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TOWN OF VIENNA

Driveways and Culverts
Ordinance

ORIGINAL

(June 5, 2006)

1-1-1 Driveway Permits; Culvert Requirements
1-1-2 Driveway and Culvert Location, Design and Construction Requirements
1-1-3 Effective Date

The Town Board of the Town of Vienna, County of Dane, State of Wisconsin, does ordain and adopt as follows.

Section 1-1-1 Driveway Permits; Culvert Requirements

(a) **Authority.** This ordinance entitled "Town of Vienna Driveways and Culverts Ordinance" is adopted by the Town Board of the Town of Vienna, Dane County, Wisconsin, pursuant to the authority of Wis. Stats., Sec. 86.07(2), and Chapter Trans. 231 of the Wisconsin Administrative Code.

(b) **Purpose.** The purpose of this ordinance is to restrict and regulate private access onto town roads in order to promote the public safety by providing for safe and efficient private ingress and egress to Town of Vienna roads, ensure proper drainage, and minimize disruption to existing agricultural lands.

(c) **Culvert Requirement.** No person shall locate, establish, construct, or substantially reconstruct any driveway or private road in a public right-of-way of the Town of Vienna without installing a culvert in full compliance with this Section unless an exemption from the requirement for a driveway culvert is approved, in writing, by the Town or its representative. Included within the scope of this requirement are commercial driveways.

(d) **Permit Required; Application; Fee.**

(1) ***Permit Requirement.*** No person shall locate, establish, construct, replace a culvert, modify a culvert, install a culvert, or substantially reconstruct a private driveway, road, or other access from a private property line to the traveled portion of any public Town road without first filing an application and obtaining a driveway or culvert permit from the Town of Vienna.

(2) ***Application.*** Application for such permit may be made to the Town Clerk or Town Treasurer. The request for such permit shall be in writing signed by the owner of the real estate affected or his agent and shall include design specifications and a drawing depicting the location and orientation of the proposed driveway and driveway culvert in relationship to the real estate involved and the adjacent road, street, or highway.

(3) ***Review.*** The Town or its representative shall review all applications using this ordinance and the data and findings from the Driveway Inspection Report as shown in Section 1-1-2 in issuing driveway and culvert permits.

(4) *Fee.* The applicant shall pay a non-refundable fee of One Hundred Dollars ($100.00) at the time of making application for the driveway permit, except agricultural applicants shall pay a non-refundable fee of Twenty-five Dollars ($25.00). There shall be no fee for any replacement and/or modification of any culvert.

(c) **Application Provisions.** All driveway permit applications shall contain the applicant's statement that:

(1) The applicant represents that such proposed driveway is for the bona fide purpose of securing access to the property and not for the purpose of parking or servicing vehicles, advertising, storage, or merchandising of goods within the dedicated portion of the Town road or street, or for any other purpose.

(2) The Town, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Town road or street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.

(3) The permitee, his successors or assigns, agrees to indemnify and hold harmless the Town of Vienna, its officials, officers, agents, engineers, or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.

(4) The Town does not assume any responsibility for the removal or clearance of snow, ice, or sleet or the opening of any windrows of such material upon any portion of such driveway within the dedicated portion of the Town road or street.

Section 1-1-2 Driveway and Culvert Location, Design, and Construction Requirements

(a) **General Requirements**. The location, design, and construction of driveways shall be in accordance with the following:

(1) ***General Design.*** Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least twenty (20) feet apart and there shall be at least ten (10) feet from the edge of the driveway to the property line except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.

(2) ***Driveway Surface.*** All driveways shall have a hard all-weather surface with a minimum of six (6) inches of crushed aggregate. If required by the Town or its representative, the driveway surface shall prevent tracking of mud and sediment onto public roads. The Town may impose special tracking pad requirements for agricultural access in the event that the applicant fails to timely remove any mud and/or sediment on the road.

(3) *Number.*

a. The number of driveways allowed to serve an individual residential or commercial property fronting on a street shall be a maximum of two (2), subject to paragraph b below, provided that when two (2) driveways are utilized, there is also at least one-hundred eighty (180) feet of total street frontage on the street from which the driveways serve the parcel.

b. There shall be allowed one (1) driveway for the first acre of the served parcel, and one (1) additional driveway for each additional acre or part thereof, up to a maximum of two (2). For street corner parcels, or parcels abutting more than one street, driveways and/or street access shall be allowed from only one of the streets abutting the parcel, preferably the street with the lowest traffic count.

c. Where two (2) driveways serve a parcel, such driveways shall be located no closer than seventy-five (75) feet from centerline to centerline, and at least ten (10) feet from the edge of the driveway to the property line.

d. The Town Board may grant exceptions to the provisions of this subsection where deemed necessary and feasible for reasonable and adequate service to the property, considering the safety, convenience and utility of the street, and driveways may be approved for commercial and other use areas where deemed reasonable. The number of driveways to serve an individual residential or commercial property fronting on a street shall be one (1), except where deemed necessary and feasible by the Town Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street, and driveways may be approved for commercial and other use areas where deemed reasonable.

e. For agricultural driveways, the number of driveways allowed shall be determined by the Town Board with input requested from the Town Engineer. However, the minimum spacing of agricultural driveways shall be three hundred (300) feet.

(4) ***Island Area.*** The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection (5).

(5) ***Drainage.*** The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed. See Figure 1. No driveway apron shall extend out into the street further than the road edge or face of the curb, and under no circumstances shall such driveway apron extend into the gutter area where there is curbing. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches, or roadside areas or with any existing structure on the right-of-way. All driveways and parking lots shall be graded in such way that no storm water reaches the roadway.

(6) ***Restricted Areas.*** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:

a. The filling or draining shall be to grades approved by the Town Engineer and except where highway drainage is by means of curb and gutter, water

drainage of the area shall be directed away from the street roadbed in a suitable manner.

b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate catch basins are required where the total culvert length is greater than three hundred (300) feet and/or where a bend or curve in the pipe is required.

c. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Town Board.

(7) ***Relocation of Utilities.*** Any costs of relocating utilities shall be the responsibility of the property owner with the written approval of the Town Board necessary before any utility may be relocated and the driveway installed.

(8) ***Variances.*** Any of the above requirements may be varied by the Town Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.

(b) **Special Requirements for Commercial and Industrial Driveways.** The following regulations are applicable to driveways serving commercial or industrial establishments.

(1) ***Width of Drive.*** No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than thirty-six (36) feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Town or its representative, in its discretion, may permit a driveway of additional width.

(2) ***Angular Placement.*** The angle between the center line of the driveway and the curb line or road edge shall not be less than 70°.

(3) ***Design Information.*** The Town may, in its sole discretion, require that additional driveway design information, including design by a professional engineer, be submitted with the application.

(4) ***Agricultural Driveway.*** In interpreting this ordinance, special consideration shall be given to allow existing agricultural driveways in existence as of the effective date of this ordinance to remain as agricultural driveways in their present location and condition provided that such driveways are not hazardous, unsafe, or causing a water flow problem.

(c) **Special Requirements for Residential Driveways.** The following regulations are applicable to driveways serving residential property.

(1) ***Width.*** Unless special permission is first received from the Town Board, or committee thereof, a residential single-type driveway shall be no greater than twenty-six (26) feet wide at the curb line or pavement edge and eighteen (18) feet wide at the outer or street edge of the sidewalk; residential double-type driveways shall be no greater than twenty-six (26) feet wide at the curb line and twenty-four (24) feet wide at the outer or street edge of the sidewalk.

(2) ***Angular Placement.*** The angle between the center line of the driveway and the curb line or road edge shall not be less than 70°.

(3) ***Design Information.*** The Town may, in its sole discretion, require that additional driveway design information, including design by a professional engineer, be submitted with the application.

(d) **Appeal from Permit Refusal.** Any person feeling himself aggrieved by the refusal of the Town to issue a permit for a private driveway may appeal such refusal to the Town Board within twenty (20) days after such refusal to issue such permit is made.

(e) **Prohibited Driveways and/or Filling.**

(1) No person, firm, or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway, or street in the Town of Vienna except as permitted in this Section. As used herein, the word "structure" includes private driveways, a portion of which extends into any public road, highway, or street, and which is in non-conformance with this ordinance.

(2) No driveway shall be closer than twenty-five (25) feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Town for effective traffic control or for highway signs or signals.

(3) The grade of that portion of any private driveway located within the limits of any public road, highway, or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.

(4) Drainage from driveways shall run into adjacent ditches and not onto the road pavement.

(5) Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town.

(6) The placement of lawn sprinkler pipes in a road right-of-way is prohibited.

(f) **Culvert Construction Standards.**

(1) ***Size.*** Culverts shall be installed prior to construction work being commenced on the property served. The size of all required culverts may be determined by the Town and/or Town Engineer. No pipe smaller than fifteen inches in diameter (or equivalent elliptical or arch pipe) will be allowed. All culverts shall be constructed of galvanized steel or concrete and shall be of new manufacture, unless specifically excepted by the Town or its representative.

(2) ***Gauge.*** The minimum wall thickness for the galvanized steel culverts shall be in accordance with the following:

Pipe Diameter	Gauge
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

The class of reinforced concrete pipe shall be in accordance with the following:

Height of Cover (in feet)	Class of Pipe
0-2	IV
2-3	III
3-6	II

(3) ***Drainage.*** The culverts shall be placed in the ditchline at elevations that will assure proper drainage.

(4) ***Endwalls.*** Unless specifically exempted in writing, all culverts shall be provided with concrete or metal apron endwalls as directed by the Town or its representative.

(5) ***Backfill Material.*** Material used for backfill shall be of a quality acceptable to the Town or its representative and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.

(6) ***Erosion Control.*** Erosion control measures shall be implemented as necessary to control erosion or as directed by the Town or Town Engineer.

(7) ***Cost.*** The property owner shall install the culvert and be responsible for the cost thereof.

(8) ***Appeal.*** Any person whose request has been denied may request a variance from the culvert requirements of this Section by filing a written appeals request within thirty (30) days of such denial with the Town Clerk, who shall place the matter as an agenda item for the Town Board's next meeting. The Town Board may waive the requirement for a culvert and/or grant a variance request upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The Town Engineer may be asked to render an opinion on the request.

(g) **Enforcement.** All costs incurred by the Town relating to the enforcement of this ordinance or in making the determinations or inspections necessary hereunder shall be paid by the property owner, including, but not limited to, Town administrative costs and engineers' and attorneys' fees. If a property owner refuses to comply with the ordinance, the Town may install the culverts and charge back the cost or additional cost thereof as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

Section 1-1-3 Effective Date

This ordinance shall take effect and be in full force after publication thereof.

The foregoing ordinance was duly adopted at a regular meeting of the Town Board of the Town of Vienna on Nov 6, 2006.

Carlton Hamre, Chairperson

Daniel Muxfeld, Supervisor

Shawn Haney, Supervisor

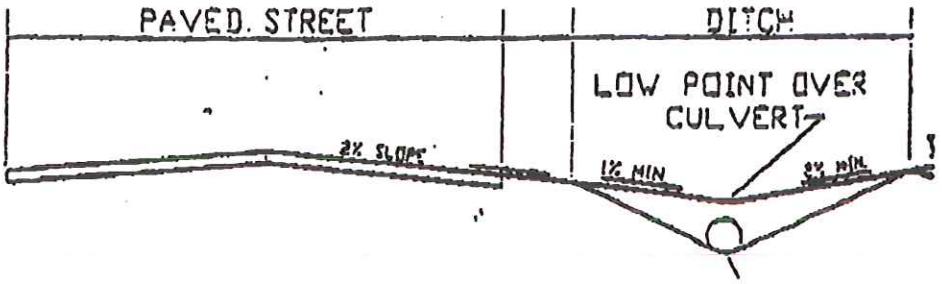
I hereby certify that the foregoing ordinance relating to land divisions and subdivision regulations within the Town of Vienna was published as a Class 1 notice under ch. 985, Wis. Stats., on the 9 day of November, 2006.

Dated: Nov 20, 2006

Robert Pulvermacher, Clerk

11/07/06

DRIVEWAY STANDARDS SCHEMATIC



Min. 15" diameter metal culvert w/ endwalls. 20' minimum length.

No Scale

MAXIMUM driveway width at road is 36'.
Minimum driveway crown or cross slope is 2%.

Figure 1