

# DRIVEWAY ORDINANCE 1-2024

## TOWN OF CASTLE ROCK GRANT COUNTY WISCONSIN

### **Section I. Title and purpose.**

The title of this ordinance is the Town of Castle Rock Driveway and Highway Access Permit Ordinance. The purpose is to regulate, for public health and safety reasons, the establishment, 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 properly the public health, safety, and general welfare of persons in the Town of Castle Rock, and to limit and regulate highway access by motor vehicles to any town highway in the town. This is not a town zoning ordinance.

### **Section II. Authority.**

The Town Board has the specific authority under secs. 66.0425 and 86.07, Wis. Stats., to adopt a town driveway permit ordinance, and has the general authority under its village powers under sec. 60.22, Wis Stats., to adopt this ordinance.

### **Section III. Adoption of Ordinance.**

The Town Board, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the town to regulate and permit certain driveways and highway access locations in the town.

### **Section IV. Definitions.**

- A. "Driveway" means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any town highway and will provide vehicular access from the highway to a residence, business, recreational site, or other similarly appropriate use.
- B. "Emergency vehicle" means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the town.
- C. "Town board" means the board of supervisors for the Town of Castle Rock, Grant County, Wisconsin and includes any designee of the board authorized to act for the board.

### **Section V. Coverage.**

- A. No person may establish or construct a driveway or reconstruct, reroute, or alter any highway access onto a town highway without first obtaining a town driveway permit to be issued by the Town Board chairperson, Town Board or its designee.
- B. Any person prior to and at the time of seeking a town driveway permit must own or have a legal interest in and current legal access to the land to which the permit will apply.

### **Section VI. Specifications.**

- A. All driveways in the town for which a Town Driveway Permit is required under Section V shall meet all the following minimum requirements:

1. Each driveway will be constructed at a minimum width of 12 feet.
2. Access driveways shall have a setback of 15 feet from an adjacent property line.
3. Each driveway shall have a road base of a minimum depth of 4" breaker rock and shall be covered by no less than 5" of  $\frac{3}{4}$ " gravel.
4. Commencing at the driveway intersection with the public road, each driveway shall have an unobstructed view of the public highway in each direction of at least 300'.
5. Each driveway shall be constructed in a manner that prevents erosion onto the public road. Driveways shall slope away from the public road at a minimum of 1% and a maximum of 5% for 25 feet from the edge of the public road.
6. The maximum number and width of access driveways to highways and service roads shall be as follows:
  - a. Real estate parcels used primarily for commercial, industrial and agricultural purposes shall be allowed two access driveways with a maximum 35 feet and minimum 20 feet width measured from the pavement edge or the edge of the graded portion of non-paved roads. The width, measured ten feet from the pavement edge or the edge of the graded portion of nonpaved roads, shall not exceed 62 feet. The access driveways shall be located at least 15 feet from an adjacent private property line and shall meet at least a 75-foot spacing from adjacent access points, measured from the edge of the driveways.
  - b. Field accesses shall not be restricted regarding the number of driveways or width requirements, but they shall have a **Road base** of a minimum depth of 4" breaker rock to protect the town road surface from damage due to equipment and are subject to the approval of the Town Board chairperson, Town Board or its designee.
  - c. Each driveway shall have culverts of a minimum size of 18 inches to maintain proper ditching unless deemed unnecessary by the Town Board chairperson, Town Board or its designee.
  - d. Each driveway shall be constructed to allow access to all emergency vehicles including fire, police, ambulance and first responder vehicles. The minimum road surface width is 12 feet wide. The minimum height clearance for trees, wire, etc. is 14 feet. Driveways over 500 feet in length need a turn out at midpoint 30-foot-long by 22 feet wide to allow vehicles to pass.

**Section VII. Application and permit provisions.**

- A. The Town Board shall approve a form for application for the town driveway permit, which shall be available from the Town Board chairperson, Town Board or its designee.
- B. The applicant for a town driveway permit shall submit to the Town Board chairperson, Town Board, or its designee a completed application for each proposed driveway with the appropriate fee and with the following attachments:
  1. Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions of the project.
  2. Other Documents. The town board may require other documents to be attached to the Driveway Permit Application.

- C. The Town Board Chairperson, Town Board or its designee shall approve or deny every Town Driveway Permit Application and may, as a condition of issuance, place specific restrictions or conditions on the permit. Reasons for denying a town Driveway permit application may include factors impacting on public health, safety, and the general welfare of people in the Town of Castle Rock.
- D. In the event of a denial of a Town Driveway Permit Application, the Town Board chairperson, Town Board, or its designee shall recite in writing the particular facts upon which it bases its denial of the permit. The Town Board shall also afford the applicant an opportunity to review the decision and present evidence at a public hearing after a Class 1 Notice under sec. 985.07, Wis. Stats., of the hearing. Thereafter, the decision may be affirmed, reversed or modified.
- E. A Town Driveway Permit is effective for 12 months from the date of issuance.
- F. The applicant shall notify the Town Board Chairperson or designee within 30 days after completion of the construction, reconstruction, rerouting, or alteration of the driveway or highway access. Within 30 days of notification, the town shall conduct an inspection of the driveway to ensure full compliance with all of permit conditions and provisions of this ordinance.
- G. The Town Board, or its designees, shall have the right of inspection onto land pursuant to a warrant issued under sec. 66.0119, Wis. Stats., for the purpose of inspecting existing or proposed driveways to determine if the driveways will allow for the safe and timely travel by emergency vehicles or vehicles of the public.

**Section VIII. Waiver of Requirements.**

The Town Board may waive the requirements set forth in this ordinance, upon application to and hearing by the Board, for good cause shown and when the waiver will secure substantially the purposes described in Section II, and will not be detrimental to public safety, health or welfare, or injurious to other persons or property.

**Section IX. Penalty provision.**

Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violates ordinance 1-2024 may be required to forfeit not less than \$200.00 nor more than \$1000.00 and will be held responsible for correcting any deficiencies with said driveway/approach.

**Section X. Effective date.**

This ordinance is effective upon publication or posting.

The town clerk shall properly post or publish this ordinance as required under sec. 60.80, Wis. Stats.

Adopted this 6<sup>th</sup> day of February 2024.

Brian Johnsrud, Town Board Chairman Brian Johnsrud

Donald Hrubes, First Supervisor Donald Hrubes

Randy Foreman, Second Supervisor Randy Foreman

Attest: Vern Hrubes, Town Clerk Vern Hrubes