

Ordinance 1-1-98 Driveways

PURPOSE

The purpose of this chapter is to regulate and control driveway development within the Town of Black Brook in order to promote public health safety, general welfare, water quality, and aesthetics. This can be accomplished by requiring an orderly layout and use of land, providing safe access to highways, roads and streets, facilitating adequate provision for transportation and surface drainage.

AUTHORITY

This chapter is adopted under the authority granted by Chapters 236 and 144, and secs. 59.97 and 87.30, Wisconsin Statutes

DEFINITIONS

For purposes of this Chapter, certain words or phrases used herein are defined as follows;

- (A) Committee. The Board of the Town of Black Brook or their designee.
- (B) Town. The Town of Black Brook.
- (C) Driveway. An access used for purpose of ingress and egress serving not more than (2) lots.
- (D) Easement. Part of the lot so designated on a CSM or plat utilized for a specific purpose.
- (E) Design shall be based on a site analysis by the Town of Black Brook or their designee.
- (F) Roads and Driveways.
 - (1) The road system shall be designed to meet the following objectives; to permit the safe, efficient, and orderly movement of traffic; to respect natural features and topography; and to permit proper drainage.
 - (2) Any driveway serving not more than two (2) lots shall be located within a driveway width that is less than 30 feet surface width.
 - (3) No more than two (2) driveways will be permitted in per forty (1320 feet) without written permission of the Town.

VARIANCES TO DESIGN STANDARDS AND APPEAL PROCESS

- (A) The committee may grant variances to design standards during the review and approval stages upon showing that the owner will suffer unnecessary hardship if strict compliance with the standard is required. The granting

of a variance shall not violate the spirit or intent of this Chapter or other county land use regulations.

- (B) Unnecessary hardship can be defined as a situation where in the absence of a variance no feasible use can be made of the lot.
- (C) The Committee may hold a public hearing on a request for a variance. A Class 2 notice shall be published for the hearing.
- (D) The committee shall make a decision on the request for variance within ten (10) days of the hearing. Written findings of fact, conclusions, and the reasons for the decision shall be prepared, and signed by the committee chairman. A copy of the decision of the shall be mailed to the petitioner.
- (E) Any person, aggrieved by the decision of the committee may commence an action in circuit court seeking the remedy available by certiorari. The procedure in sec. 59.99(10), Wisconsin Statutes, apply to this action.

VIOLATION AND PENALTIES

Any person, partnership, corporation or other entity who fails to comply with the provisions of this Chapter shall, upon adjudication of violation, be subject to penalties and forfeitures as provided in secs, 236.30, 236.31 216.32, 236.335, and 236.35, Wisconsin Statutes.

MINIMUM DRIVEWAY STANDARDS

The following are the minimum road standards adopted as part of this ordinance. Where other Town road standards are more restrictive, they shall apply.

- (A) All public and private roads shall be designed and constructed in accordance with road standards adopted by Town or standards set forth in sec.86.26 (l) (B), Wisconsin Statutes, and shall also satisfy the following;
 - (1) 4-rod right-of-way minimum;
 - (2) 18" culverts, or as otherwise specified, with a minimum cover of one foot to the top of the sand lift. All culverts shall be galvanized, corrugated steel pipe, pipe, arch, plate, or reinforced concrete pipe in conformity with American Association of State Highway Transportation officials' (AASHTO) specifications;
 - (3) Widths and grades.

Driveways serving one or two lots

Min. Width of open row	66 feet
Maximum Grade	10%
Maximum Grade within 50 feet of a "T" Intersection	2%

(A) REQUIREMENTS WITHIN TOWN RIGHT-OF-WAYS

- (1) 3' TO 5' Ditch bottom
- (2) 24' minimum road width before gravel or base course;
- (3) 20' road width after base course;
- (4) 2' shoulders
- (5) 12" sub base of sand, measured after being compacted;
- (6) 6" base of crushed limestone or 7" base of Wisconsin grade gravel measured after being compacted;
- (7) 0% grade toward public road.
- (8) Decomposable material shall not be used in construction;
- (9) Shoulder slopes of 3:1 on fills to 3ft; 2:1 Maximum below the top 3ft;
- (10) Fill slopes of 3:1 on fill to 3ft; 2:1 below top 3ft;
- (11) Back slopes 3:1 or flatter desirable; 2:1 maximum.

(B) The Chair or their designee shall examine the design and location of the driveways to assure that they are laid out in a way that will produce intersections, grades and other features satisfy the following standards;

- (1) The intersection angle of a driveway to a road, and a road to a road, shall not be less than 75 degrees.
- (2) The committee shall require intersection vision clearances.
- (3) The vertical alignment of the centerline shall be based on the minimum safe stopping sight distance in accordance with the design standards of the AASHTO.
- (4) The planning, location and designations of roads in an area shall not allow the continuation of traffic from residential developments directly into commercial or industrial developments or vice versa.
- (5) The committee may require joint driveways.
- (6) No driveway shall be located within 100' of any public road intersection.
- (7) No owner of the driveway shall allow any material including mud, snow, ice or any other material onto the public road. This includes the plowing of such materials across the highway.

FEEES AND AGREEMENT

(A) FEES

- (1) Each driveway installation requires a _____ dollar application fee
- (2) Inspection when not in compliance;
 - (A) The first non-compliance notice will result in a written notice of non-compliance from the Town clerk stating the nature of the changes required to meet the driveway ordinance. This notice

will result in a forfeiture of fifty (50) dollars. A time to complete the compliance shall be stated in the letter (a minimum of 30 calendar days shall be given unless an immediate safety peril has been determined).

(B) The second failure to comply will be sent again stating the nature of the non-compliance. This compliance order contains the same requirements as in a (a) above except, the failure to comply will result in a forfeiture of two hundred (200) dollars. Each subsequent non-compliance will result in additional forfeitures of two hundred (200) dollars.

(B) Agreement

- (1) Upon application, petitioner for a driveway permit shall sign that they have received a copy of the DRIVEWAY ORDINANCE and accept the terms of the ordinance.
- (2) This agreement can be obtained from the Town chair or clerk or their designee.
- (3) No driveway construction shall begin until a permit has been issued.

Adopted by the Town of Black Brook JAN 8th 1998

Jeffrey F. Derosier , chairman

Gene sollman , supervisor

Steve Martinson ,supervisor

