified shall be measured horizontally.
 - d. All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.

B. Definitions

- 1) Driveway: A private way, 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 and will provide vehicular access from the highway to a residence, business, recreational site or other appropriate use.
- 2) Field Driveway: A type of driveway used solely to access land for agricultural use.
- 3) Temporary Driveway: A driveway that may be placed for a specific purpose such as logging but which must be removed at the end of the allocated timeframe.

6. DRIVEWAY PERMIT REQUIREMENTS

- A. All new driveways proposed to be installed or modification of any existing driveway shall require a permit and inspection by the Town Board’s representative designated by the Town Board. No driveway permit shall be issued until a completed application has been made and approved by the Town. No construction work shall commence on a driveway prior to obtaining a permit.
- B. Existing field driveways are exempt from the permit requirement unless they are being rebuilt to accommodate new construction of a building.
- C. The driveway permit shall be obtained before the building permit is issued for a new residence.
- D. Existing driveway surface maintenance or repair does not require a driveway permit.
- E. The Town Board shall appoint or contract with a Town Board representative for driveway design review, inspection and approval.
- F. The fees for a driveway permit and field drive permit shall be set by the Town Board and shall be payable at the time of application for the permit. The fee for a driveway permit covers one inspection for driveway location and one inspection for compliance with this chapter. Each additional inspection required due to failure to comply with this chapter will require prepayment of a fee to be set by the Town Board.

7. DRIVEWAY PERMIT APPLICATION AND PROCEDURES

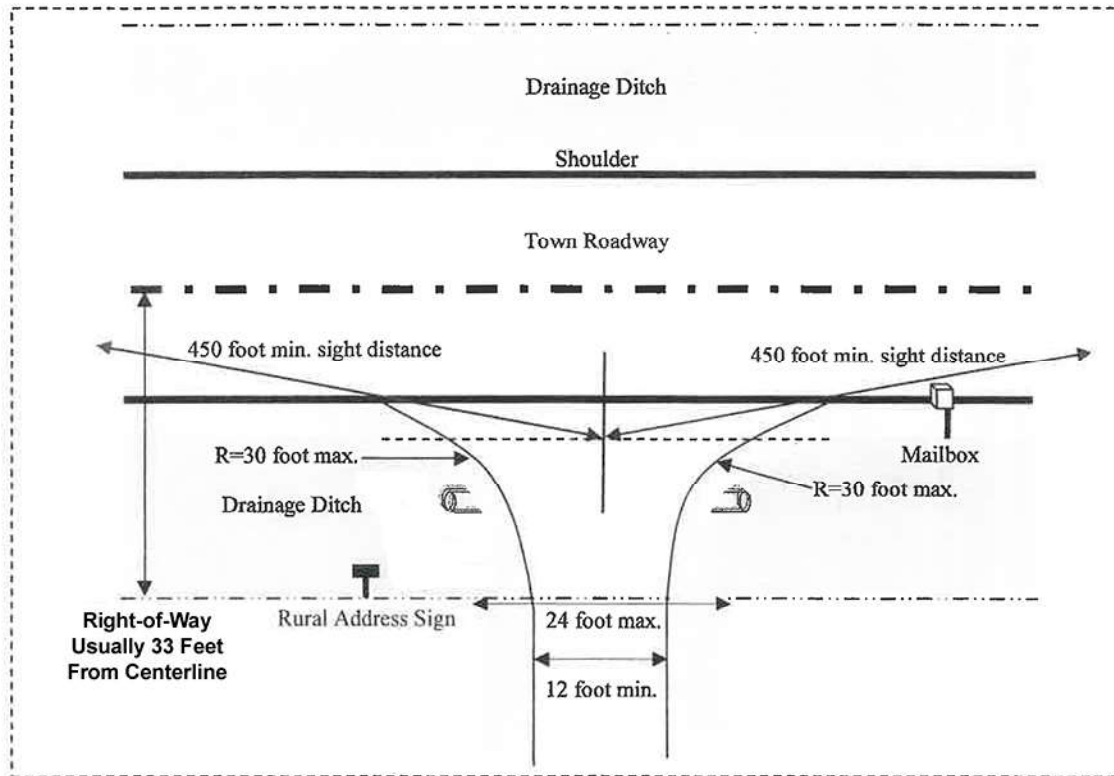
- A. The Town Board or Town Board representative shall review all driveway permit applications and approve and issue all driveway permits. Driveways to a single property shall be approved by the Town Board representative. Joint driveways to two properties shall be approved by the Town Board.
- B. Driveway permit applications shall be available from the Town Clerk/Representative or the Town website. The driveway permit application shall include the following information:
 - 1) Applicant name and contact information.
 - 2) Property owner name and contact information, if different than the applicant.
 - 3) Property information such as site address, legal description, town road
 - 4) Project information such as type of driveway, driveway location, town road, and proposed construction plan and dates.
 - 5) A site plan or sketch, which shall include the following information:
 - a. North arrow.
 - b. Parcel or lot dimensions.
 - c. Existing and/or proposed buildings.
 - d. Proposed driveway location.
 - e. Locations of existing driveways on neighboring properties within 300 feet of the proposed driveway.
 - f. Road name(s) and locations to lot or parcel and driveway.
 - g. Driveway specifications including width, length and materials to be used.
 - h. Culvert size, length and location, if needed.
 - i. Drainage areas that impact or cross the driveway and descriptions of how water will be handled to protect the integrity of the driveway.
 - J. Slopes of 20 percent or greater that the driveway will disturb or cross, and descriptions of how erosion will be prevented and/or sediment controlled.
 - 6) Contact information for whoever will be constructing the driveway..
- C. The application shall be signed by the property owner
- D. The applicant shall mark the proposed driveway location with flags and/or stakes. The proposed centerline of the driveway surface shall be marked.
- E. All applicants shall pay a non-refundable permit review and inspection fee of an amount set by the Town Board.
- F. The application and site plan or sketch shall be reviewed by the Town Board representative for conformance with this ordinance.

- G. Within 15 days from the date of submittal of a properly completed application, including site plan, and after an inspection of the site has taken place, the Town Board's representative shall approve or deny the issuance of a driveway permit for a single property.
- H. For joint driveways, within 15 days from the date of submittal of a properly completed application, including site plan, and after an inspection of the site has taken place, the Town Board's representative shall make a recommendation to approve or deny to the Town Board. The Town Board shall review and may take action to approve or deny the issuance of the joint driveway permit at the next regular Town Board meeting.
- I. The Town Board or Town Board's representative may require a final inspection to confirm the driveway construction is in conformance with the driveway permit and this ordinance.
- J. The driveway permit shall be valid for one year from the date of issue. All approved construction must be completed before the permit expires.

8. DRIVEWAY GENERAL STANDARDS

- A. The Town Board reserves the right to make such changes, additions, repairs and relocations within statutory limits to the driveway or its appurtenances on the right of-way as may at any time be considered necessary to facilitate the relocation, reconstruction, widening and maintaining of the highway or to provide proper protection to public health, safety and property on or adjacent to the town road.
- B. The applicant, his successors and assigns agree to hold harmless the Town of Richmond and its duly appointed representative against any action for personal injury or property damage sustained by construction of the driveway authorized by Town of Richmond permit.
- C. The Town of Richmond does not assume any responsibility for repair or maintenance of any driveway along a town road, including repair, maintenance or replacement of culverts in the town road right-of-way. Repair, maintenance or replacement is the responsibility of each property owner.
- D. The Town of Richmond does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening on windrows of such material, upon any portion of any driveway along a town road, even though snow, ice or sleet is deposited or windrowed on said driveway by the town's authorized representatives engaged in normal winter maintenance operations.
- E. All driveways shall be designed and maintained by the owner(s) to not obstruct or impair drainage in highway side ditches or roadside areas, unless the driveway has been designed to redirect or hold water.
- F. All driveways shall be designed and maintained by the owner(s) to prevent surface water drainage from the driveway area flowing onto the roadway.
- G. All driveways shall be designed and maintained by the owner(s) to allow reasonable access by emergency vehicles. Based on standards recommended in the International Fire Code, every driveway should have 12 feet of horizontal clearance and 13.5 feet of vertical clearance to allow ingress and egress by emergency vehicles. Utility companies recommend 18 vertical feet of clearance. Driveway owners are responsible for trimming trees and bushes to maintain clearances for emergency access.
- H. Residential, open space and agricultural land uses shall have a maximum of one driveway access if the zoning district is Ag Residential or Conservancy.
- I. Commercial and industrial land uses shall have a maximum of two driveway accesses if the zoning district is Commercial or Industrial.

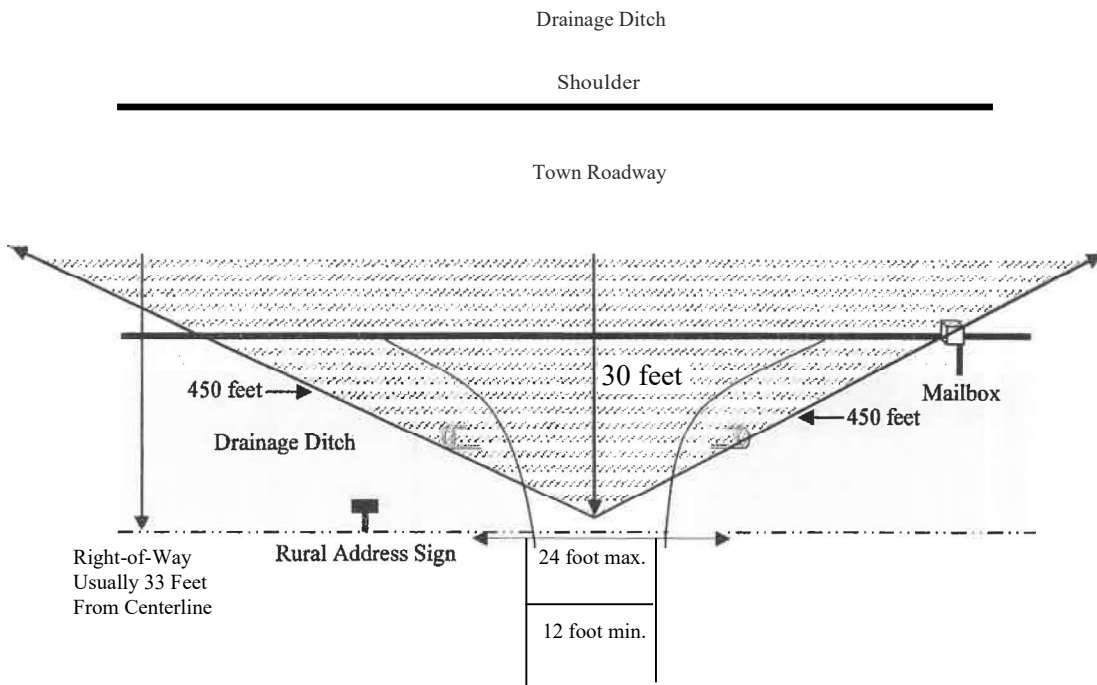
**Diagram 2. Typical Residential Driveway
For Illustrative Purposes Only
Not to Scale**



- 6) Driveway access for a single site shall be located at least five feet for field driveways and 10 feet or more for all other driveways from the property line. However, if approved by the Town Board, a joint or shared driveway for two properties may be placed on the property line.
- 7) Driveway access openings for vehicular ingress and egress shall be sufficiently wider at the roadway surface for safe turning movements and within the right-of-way to cover a culvert, when needed. See Diagram 2. Typical Residential Driveway, below.
 - a. Driveway access openings for residential, open space and agricultural land uses shall have a minimum width of 16 feet and a maximum width of 24 feet at the right-of-way line.
 - b. Driveway access openings for commercial and industrial land uses shall have a minimum width of 20 feet and a maximum width of 35 feet at the right-of-way line.
 - c. The transition radii between the edge of the roadway and the edge of the driveway shall be a maximum of 30 feet on a driveway for a residential land use and 40 feet on a driveway for a commercial or industrial land use.
- 8) A minimum driveway surface/mat of 12 feet in width.
- 9) The driveway must have at least six inches of 3/4-inch crushed aggregate rock on the roadbed within 33 feet of the centerline of the intersecting road.
- 10) The side slope of the driveway access at the intersecting road shall be vegetated and graded to approximately 4:1 slope (4 feet horizontal to 1 foot vertical).

- B. Upon completion of the design review, the Town's representative shall inform the property owner when a culvert is deemed necessary.
- C. Culverts outside the right-of-way may be necessary for proper drainage and safe emergency vehicle access, but the size, design and location are the property owner's responsibility.
- D. All culverts shall meet the following standards
 - 1) The culvert shall be installed and maintained by the property owner. Replacement of a damaged or worn culvert is the property owner's responsibility.
 - 2) The culvert shall meet Wisconsin Department of Transportation requirements and standards and shall be of galvanized, corrugated steel, arch or reinforced concrete or dual wall HDPE construction.
 - 3) The culvert shall be of a size and elevation to provide proper drainage under the driveway entrance and along the town road. The culvert's minimum size shall be 15-inch diameter, 24 feet in length (pipe only), and will additionally have standard apron end walls. If a larger culvert is necessary, the Town's representative shall provide the specifications to the property owner.
 - 4) Minimum cover over the culvert shall be a minimum of 12 inches measured from the top of the pipe to the top of the crushed aggregate.
- E. Any disagreements regarding the need for a culvert or needed size of the culvert shall be referred to the Town Board for a final decision and determination.
- F. Retaining walls and embankments of any kind, rocks, timbers and other similar driveway marking treatments are prohibited within the right-of-way.
- G. Town road surfaces, slopes, shoulders, ditches and vegetation disturbed by construction shall be restored by the property owner.
- H. Driveways shall not cross agricultural land unless no other alignment is possible.
- I. Field driveways should be placed close to property lines or fence rows wherever possible.
- J. Every driveway over 500 feet in length should have an area sufficient for a turn around of a tandem axle truck and be acceptable to the Fire Department providing service to the lot or property. Written approval is encouraged.
- K. A clear, obstruction-free vision triangle of 30 feet from the centerline shall be maintained on each side of the driveway. No building, fence, structure, vegetation or any other object preventing a line of sight through the vision triangle may be placed. See Diagram 3. Typical Driveway Obstruction-Free Vision Triangle, below.

Diagram 3. Typical Driveway Obstruction-Free Vision Triangle
For Illustrative Purposes Only
Not to Scale



10. JOINT DRIVEWAY STANDARDS

- A. Joint or shared driveways may be allowed where beneficial, but the shared amount shall be the least amount necessary and shall not provide access to more than two lots or parcels.
- B. Joint driveways shall be approved by the Town Board.
- C. In addition to the standards in **§9. Driveway Design Standards** above, joint or shared driveways shall have a minimum width of 20 feet and a maximum width of 24 feet at the right-of-way line.
- D. A shared driveway agreement addressing repair and maintenance is required for all shared driveways and shall be approved by the Town Board. The shared driveway agreement shall be recorded with each property's deed in the St. Croix County Register of Deeds Office.

11. TEMPORARY DRIVEWAY STANDARDS

- A. A temporary driveway may be allowed to accommodate short-term events or activities such as parking or logging. It shall not be used to access a residential building site or property.
- B. In addition to meeting all the driveway standards in **§9. Driveway Design Standards** above, the applicant shall provide a removal and repair cash deposit to be held by the Town. The deposit shall be an amount set by the Town Board up to \$10,000 to cover the cost of driveway removal, regrading, seeding, vegetation and associated administrative costs such as advertising and bidding.

- C. A temporary driveway shall be approved by the Town's representative.
- D. A temporary driveway permit shall be issued for a maximum of six months.
- E. Within 30 days of the expiration of the temporary driveway permit, the driveway and any culvert shall be immediately removed and the ditch and right-of-way graded and seeded to match the grade and cover prior to installation.
- F. Upon removal of the temporary driveway, the Town's representative shall be contacted to inspect the restoration prior to any return of deposit.
- G. In the event the driveway is not removed at the expiration of the permit, the Town Board shall exercise its right to retain the removal and repair deposit and use those funds to remove the driveway, repair the site and reestablish vegetation.

12. WAIVER TO DRIVEWAY DESIGN STANDARDS

- A. If the applicant can clearly demonstrate that one or more unique conditions affecting the driveway location make the literal application of one or more of the design standards impracticable or unduly burdensome, the Town Board may waive such design standards as may be reasonable, provided that the waiver is not contrary to the general intent and purposes of this ordinance and the health, safety, and general welfare of the neighborhood.
- B. Any request by an applicant for a waiver of any standard must accompany the initial application and must state the reason for the request.
- C. A waiver may not be based on mere inconvenience or financial hardship to the applicant or a self-created hardship of the applicant.
- D. A waiver shall provide only the minimum relief necessary to overcome the unique condition(s).

13. TEMPORARY CONSTRUCTION DRIVEWAY/STONE TRACKING PAD

- A. A permanent driveway may be installed instead of a temporary construction driveway/stone tracking pad, if it meets the standards of this ordinance, is able to support construction traffic and meets the UDC standards.
- B. Under the Uniform Dwelling Code (UDC), temporary construction driveway/stone tracking pad or washing station is required at all construction sites. Contact the Town of Richmond Building Inspector for a Building Permit and the standards for constructing a stone tracking pad/temporary construction driveway. Stone tracking pads reduce off-site sedimentation by eliminating the tracking of construction site sediment onto public roadways.

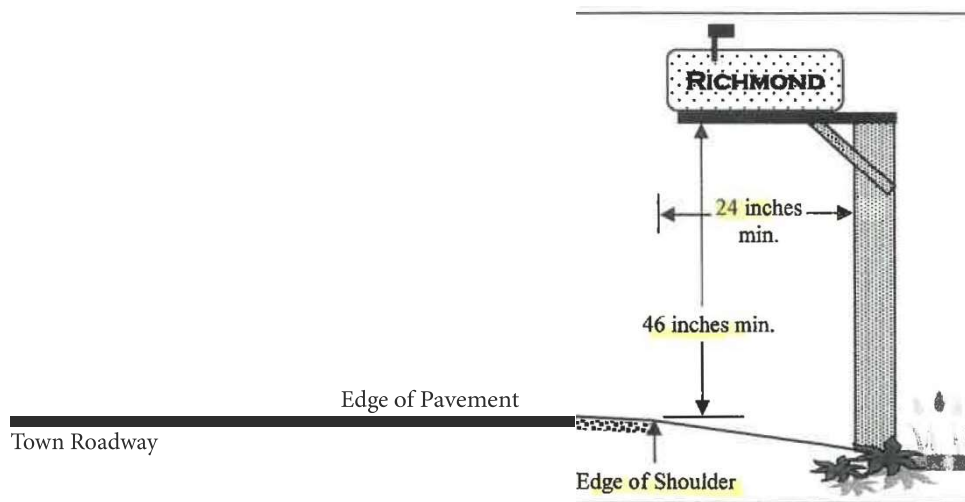
14. RURAL ADDRESS SIGN PLACEMENT

- A. Placement of rural address signs within the town road right-of-way shall meet the following standards:
 - 1) Address signs shall be placed on the right side of the driveway, when facing the driveway from the road and at the road right-of-way line.
 - 2) The address sign shall be kept clear of obstruction and shall be placed parallel to the road for visibility in both directions. See Diagram 2. Typical Residential Driveway, page 7 above.

15. MAILBOX AND NEWSPAPER BOX PLACEMENT

- A. Placement of mailboxes or newspaper boxes within the town road right-of-way shall meet the following standards:
- 1) Mailboxes and newspaper boxes shall be placed so the front of the box is aligned with the outside edge of the gravel shoulder.
 - 2) The post shall be placed a minimum of 24 inches from the front of the mailbox. The box may be on a swing arm.
 - 3) The bottom of the mailbox shall be between 42 and 48 inches above ground level. The recommended minimum height is 46 inches to allow snowplows to remove the snow. See Diagram 4. Typical Mailbox Installation, below.
 - 4) All mailboxes and newspaper boxes shall be placed on the same post to avoid unnecessary posts where possible.
 - 5) Mailboxes serving neighboring houses shall be grouped together where possible.
 - 6) Mailbox posts should be constructed to break away at impact. Acceptable standards include:
 - a. Pipes two inches inside diameter or less.
 - b. Square wood supports four by four inches or less; round wood posts 4 inches or less in diameter.
 - c. Metal channel posts not more than two pounds per foot in weight.
 - d. Imbed supports no more than 24 inches into the ground and do not imbed in concrete.
 - e. Do not use anchor plates with metal posts. Anti-twist flanges are acceptable as long as they do not project more than 10 inches into the ground. These should be attached to the metal post or pipe with 2 3/8 inch muffler clamps.
- B. Mailboxes and newspaper boxes should be exposed 15 feet on each side during the snow season.

**Diagram 4. Typical Mailbox Installation
For Illustrative Purposes Only
Not to Scale**



16. OBSTRUCTIONS IN THE RIGHT OF WAY

- A. Under the authority of Wisconsin Statute §86.03, the Town of Richmond may remove trees within the town road right-of-way if the Town determines the tree(s) presents a public health or safety hazard. No compensation will be provided to the property owner.
- B. The right-of-way of all town roads must remain clear of any obstructions which impeded road sighting and/or road/ditch maintenance including but not limited to retaining walls, fences, shrubs, etc.

17. DEBRIS ON ROADWAYS OR TOWN PROPERTY

- A. No person shall cause to be deposited or left on any Town road or town property any litter or debris including, but not limited to: appliances, tires, metals, furniture or other waste products; construction debris or residue; concrete hauled to or from a premises; mud or dirt from non-farm machinery or vehicles, or tires of same, deposited as a result of ingress and egress from the Town road to a premises during construction, or otherwise; brush; and agricultural products.
- B. Responsibility for immediate clean-up and proper disposal of such debris or litter shall lie both with the person leaving said litter or debris, namely, the person or entity operating a vehicle or non-farm machinery which is involved in the deposit or littering, as well as the owner of the premises from which the construction debris (including cement or mud) originated. Failure to immediately clean-up the debris or litter shall be a violation of this ordinance.

18. ENFORCEMENT AND PENALTIES

- A. Any person who constructs or modifies any driveway without a permit as required by this ordinance shall be assessed a penalty fee as per the current Town's Fee Schedule.
- B. Each day that any violation continues shall constitute a separate offense.
- C. Any person who constructs or modifies a driveway in violation of any other provisions of this Ordinance, unless the violation is corrected within thirty days of date of written notice from the Town Board or Town Representative or Building Inspector, shall be assessed a penalty fee as per the current Town's Fee Schedule.
- D. An unlawful driveway in violation of this ordinance constitutes a safety hazard or public nuisance and may be subject to removal.
- E. If the Town Board determines that removal or correction to the driveway is necessary to satisfy this ordinance, the Town Board may cause the removal or required corrections to be made. The cost of such repairs, corrections, restoration or removal will be charged to the property owner as provided in § 86.02 of the Wisconsin Statutes. The Town's direct and indirect costs may include but are not limited to, engineering, legal, administrative, materials, construction and demolition expenses. Should the landowner fail to pay the penalty and/or repair, correction, restoration or removal costs, a special charge may be imposed against the real property of the property owner(s) as provided in § 66.0627 of the Wisconsin Statutes.
- F. Deposit of litter or debris on town roads or town property and failure of the violator to immediately clean-up such litter or debris shall be considered a violation of this ordinance.
- G. The Town Board may set fines and penalties for the unlawful deposit of litter or debris. Each site where litter or debris is deposited shall constitute a separate offense.

EFFECTIVE DATE: This Ordinance shall become effective upon adoption and publication or posting as provided by law, pursuant to Sec 60.80 of the Wisconsin Statutes.

Signed:  8/12/21
Gary Knutson, Town of Richmond Chairman Date

Attest:  8/12/21
Pat Farley, Town Clerk Date

Voted for: 5
Voted against 0
Abstained 0
Date of passage 8/12/21
Date of posting 8/26/21
Effective date 8/27/21