

Town of Washburn Driveway Ordinance

Section 1. Title/Purpose

The purpose of the “Town of Washburn Driveway Ordinance” is to establish standards for driveways that will provide safe access from private development to a public right-of-way, will minimize damage to public roads, will provide safe access for emergency vehicles and will protect drainages and water resources.

Section 2. Authority

With the adoption of this ordinance, the Town Board of the Town of Washburn is exercising the specific authority, powers and duties pursuant to Sections 60.61, 60.62 and 62.23 *Wisconsin Statutes* and, by its adoption of village powers under 60.10 *Wis. Stats.*, to zone certain areas in the Town of Washburn and to regulate, prohibit and restrict construction, alteration, erection and enlargement of certain structures and buildings in the Town of Washburn and to regulate and control certain uses, activities, businesses and operations in the Town of Washburn.

The Town Board of the Town of Washburn has been granted village powers pursuant to Sec. 60.10 *Wis. Stats.* At the town meeting dated 9 April 1996, the town approved the authority of the Town Board of the Town of Washburn to zone pursuant to Sec.60.72 (1995-96) *Wis. Stats.*

Section 86.07(2) *Wis. Stats.* further provides that:

No person shall make any excavation or fill or install any culvert or make any other alteration in any highway or in any manner disturb any highway or bridge without a permit therefore from the highway authority maintaining the highway. Such permit shall contain the statement and be subject to the condition that the work shall be constructed subject to such rules and regulations as may be prescribed by said authority and be performed and completed to its satisfaction, and in the case of temporary alterations that the highway or bridge shall be restored to its former condition, and that the permittee shall be liable to the town or county or state, as the case may be, for all damages which occur during the progress of said work or as a result thereof.

Section 3. Applicability

This ordinance applies to all driveways and private roads that connect to public roadways in the Town of Washburn. Any driveway accessing a county highway also requires an approved permit from the Bayfield County Highway department.

All new driveways proposed to be installed or any driveway for property requiring a county building permit or land use permit shall require an approved Town of Washburn Driveway Permit prior to any land disturbance. Such driveways shall be subject to an inspection by the Town Board or the Town Board’s designee prior to the start of any construction on a new driveway and prior to the issuance of a building permit. An approved driveway shall be in place before the Town of Washburn Board recommends issuance of a Bayfield County building permit or land use permit.

The applicant, who may be the owner, agent or contractor, shall submit a location construction plan showing specifications including grade, slope, width, and length of the driveway, culvert dimensions and placement, drainage ways and erosion control procedures. The applicant shall also install flagged stakes on the property to show the proposed location of the driveway road surface intersecting the public road, the driveway location and the location of the ends of proposed culverts.

Authorization for a driveway is subject to the approval of the town board wherein located and when so approved, the town board shall notify the Bayfield County Zoning Office. The evidence of an existing driveway will be determined by a statement from the town that an approved driveway is in place. If there is a dispute on the adequacy of an alleged existing driveway, the decision of the Town Board will be the deciding factor.

Section 4. Minimum Requirements

The driveway must be designed and constructed in such a way that it will not cause any damage to the town road nor create any hazard to the public as they travel on the town road. The following specifications shall apply:

Minimum road surface width.....	12 feet
Minimum width clearance	24 feet
Minimum height clearance free of trees, wires, etc.	14 feet
Maximum grade	10 percent
Minimum culvert diameter	18 inches
Minimum culvert length	30 feet
Aprons for culverts in public road right-of-way	
Minimum distance of concrete pavement from public road surface.....	12 feet
Minimum distance of road surface from side lot line (except shared)	10 feet
Minimum distance from public road intersection.....	75 feet
Minimum load capacity of bridges	25 tons
Turn-around radius at dead ends.....	25 feet
Minimum distance from end of Tee to opposite side of driveway	25 feet
Road surface slope down from public road surface in right-of-way	1 - 5 percent

At least one segment of road surface 25 feet in length and 18 feet in width shall be provided for each 300 feet of driveway length to provide for the safe passage of meeting vehicles.

Permanent driveways shall include an adequate road bed base of suitable load-bearing material to support the projected traffic. The upper course shall consist of a minimum depth of six inches of medium well-graded, crushed, fractured rock (DOT Grade #2 or equivalent).

At the dead end of all new driveways a turn-around of at least 25 feet radius or some other method to allow vehicles to turn around shall be provided as determined by the Town Board.

The angle of any intersection of a public road and driveway shall be 90 degrees where possible for a minimum distance of 33 feet from the center of the roadway.

A driveway shall be so located and constructed that vehicles approaching or using it will have adequate sight distance in both directions along the public road.

In reviewing the permit, the Town Board shall determine whether specifications beyond the minimum requirements are appropriate for a particular site and proposed use.

Section 5. Temporary Driveways

If a temporary driveway is required for such activities as construction or logging, a permit for a temporary driveway is required. After no more than one year from the date of issuance, the property owner shall remove the driveway and restore the public road right-of-way to the original condition prior to installation. The applicant shall provide a Temporary Driveway Permit Deposit (see Section 10) prior to receiving a permit. The deposit will be repaid to the applicant when the driveway is properly removed and the right-of-way is properly restored. If the owner fails to remove a temporary driveway at the end of the permit period, the owner shall forfeit the permit deposit and shall pay any additional costs incurred by the Town of Washburn to remove the driveway and to restore the road right-of-way. Consistent with Section 86.07(2) *Wis. Stats.*, the land owner of the driveway shall be responsible for all costs for restoration of the right-of-way. All delinquent bills for driveway restoration will become a lien against the property and will be added to the property tax statement as a special charge.

Section 6. Shared Driveways

The Town of Washburn encourages owners of adjoining parcels under different ownership to collaborate in installing a driveway serving those parcels. Because installing a shared driveway rather than several driveways reduces the number of potential obstructions in the public road right-of-way, traffic safety is improved. Permanent, shared driveways are not subject to a minimum setback distance from lot lines and shall not be charged a driveway permit fee by the Town of Washburn.

Section 7. Installation and Maintenance

The owner of the driveway shall furnish all materials, do all work and pay all costs in connection with the construction of the driveway, culverts, and erosion control on the highway right-of-way. The maintenance of the driveway, culverts, vegetation and other accessory materials shall be the responsibility of the driveway owner, who shall pay all costs and accomplish all work necessary for required maintenance of the driveway. The driveway installation shall be made without jeopardy to or interference with traffic using the highway. Highway surfaces, shoulder, ditches and vegetation which are disturbed by the driveway installation shall be restored to at least the conditions preexisting the driveway construction. Any such facilities disturbed by subsequent maintenance of the driveway shall be restored by the permittee to the satisfaction of the Town Board of the Town of Washburn.

Section 8. Administration

Application for a Driveway Permit to intersect a public road in the Town of Washburn should be made on a Town of Washburn Driveway Permit Application and should be submitted to the Town Road Superintendent. The application shall include a drawing of the proposed locations of the driveway and any culverts and payment of required fees. The Town Road Superintendent will make an appointment to meet with the applicant at the site to discuss the specifics of the driveway. Any specific requirements for construction shall be written on the permit.

Under no circumstances will the Town of Washburn perform the work of constructing the driveway or access road, but the Town Board of the Town of Washburn may require that a town employee be present to oversee the construction.

Consistent with Sections 86.02 and 86.022 *Wis. Stats.*, if the requirements and procedures of this ordinance are not followed and a driveway is constructed in such a way as to cause damage to the public road or to create a hazard to public safety, the land owner shall be required to correct these flaws at the land owner's expense. The owner of the driveway shall assume a responsibility for any injury or damage to persons or property resulting directly or indirectly during construction, repair or maintenance of a driveway in a public road right-of-way. The issuance of a permit does not relieve the driveway owner of responsibility for repairing damage or obstruction of a right-of-way.

A Driveway Permit shall expire one year from the date of issuance if construction has not been completed within that time.

Section 9. Definitions

Driveways/access: any area where travel occurs from a public road over land (whether by easement of ownership) not considered to be part of the public road for the purpose of gaining access to land or improvements.

Section 10. Fees

The following fees payable to the “Town of Washburn” shall be submitted with a Town of Washburn Driveway Permit Application:

Permanent Driveway Permit Application Fee	\$25.00
Temporary Driveway Permit Application Fee.....	\$25.00
Temporary Driveway Deposit (refunded upon proper removal)	\$400.00
Driveway Shared for Two or more Parcels Application Fee.....	\$0.00

Section 11. Effective Date

This ordinance shall take effect one day after its passage and publication as provided by law. Original ordinance adopted May 4, 1999.

Comprehensive revision adopted this _____ day of _____ 2008.
TOWN OF WASHBURN

ATTEST: _____ Phillip Tetzner, Clerk

Town of Washburn Driveway Permit Application

Applicant's Name _____ Date _____

Applicant's Address _____ Phone _____

Applicant's Email _____ Property Owner's Name _____

Address of proposed driveway _____

Section __ Town __ Range __ Quarter/Quarter _____ Tax ID _____

The driveway will provide access to State Highway __ County Highway __ Town Road __

Proposed Land Use of property _____

Specify the erosion control procedures to be utilized _____

Specify the proposed roadbed base, including depths and types of materials _____

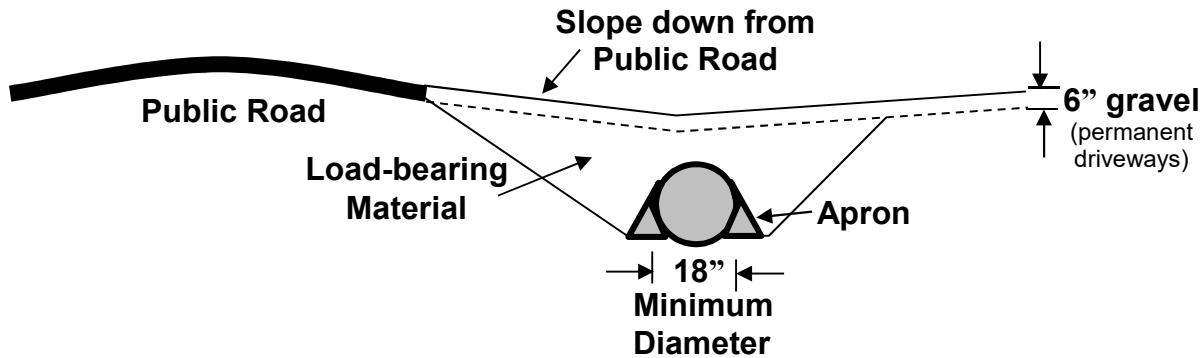
Check the box for the type of driveway proposed: Permanent Temporary

Check box if permanent driveway is shared by two or more parcels under different ownership:

Signature of Applicant _____

- Provide a sketch on the back of this application of the proposed driveway, including grade, slope, width and length. Indicate turnoffs, if required, and the dead end turn-around. Mail to town clerk with fee.

Specifications:



TO BE COMPLETED BY TOWN

Shared Driveway: No Fee

Application Fee Paid
(\$25.00)

Temporary Driveway Deposit Paid
(\$400.00)

Deposit Returned

Initial & Date: _____

A culvert (will, will not) be required. If required, a minimum diameter of _____ inches.

The above has been (approved, denied) by the Town of Washburn Board on the

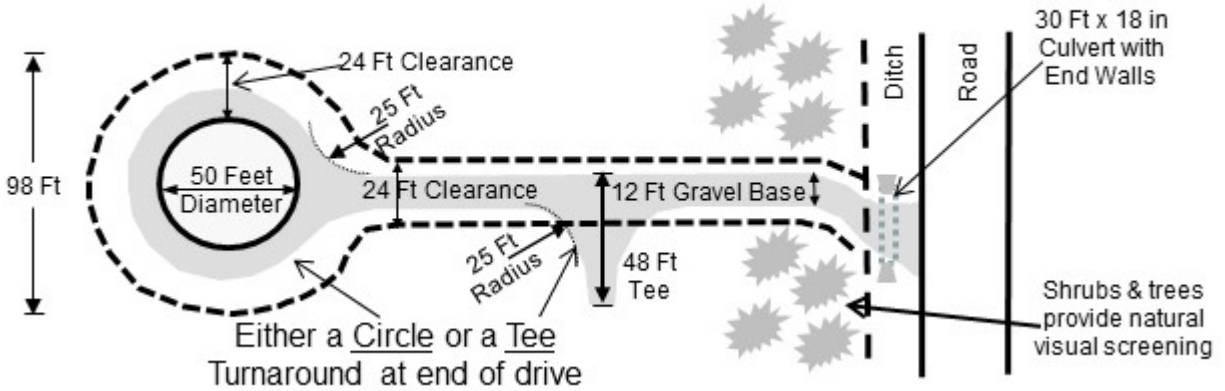
_____ day of _____, _____.

Chairman

Supervisor

Supervisor

Minimum Dimensional Requirements



Driveway Sketch

Please provide below a sketch of the proposed driveway layout showing distances, public roads, proposed structures served by driveway, proposed culvert locations, and the proposed layout of the turnaround area at the end of the driveway. Place flagging or stakes on the property to show the layout.