

**Town of Wyoming
Iowa County, WI
Ordinance 05-01
Driveway Ordinance**

1.0 PURPOSE

The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification or reworking of a driveway to a residence, a proposed residence, or the first proposed structure on a property. Adherence to this ordinance will ensure that the site, method of construction, and conservation practices used will promote the public health, safety, and general welfare of the community, and to enforce the policies and goals set forth in the Town of Wyoming Comprehensive Plan Section H - Land Use Plan.

1.1 JURISDICTIONS AND APPLICABILITY

Jurisdiction of this ordinance shall include all internal driveways on land within the Town of Wyoming and access points entering onto Town of Wyoming roads. New driveways and those existing driveways that undergo repairs involving changes in the existing slope and/or rerouting of the existing driveway are subject to the provisions of this Ordinance. The provisions of this Ordinance do not apply to field roads or to repairs to existing driveways where repair does not involve changes in the existing driveway slope and/or rerouting of the existing driveway.

1.2 INTERPRETATION

The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.3 AMENDMENTS

The Town Board may, upon recommendations of the Town Plan Commission, amend, supplement, or repeal any of these regulations after public notice and hearing.

1.4 SEVERABILITY

The provisions of this Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid. If a court of competent jurisdiction adjudges any section, provision or portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

1.5 REPEAL

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.6 AUTHORITY

These regulations are adopted under the general police powers authority granted pursuant to sec. 60.10(2)(c), 60.22(3), and 61.34(1) of the Wisconsin Statutes, the controlled access highway power granted pursuant to sec. 83.027(1 0) and 84.25(1 0), and 86.02, 86.04, and 86.07(2) of the Wisconsin Statutes, and sec. 236.45(2) of the Wisconsin Statutes.

1.7 DEFINITIONS

(1) Agricultural Land: Any land within the Town of that is currently being farmed, including cropland and pastureland, or land that is included in a government set-aside program.

(2) Application Fee. An application fee, as set by the Town Board, shall be submitted with each application. The fee may be in conjunction with Building Siting, Land Division, Rezoning or Sign applications if submitted simultaneously.

(3) Driveway: A private driveway, road, or other avenue of travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide service to a residence, business, recreational site, or other similarly appropriate uses.

(4) Driveway Inspection: The applicant shall notify the Town immediately when the rough grade is established and erosion control is established. Within 15 days of notification, the Town will conduct an inspection of the driveway to ensure full compliance with all of the provisions of this Ordinance.

(3) Easement: A legal use of property, commonly for ingress and egress. An easement is not synonymous to a driveway.

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

(6) Logging Road Access: The temporary improved access point shall meet the standards set forth in this ordinance and upon completion of the harvest shall be restored back to the original condition.

(7) Shared driveway: A shared driveway is one that is used by more than one user.

(8) Town: The Town of Wyoming

(9) Town Inspector. The individual(s) or agent(s) hired or appointed by the Town Board to act in this capacity.

(10) Zoning (Building) Permits. Town approval for an Iowa County Zoning (Building) Permit for new construction shall not be issued or valid until the driveway is permitted according to the specifications of this Ordinance.

1.8 APPLICATION REQUIREMENTS AND PROCEDURES

(A) Who Must Apply: No person or entity shall establish, construct, reroute, or alter the existing slope of any driveway or logging road without first obtaining a Driveway Construction Permit from the Town Inspector. The person(s) or entity seeking a permit must own or have a legal interest in and current access to the land to which the permit will apply.

(B) Application Procedure. The person or entity shall submit a completed Plan Commission – Driveway Request, with the appropriate fee, to the Town of Wyoming Plan Commission Chairperson. The submittal is required two weeks prior to the first Tuesday of the desired review month. The application shall contain a conceptual layout with the following:

- Driveway dimensions to approximant scale with land mark features
- Elevation change notations
- Erosion control preventive measures and counter-control measures
- Notation of passing lanes for driveways longer than 300 feet.
- A topographical and engineered plan shall be submitted for:
 1. For construction of a driveway or segment of a driveway that requires the disturbance of land with a slope of more than 10%.
 2. For a driveway or segment of a driveway that requires a retaining wall or other special erosion control measure as determined by Wisconsin Uniform Dwelling Code (UDC), Town Board and Town Inspector.
 3. When a driveway crosses a WDNR navigable waterway or has the potential to significantly alter existing drainage patterns and/or quantity of runoff.
 4. When construction or modification of a driveway necessitates construction or improvement of a bridge or culvert.

Note: The preparation of a Driveway Construction Plan does not guarantee the Town's approval of the Driveway Construction Permit Application.

1.9 PENALTY:

Any person who shall violate any provision of this ordinance shall be subject to a forfeiture of not less than \$20 per day nor more than \$50 per day and shall correct the violation in a manner consistent with this ordinance and as directed by the Town Board.

2.0 SPECIFICATIONS:

1. Driveways shall be at least 12 feet wide (18 feet for shared driveway) and should have 18-foot overhead clearances to allow a fire truck or equipment to pass through. This not only includes clearance between trees and limbs along the drive, but also between brick pillars, gates, and statues that might be present at the entrance to the drive.
2. All turns should have a minimum of a 40-foot outside turning and an inside radius of 26 feet.



3. At the end of all driveways a turnaround with a minimum of 25' outside radius or some other method shall be provided.
4. Culverts under the driveway, private bridges, and the road surface should be able to support the weight of a 10-ton vehicle. The culvert shall not be less than 18' in length and a minimum of 18" in diameter.
5. Gates should be at least 30' from the public right of way and open laterally or inward. The gate shall open at least 2' wider than the driveway.
6. The steepest slope of the driveway should be no more than 10%.
7. A passing area of at least 18 feet in width x 25' in length is required approximately every 300 feet
8. The driveway shall intersect with the town road at approximately a 90-degree angle.
9. The driveway shall be designed and maintained to prevent mud, debris, gravel and the like from running onto the town road or adjoining ditch. Water shall be diverted from running onto or across the intersecting town road.
10. The driveway intersection should have clear view of 250' in both directions.

2.1 UPON REVIEW:

In the event of a denial of the proposed application, the Town of Wyoming Board shall document the reasoning in the minutes and ask that the proposal be sent back to the Plan Commission to work with the submitter to come to an agreement to meet the intent of the ordinance.

Permit Period. The Driveway Construction Permit is effective for 12 months from the date of issuance. The permit shall expire after 12 months unless renewed.

Inspection. The applicant shall notify the Town upon the rough grade and erosion control being established. The Town Inspector shall inspect the driveway to determine whether it was constructed according to the plan(s) and is consistent with the requirements of this Ordinance. If deemed necessary, the Town Board may employ a licensed engineer to evaluate the Driveway Construction Plan at the applicant's expense.

Disclaimer. The Town's approval of a driveway permit application does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for the public, or that public access is authorized. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose. Approval of the driveway permit application does not establish future approval of the driveway as a public road.

2.2 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the day after its passage, posting, and publication as required by law.

- 1) Town Board Approval. This ordinance was adopted by the Town Board on this 12th day of April, 2005.

APPROVED BY:

John Hess
John Hess, Chairperson

Marty Limmex
Marty Limmex, Supervisor

Leonard Olson
Leonard Olson, Supervisor

ATTESTED BY:

Cheryl Limmex
Cheryl Limmex, Clerk

2) Public Notice

- a) Public Review. A notice was published in the Spring Green Home News and the Dodgeville Chronicle on 4/6 and 4/7, 2005 to inform the residents that a final draft of this Driveway Ordinance was on file with any Town Officer during which it was available for inspection, and that a public hearing would be held on April 12, 2005 @7PM. The notice was also posted at the Town Hall and at the two other designated places in the Town on 3/29, 2005
- b) Posting. This notice of Adoption of Ordinances relating to this Ordinance was posted on 4/13, 2005 at the Wyoming Town Hall and the two other designated places in the Town.
- c) Publication. A Notice of Adoption of Ordinances relating to this Ordinance was published in the Spring Green Home News and the Dodgeville Chronicle, the publications of record for the Town of Wyoming on 4/20 and 4/21, 2005