

4.1 DRIVEWAYS

(1) The following regulations apply to construction or modification of private driveways located on lands in the Town of Black Earth, which private driveways provide access to buildings originally constructed or substantially modified after the effective date of this ordinance. Existing driveways are not required to meet the standards herein, but property owners are encouraged to bring such driveways into compliance with these standards at such time as the driveway is resurfaced, regraded, or a new driveway culvert is installed.

(2) Approval Required

(a) In this ordinance, the term “driveway” is defined as private driveway, road, field road, or other traveled way giving access from a public highway to one or more buildings located or to be constructed on adjacent lands.

(b) No person shall establish, construct, or re-route a driveway connected to a road right of way without first obtaining a Driveway Permit from the Town Board of Supervisors, or designee. Application forms and information should be obtained from the Town Clerk. Prior to consideration of the application by the Town Board or designee, the applicant shall submit to the Town Clerk a driveway construction plan which shall accurately describe the location of the proposed driveway and the specifications required by Section (3) of this ordinance for the driveway’s construction.

(c) Erosion control measures/permit may be necessary; subject to decision of the Town Board or its designee.

(3) No building permit for new residential construction will be issued until the driveway is constructed according to the specifications of this ordinance. The only exception will be the final application of gravel which may occur after heavy equipment needed for building activities will no longer be using the driveway.

(4) With approval of the Town Board or designee, the driveway permit may be issued to allow for the excavation of the site to provide for site preparation and to provide fill for the proposed driveway.

(5) An application fee as prescribed in the attached Fee Schedule shall be paid with each driveway application.

(6) The permit is valid for a period of one year and to the original owner only.

(7) GENERAL PROVISIONS, FIELD ROADS

(a) Culverts are required for all new field roads accessing Town roads or which allow ditch water to flow, unless waived by the Town Board or designee, and all costs involved are the responsibility of the property owner. A driveway permit is

required from the Town Board or its designee for all field roads. Field roads are not required to meet the other standards established for driveways by this section.

(b) Landowners shall establish and use a point of access to the right-of-way in each field. If a field road access is discontinued or abandoned for more than two (2) years, the field road access shall be lost and may not be used unless a new field road access permit is granted by the Town.

(c) Field road access points shall be at least 15 feet from the extended street line at all intersections. A field road access allows access to a Town road solely for agricultural purposes and may not be converted to residential or other uses unless the Town issues a driveway permit authorizing the modification.

(8) GENERAL PROVISIONS, CULVERTS

(a) Culverts are required for all new residential driveways, unless waived by the Town Board or designee, and all costs involved are the responsibility of the property owner.

(b) Culverts accessing agricultural lands from town roads do not require a permit from the Town Board prior to installation and all costs shall be the responsibility of the property owner.

(9) GENERAL PROVISIONS, OTHER

(a) No poured concrete, stone, brick, wood or other types of end-walls/head walls shall be constructed on the highway right of way. The highway right of way for town highways is 33 feet from the centerline of the highway.

(b) Permits to cross the County or State right of way are to be obtained from those respective highway departments and the actual driveway permit from the right of way to the building site must be obtained from the Town.

(10) SPECIFICATIONS FOR THE CONSTRUCTION OR RELOCATION OF DRIVEWAYS.

(a) No land with a grade of more than ten (10) percent shall be disturbed for the construction, establishment, reworking or improvement of a driveway.

(b) 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 ten (10) percent.

(c) The driveway shall be constructed with a minimum roadway of 12 feet in width and minimum shoulder of 1 foot on each side having a slope of 1 foot of vertical rise for 6 feet of horizontal distance, unless waived in writing by the Town Board.

(d) Each driveway shall have a culvert at the ditch line where the driveway meets the public road, unless a special permission is obtained from the Town Board or designee. The culvert shall be at least 18 inches in diameter and 30 feet in length, constructed of corrugated metal pipe with approved metal end walls. Gauge minimums are:

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

(e) Backfill Material. Material used for backfill shall be of a quality acceptable to the Town Board or designee 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.

(f) A driveway which is at least 24 feet in length shall have a maximum 5 percent grade at the point where the driveway enters onto a public road. A slight dip across the driveway shall be placed just before the culvert at the entrance to the public road to prevent debris from washing onto the public road.

(g) A driveway which is 500 feet in length or greater shall have an emergency pull off of not less than 22 feet in width and 25 feet in length. The pull off shall be installed at half the total length of the driveway for driveways of less than 1000 feet in length, and at the midpoint of each 500 foot section for driveways of 1000 feet or more in length.

(h) Curves in the driveway shall have an inside radius of not less than 36 feet.

(i) Maximum grade of the entire driveway or any given segment of the driveway shall not exceed 10 percent.

(j) Side banks shall be seeded promptly to control erosion.

(k) Once the construction of the driveway has begun, all specified erosion control measures, including retaining walls, ditching, culverts, crowning, mulching and matting shall be completed within 180 days.

(l) The driveway must have at least eight (8) inches of four (4) inch rock on the roadbed, covered with two (2) inches of 3/4 inch gravel, within the road right of way.

(m) Driveways paved with asphalt shall be not less than two and one half (2 ½) inches of asphalt after the final course.

(n) 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.

(o) An area twelve (12) feet each side of the centerline of the driveway and a height sufficient (not less than eighteen (18) feet) to permit the safe passage of emergency vehicles must be clear of obstructions. In cases where such clearing would be environmentally damaging, the Town Board or designee may waive the restrictions.

(p) Concrete pavement may only come to the right of way and not to the road edge, unless a written, signed waiver has been approved by the Town Board and filed with the Clerk. The Town will not be responsible for replacement of concrete pavement when it is disturbed or removed in the course of reconstruction or repair of Town roads, or by snowplowing or other maintenance of the road by the Town.

(q) Joint driveways may be required to minimize access points on Town roads, and will not be permitted without prior review and specific approval by the Town Board of the Joint Driveway Agreement establishing the proposed joint driveway and the manner of its construction, maintenance and use. Joint driveway agreements shall be recorded against all properties served by the joint driveway, through a formal document recorded in the office of the Dane County Register of Deeds.

(r) 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 or designee 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.

(s) Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Town Board or designee necessary before any utility may be relocated and the driveway installed.

(t) 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.

(u) No driveway shall be closer than fifteen (15) feet to the extended street line at an intersection. At street intersection 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.

(v) The Town Board designee shall perform two inspection on every driveway:

- i. once final grading is completed, prior to pouring

- ii. after the surfacing or pouring has been completed.

Twenty-four hour notice is required for inspections. Inspections are performed Monday thru Friday only.

(11) SPECIAL REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL DRIVEWAYS. The following regulations are applicable to driveways serving commercial or industrial establishments:

- (a) No part of a private driveway located within the dedicated area of a public road shall, except as hereinafter provided, have a width greater than thirty (30) 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 Board in its discretion may permit a driveway of additional width.
- (b) The angle between the center line of the driveway and the curb line or road edge shall not be less than 70 degrees.
- (c) The surface shall be paved with blacktop or concrete.

(12) APPLICATION PROVISIONS. The Town, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations with the dedicated portion of the Town Road at any time, including relocation, reconstruction, widening and maintaining the road without compensating the owner of such private driveway for the damages or destruction of such private roadway. If repairs are necessary due to the disruption of current surfaces that may include, but are not limited to concrete, colored or imprinted, and/or blacktop the town will reserve the right to replace such surfaces with a minimum of two and one half (2 1/2) inches of blacktop or gravel.

(13) REQUIREMENTS FOR AN ENGINEER'S PLAN

- (a) The Town Board or designee may require the applicant to obtain a plan prepared by a professional engineer licensed by the State of Wisconsin (hereinafter "an engineer's plan") prior to the construction or the modification of any proposed driveway. An engineer's plan is required:
 - i. For a driveway or segment of a driveway whose construction requires a retaining wall or other special erosion control measure as determined by the Town Board or its authorized designee; or
 - ii. When the Town Board requests a plan for reasonable cause.
- (b) The engineer's plan will including the following:
 - i. The precise location of the driveway or segment(s) of the driveway which require(s) an engineer's plan.

- ii. Grade of the driveway showing no segment exceeding 10 percent.
- iii. Location and structure of any retaining walls.
- iv. Location and size of any culverts.
- v. Cross section of the driveway.
- vi. Mulching, matting, or other erosion control measures.
- vii. Material and specifications plan.

(c) When an engineer's plan is required, no construction of a driveway may commence until the engineer's plan is approved by the Town Board or designee, a Town Driveway Permit is issued and, when applicable, any necessary approvals are obtained from Dane County or the State of Wisconsin.

(d) The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

(14) EXISTING DRIVEWAYS AND FIELD ROADS. When washing or other conditions created by existing driveway or field roads become a potential hazard to a public road, the Town Board or designee shall notify the owner(s) of the land through which the driveway passes of such condition(s). Any property owner failing to correct such condition(s) within 30 days after notice by the Town Board or designee 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 Wisconsin Statutes.

(15) PENALTIES

(a) Should a driveway be constructed or modified in a way which violated the provisions of this ordinance, the owner(s) of the land through which the driveway passed shall pay a fine equal to 3 times the fee chargeable for the permit application, whether or not that fee has been paid. The owner(s) of the land shall also make the corrections indicated by the Town Board within a reasonable period of time determined by the Town Board. The Town Board or designee may request the Clerk to send a letter of notice to any property owner not adhering to this ordinance requesting compliance.

(b) If the owner(s) of the land through which the driveway passes do(es) not make the required corrections within the time specified, the Town Board shall determine the cost of correcting violations of the provisions of this ordinance including when necessary the return of disturbed land to its original condition. That cost shall be paid to the Town by the owner(s) of the property through which the driveway passes, as provided in Wisconsin Statutes.