

ORDINANCE NO. 2018-01  
CHAPTER 8 PUBLIC WORKS  
8.02 DRIVEWAY CONSTRUCTION OR MODIFICATION  
TOWN OF DEERFIELD  
DEERFIELD, WISCONSIN 53531

I. TITLE AND PURPOSE

A. The title of this ordinance is the Town of Deerfield Driveway Construction or Modification Ordinance. The purpose of this ordinance is to regulate the construction or modification of private driveways on lands in the Town of Deerfield

II. AUTHORITY

A. The town board has the specific authority to adopt this Driveway Construction or Modification ordinance under /s/ 60.10(2)(c), 60.22(3), & 61.34(1) Wis. Stats. And general authority under its village powers under s. 60.22, Wis. Stats.

III. ADOPTION OF ORDINANCE

A. This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, hereby regulates the construction or modification of private driveways on lands in the Town of Deerfield.

IV. APPROVAL REQUIRED

A. In this ordinance the term “driveway” is defined to mean private driveway, road, field road or other means of travel through any part of a private parcel of land or which connects or will connect with any public highway.

B. No person shall establish, construct, improve, modify or rework a driveway which changes the existing topography of the land without first obtaining a Driveway permit from the Town Board. Application forms and information can be obtained from the Town Clerk.

C. Any proposed driveway construction, improvement or modification shall be accompanied by an erosion control plan presented to the Town Board prior to the issuance of a driveway permit. The proposal shall describe plans and dates to re-seed, mulch, ditch, place culverts and carry out other erosion control practices. With the exception of seeding and vegetation, all erosion controls shall be installed prior to land disturbance and shall remain in place until permanent vegetation is sufficiently established to effectively prevent erosion.

D. No occupancy permit for new residential construction shall be issued until the driveway is constructed according to the specifications of the ordinance and has been inspected by a Town Supervisor and a Town employee. Notwithstanding the above final application of gravel may occur after the occupancy permit has been issued, but in all cases, final application of gravel shall occur within 90 days of issuance of the occupancy permit.

E. With the approval of the Town Board, the driveway permit may allow excavation at the site to provide fill for the proposed driveway.

F. A non-refundable fee shall be charged for each driveway application. Additional fees shall be charged for each trip to the site by the building inspector. The fee schedule shall be determined by a resolution of the Town Board. See Town's Fee Schedule.

G. In addition to the non-refundable fee above, the Town shall require that a sum sufficient to insure the proper construction of the culvert and repair of damage to the highway shall be deposited with the Town. The amount of said fee shall be determined by resolution of the Town board.

V. SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS No land with a grade of more than twenty-five percent (25%) shall be disturbed for the construction establishment, re-working or improvement of a driveway..

A. An engineer's plan showing adequate erosion control measures is required for any segment of the proposed driveway which disturbs land with a grade of more than twenty percent (20%) and less than twenty-five percent (25%). The driveway shall be constructed with a minimum roadway of 12 feet in width with a minimum of 4 feet on each side with a slope of one-foot (1') of vertical rise for six feet (6') of horizontal distance. There shall be a minimum of 20 feet from the center of the ditch on one side of the driveway to the center of the ditch on the other side.

B. Each driveway entering upon a public roadway shall be sited so as to be visible by motorists traveling on the public roadway of a distance of 400 ft. in either direction or as determined by the Town Board.

C. Each driveway shall have installed a 24-foot-long galvanized culvert and galvanized end walls approved by the Town board, unless the Township waives the requirement of a culvert, at least fourteen inches (14") in diameter at the bottom of the ditch where the driveway meets the public road. The Township will determine the diameter of the culvert on a case by case basis. In any case where the culvert may be damaged during construction, installation of the culvert may be delayed until after heavy equipment is no longer using the driveway. In all cases however, the culvert shall be installed prior to the issue of an occupancy permit and shall be undamaged and in good condition at the time the occupancy permit is issued.

D. The Town Board may waive or modify the requirement of a culvert based upon a lack of need. In the cases of County or State highways, such waiver of modification shall be approved by the Dane County Highway Commission or district engineer of the Wisconsin Department of Transportation. However, the driveway must still meet the Town Ordinance specifications and a permit is required.

E. A length of a minimum of twenty-four feet (24') shall have a maximum of 5% grade at the point where the driveway enters onto a public road. A slight dip across the drive shall be placed just before the entrance to a public road to prevent debris from washing onto the public road.

- F. Ditches, roadway crowning and culverts shall be provided for acceptable drainage as determined by the Town Board or designee of the Town Board.
- G. The side banks shall be graded to a slope of no more than one foot (1') of vertical rise in each three feet (3') of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in an engineer's plan approved by the Town Board.
- H. Curves in the driveway shall have an inside radius of no less than thirty-six feet (36').
- I. Maximum grade of the driveway or any portion of the driveway shall be no more than thirteen percent (13%).
- J. Temporary erosion controls shall be installed prior to land disturbance. All specified erosion controls, including retaining walls, ditching culverts crowning, mulching and matting shall be installed with ninety (90) days of land disturbance.
- K. The driveway must have at least eight inches(8") of base materials consisting of three to six inch (3-6") base course material, covered with four inches(4") of three quarte inch(3/4") finish gravel with fines. For a total of twelve inches(12") of driveway material, unless otherwise determined by the Town Board. A field road, which is a road only foragricultural purposes and not leading to a structure, is exempt from this provision.
- L. All costs of construction of said driveway, including the cost of the culverts and engineer's plan, if required, shall be paid by the property owner requesting the permit.
- M. An area twenty-four (24') in width and fifteen (15') feet in height shall be cleared along the driveway right-of-way in order to permit the safe passage of emergency vehicles. In cases where such clearing would be environmentally damaging, the Town Board will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard. A field road is exempt from this requirement.
- N. In no case shall a driveway cause water to spill onto the highway.
- O. Only damage to the abutting highway, resulting from construction, shall be repaired by the permit holder as soon as is reasonably possible. Emergency vehicle turnouts/bump outs: For driveways 500 to 1000 feet long, there shall be one turnout/bump out at the approximate midpoint. For driveways longer than 1000 feet, there shall be a turnout approximately every 500 feet. The exact locations can be adjusted in consultation with the Town, depending on line-of-sight, elevation changes, etc. Turnouts/bump outs shall be 12 feet wide, and 30 feet long, and constructed with the same materials as specified for the driveway in Section V.(k) of this ordinance.
- P. The Town shall cause the removal, cutting or trimming of any tree, shrub or other vegetation in the highway right of way to provide safety to the users of the highway ss. 66.1037(1) (*amended 10/8/18*)

## VI. REQUIREMENTS FOR AN ENGINEERING PLAN.

- A. The Town Board may require a plan prepared by a licensed engineer prior to any proposed driveway construction or modification. An engineer's plan is required for the following:
1. For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of more than 20% and less than 25%;
  2. For a driveway or segment of driveway which requires a retaining wall or other special erosion control measure as determined by the Town Board;
  3. When the Town Board requests a plan.
  4. The engineer's plan will include the following:
    - i. The precise location of the driveway or segment of driveway which requires an engineer's plan;
    - ii. Grade of the driveway showing no segment exceeding 13%;
    - i. Location and structure of any retaining walls;
    - ii. Location and size of any culverts;
    - iii. Cross section of the driveway;
    - iv. Requires mulching, matting or other erosion control.
  5. No construction of driveway may commence until the engineer's plan, if required, is approved by the Town Board and a Town Driveway Permit is issued and, when applicable, any necessary approvals are obtained from Dane County of the State of Wisconsin. (See Wis. Stats. 86.07).
  6. The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

## VII. EXISTING DRIVEWAYS AND FIELD ROADS.

A. When washing or other conditions created by existing driveways or field roads become a potential hazard to a public road, the Town Boards shall notify the property owner of the conditions. Any property owner failing to correct such condition within thirty (30) 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 in Wis. Stats. 66.60 (16).

B. When the use or uses of an existing field road or existing field road or existing driveway change due to new or additional construction or other factors, the field road or driveway shall be brought up to the standards and specifications as set forth in the Town of Deerfield Ordinance Regulating Driveways.

## VIII. ENFORCEMENT

A. This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin. Deposits received by the Town will be forfeited and additional permits may be withheld until permittee comes within compliance of this ordinance.

IX. PENALTIES

A. Forfeiture. Should a driveway be constructed or modified in violation of the provisions of this ordinance, the owner (s) of the land through which the driveway passes shall make corrections ordered by the Town Board within a period of time determined by the Town Board, but not less than 10 days.

B. Special Charge for Correction by Town. If the owner(s) of the land through which the driveway passes do(es) not make corrections in the specified time period, the Town Board shall cause the required corrections to be made and charge the cost of correcting such violations, including, when necessary, the return of disturbed land to its original condition. The Town's direct and indirect costs of correcting the violation, including but not limited to engineering, legal, administrative, materials and construction expenses shall be imposed as a special charge against the property through which the driveway passes pursuant to Wis. Stat. #66.60(6). Any funds escrowed with the Town shall be disbursed to the Town in partial compensation for its above costs.

X. SEVERABILITY

A. 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 provision or application, and to this end the provisions of this ordinance are severable.

XI. EFFECTIVE DATE

A. This ordinance is effective on publication or posting.

B. The Town clerk shall properly publish this ordinance as required under s 60.80, Wis. Stats., and shall supersede any previous driveway ordinance.

Adopted this 12<sup>th</sup> day of February, 2018.

*Mike Schlobohm*  
Town Chairperson  
*Dan Kelly*  
Supervisor  
*Nick Brattlie*  
Supervisor  
*Bill Roelofs*  
Supervisor  
vacant  
Supervisor

Attest:  
*Robin Untz*  
Town Clerk