

## ORDINANCE No. 2001-A

### TOWN OF ROXBURY DRIVEWAY PERMIT ORDINANCE

**Section 3.01 Authority.** This ordinance is adopted under the authority granted to the Town Board under Wis. Stats. §§60.22 (3) and 61.34 (I), and specific authority under Wis. Stats. §236.45 (1) and (2).

**Section 3.02 Purpose.** The purpose of this ordinance is to promote public health, safety, and general welfare of the community and to enforce the goals and policies of the Town of Roxbury land use plan.

**Section 3.03 Definitions.** All references to the Wisconsin Statutes shall be to the 1999-2001\_Edition, and subsequent amendments. The following terms, whenever they occur in this Ordinance, are defined as follows:

- I **Driveway.** A private driveway, road, or other avenue of travel that runs through any part of a private parcel of land or that connects or will connect with any public highway, or that connects with another driveway that ultimately connects with a public highway that may require emergency services. This does not include any field road lying outside of the right-of-way of a public highway.
- II **Field Road.** A field road is defined as any access to a public roadway from private agricultural lands through the use of a gateway, fenced opening or culvert already in place and used on a regular basis *for agricultural purposes*.  
Random access to agricultural property by crossing the Town right-of-way at unmarked locations from the public roadway, not used on a regular basis, shall not be considered a field road.

#### **Section 3.04 Driveways.**

- I No person shall construct, improve, relocate, or rework a driveway or portion of driveway without first obtaining a Driveway Permit from the Roxbury Town Board. The addition of dirt or other types of fill material placed within the right-of-way of a public road in the Town of Roxbury is not allowed unless the intent is to construct a driveway, in which case a permit is required. Re-graveling or repaving of previously constructed driveways does not constitute a change. Prior to consideration of the permit application by the Town Board, the applicant shall submit to the Town Clerk of Roxbury an application and a driveway construction plan, which shall accurately describe the location of the proposed driveway.

- II Any proposed driveway construction or modification shall be accompanied by an erosion control plan in compliance with *Chapter 2, Roxbury Ordinances* presented to the Town Board prior to the issuance of a Driveway Permit. The erosion control plan shall include the driveway owner's plans and timetable to re-seed, mulch, and ditch, including the placement of culvert(s). Erosion control methods must be in place before and during any driveway construction or modification. The timetable *need not* include the final blacktop or concrete surface. If an engineer's plan of the driveway is prepared according to the requirements of *Section 3.08* of this Ordinance, an erosion control plan that may be required from the property owner shall specify only those measures which are not mentioned or required in the engineer's plan.
- III The driveway must be inspected and approved by Town Board representative(s) *before* a building permit will be issued. The applicant shall notify the Town Clerk two days prior to commencing construction and within 30 days of completion of the construction. Within 30 days of notification, the Town will conduct an inspection of the driveway to ensure full compliance with all of the provisions of this ordinance. With the approval of the Town Board, the driveway permit may be issued to allow for the excavation of the building site to provide for fill for the proposed driveway.
- IV Requests for driveways using an easement shall include the written easement agreement.
- V The driveway *shall* be constructed according to the plans submitted.
- VI A bond shall be deposited with the Town of Roxbury. This bond will be in the form of an irrevocable letter of credit for the amount of \$2,500. A cost estimate document from the driveway installer must be submitted along with the bond. The bond shall be returned after the Town Board or its representative approves the finished driveway. The bond or part thereof *shall not* be refundable should the driveway construction not be completed to specifications within the established time frames.

**Section 3.05 Field Roads.** Culverts are required for all field roads accessing Town highways, unless waived by the Town Board, and all costs involved are the responsibility of the property owner. A field road permit will be required prior to placement of the culvert.



**Section 3.06 Culverts.** Culverts shall comply with Section 1.07(II)(B)(11), *Driveway Culverts, Roxbury Ordinances*. Culverts are required for all residential driveways and field roads, unless waived by the Town Board, and all costs involved *shall* be the responsibility of the property owner.

**Section 3.07 General Provisions.**

- I No poured concrete, stone, brick, wood, or other types of endwall/headwalls shall be constructed on the highway right -of-way. DOT approved endwalls associated with the driveway culvert will be required. The right-of-way for most town highways is thirty-three feet on either side of the centerline of the highway, *unless otherwise dedicated*.
- II Permits to cross the County or State rights-of-way *shall* be obtained from those respective highway departments with copies forwarded to the Town. The actual driveway permit from the right-of-way to the building site *shall* be obtained from the Town.
- III There are non-refundable fees that must be submitted with each residential driveway application and culvert permit. See the established fee listing.
- IV An adjoining Township driveway accessing a Town of Roxbury highway *shall* require a culvert and driveway permit unless waived by the Town Board.
- V Town of Roxbury driveways accessing adjoining township highways *shall* require a driveway permit from the Town of Roxbury for that portion of the driveway in the Township and may require a driveway permit from the *adjoining* Township.

**Section 3.08 Specifications For the Construction, Modification, Improvement, or Relocation of Driveways.**

- I An engineer's plan showing adequate erosion control measures is required for any segment of the proposed driveway which disturbs land with a slope of more than twelve percent (12%) or an area greater than 4000 square feet.
- II No land with a slope of more than twenty percent (20%) shall be disturbed for the construction of a driveway except under extraordinary circumstances as stated in Section 1.09 (II) (C), *Environmental Criteria, Roxbury Ordinances*.

- III The single residence driveway clear area shall be a minimum of 20 feet wide and 14 feet high with a minimum finished surface width of no less than twelve (12) feet. There shall be a four (4) foot to one foot slope down to the ditch line. Construction to be similar to that shown in Figure #1.
- IV If the driveway is raised or filled, right-of-way criteria are the same as stated in item III. Construction to be similar to that shown in Figure #1.
- V Total driveway length, measured from the center of the public road right-of-way, shall not exceed 1320 feet. This length includes that of any existing driveways used to gain access to a public road.
- VI Curves in the driveway shall have an inside radius of no less than 25 feet. Turning radius at the point the driveway meets the public road shall also be no less than 25 feet.
- VII For shared driveways, the clear area shall be a minimum of 24 feet wide and 14 feet high, with a minimum surface of 16 ft.
- VIII Driveways that are longer than one hundred and fifty (150) feet, measured from the public road center line will require a turn-around similar to those shown in Figures #2 and #3.
- IX The first thirty-three (33) feet of the driveway from the edge of the public roadway shall rise no more than four percent (4%), and from that point the maximum grade on any one portion of the driveway shall be no more than ten percent (10%).
- X The driveway must have at least four (4) inches of two-inch (2") rock on the subgrade, covered with a final surface of two inches (2") of three-quarter inch (3/4") gravel with a width at least 12 ft. (16 ft. for a shared driveway). Other acceptable final surfaces are asphalt and concrete.
- XI An area ten feet (12 for shared driveways) feet each side of the centerline of the driveway and a height of fourteen (14) feet above the centerline sufficient to permit the safe passage of emergency vehicles must be clear of obstructions.
- XII Vision corners must be free of all obstructions at each access point in accordance with the Vision Corner Diagram shown in Figure #4. Driveway vision corners are to be measured from a point three and one-half (3½) feet above the center of the proposed access, fifteen (15) feet back from the edge of pavement of the town road, to two points four and one-half (4½) feet above the center of the nearest on-coming lane of the



town road in each direction, at a distance "D" from the point where the town road meets the center of the proposed access. Distance "D" shall correspond to the speed limit of the road. If the given speed limit is not listed, the next highest speed limit shall be used.

**XIII** A field road or driveway used only for agricultural purposes and not leading to a residence is exempt from these specifications with exception of Section XII detailing vision corners.

**XIV** Concrete may only come to the right of way and not to the road edge.

### **Section 3.09**

### **Requirements For an Engineering Plan**

**I** The Town Board shall require a plan prepared by a licensed engineer (PE) prior to the issuance of a permit for the construction or modification of a driveway in the following instances.

For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of more than 12% or an area greater than 4000 square feet.

For a driveway or segment of a driveway that requires a retaining wall or other special erosion control measure as determined by the Town Board or Town Building Inspector.

When in the opinion of the Town Board conditions at the proposed driveway site are such that a driveway meeting the standards of this ordinance would be difficult or impossible.

**II** The engineer's plan *shall* include written diagrams depicting the following:

Location: The precise location of the driveway or the segment of driveway that requires a Driveway Plan.

Slope: A profile of the proposed driveway showing no existing slopes greater than 20% and no proposed segment exceeding 10%.

Retaining Walls: The location and structure of any retaining walls.

Culverts: The location and size of any culverts.

Cross-section: A cross-section of the driveway.

Erosion control: Required erosion control abatement methods as determined using the Town's Erosion Control Ordinance.

**III** 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, and a Driveway Permit is issued, and when applicable, any necessary approvals are obtained from Dane County or the State of Wisconsin per Wis. Stats. §86.07.

- IV The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

### **Section 3.10 Location Plan**

Location Plan: A Location Plan is required for all segments of the proposed driveway not covered by the Driveway Plan. The plan shall be drawn to scale and show the location of the driveway on the lot.

### **Section 3.11 Conditions Caused By Existing Driveways and Field Roads**

When washing or other detrimental conditions created by existing driveways or field roads become a potential hazard to a public road, the Town Board will notify the owner(s) of the land through which the driveway/field road passes of such conditions and require the owner to take remedial action to correct the problem. Any property owner, failing to correct such conditions within the time limit given in the 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).

### **Section 3.12 Fees**

- I The applicant shall pay the Town all fees required herein and at the times specified. In the event fees are not timely paid, the Town shall not be required to take any further action with respect to the driveway or field road permit and such costs shall be assessed as a special charge against the property served, pursuant to Wis. Stats. §66.60 (16).
- II The applicant shall pay a fee equal to the actual cost to the Town for all engineering work and inspections incurred by the Town in connection with the driveway permitting process.

### **Section 3.13 Penalties**

- I Any person or persons, firm, company or corporation, owner, occupant, or other user of the premises, who violates, disobeys, omits, neglects or refuses to comply with or resist the enforcement of any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$50.00, nor more than \$200.00 and costs. Each day that a violation is permitted to exist shall constitute a separate offense. Compliance herewith shall be enforceable by injunctive order at the suit of the town. It shall not be necessary to prosecute for forfeiture before resorting to injunctive proceedings.



- II The owner of the land on which a violation of this ordinance exists shall make corrections as specified by the Town Board. Such corrections shall be accomplished within a reasonable time as determined by the Town Board, but not exceeding 180 days. The corrections so specified and the time in which they are required to be accomplished shall be set forth in writing and shall be served on the owner or owners of the land in the same manner as the service of summons. If the required corrections are not accomplished within the time specified, the Town Board may cause the corrections to be performed and the affected owner or owners shall pay the cost incurred thereby, jointly and severally. If not timely paid, such costs shall be assessed as a special charge against the property served, pursuant to Wis. Stats. §66.60 (16).

**Section 3.14 Effective Date.** This Ordinance shall take effect and be in force after its passage by the Town Board of the Town of Roxbury one day after the proper publication and posting required by Wisconsin Statutes.

Dated this 15<sup>th</sup> day of October, 2001.

- II** The owner of the land on which a violation of this ordinance exists shall make corrections as specified by the Town Board. Such corrections shall be accomplished within a reasonable time as determined by the Town Board, but not exceeding 180 days. The corrections so specified and the time in which they are required to be accomplished shall be set forth in writing and shall be served on the owner or owners of the land in the same manner as the service of summons. If the required corrections are not accomplished within the time specified, the Town Board may cause the corrections to be performed and the affected owner or owners shall pay the cost incurred thereby, jointly and severally. If not timely paid, such costs shall be assessed as a special charge against the property served, pursuant to Wis. Stats. 66.60 (16).

**Section 3.14 Effective Date.** This Ordinance shall take effect and be in force after its passage by the Town Board of the Town of Roxbury one day after the proper publication and posting required by Wisconsin Statutes.

Dated this 15<sup>th</sup> day of October, 2001.



**Figures**

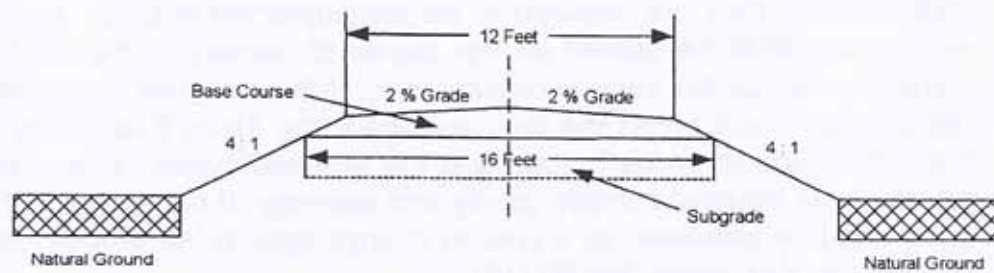


Figure 1

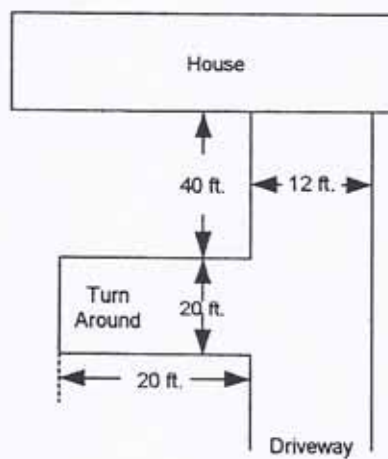


Figure 2

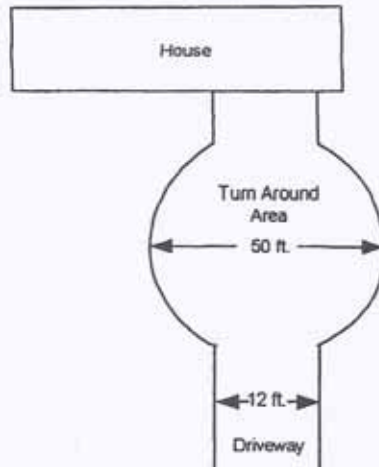
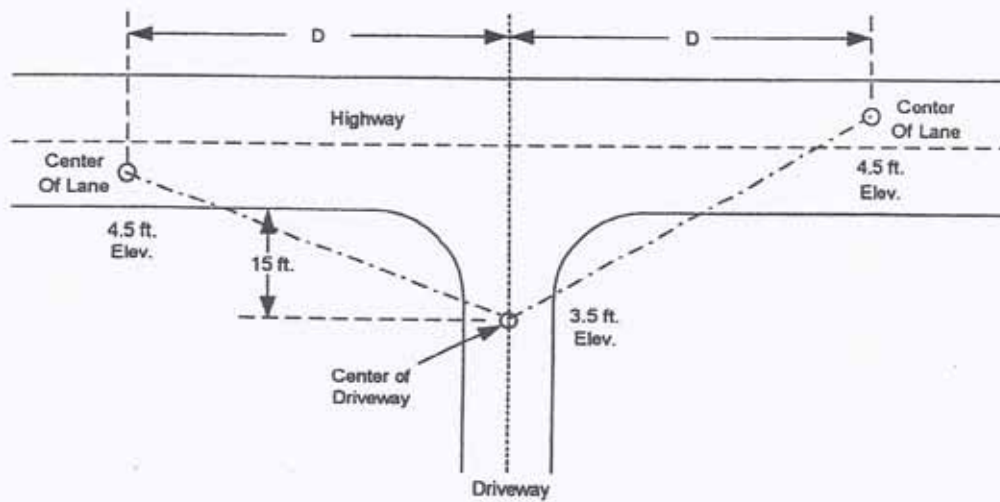


Figure 3

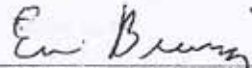


Speed Limit In MPH	Distance "D" In Feet
25	250
30	300
35	350
40	400
45	450
50	500
55	550

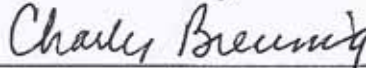
Figure 4



WHEREAS THIS ORDINANCE NO. 2001-A, was passed at a lawful Town Board Meeting of the Town of Roxbury, on October 15, 2001.



Ervin Breunig, Chairperson



Charles Breunig, Supervisor



Nick Ganser, Supervisor

Attested by:

  
Robert M. Pings, Clerk

Date: October 15, 2001

# TOWN OF ROXBURY DRIVEWAY INSPECTION REPORT

Permit Holder \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_

		Yes	No	Does not apply
I.	An engineer's plan showing adequate erosion control measures is required for any segment of the proposed driveway which disturbs land with a slope of more than twelve percent (12 %) or an area greater than 4000 square feet	_____	_____	_____
II.	No land with a slope of more than twenty percent (20 %) shall be disturbed for construction of a driveway except under extraordinary Circumstances as stated in Section 1.09 ( 11 ) ( C ), Environmental Criteria, Roxbury Ordinances.	_____	_____	_____
III.	The single residence driveway clear shall be a minimum of 20 feet wide and 14 feet high with a minimum finished surface width of no less than 12 feet. There shall be a 4 foot to one foot slope down to ditch line. Construction to be similar to that shown in Figure # 1.	_____	_____	_____
IV.	If driveway is raised or filled, right-of-way criteria are the same as Stated in item #3. Construction to be similar to that shown in Figure # 3.	_____	_____	_____
V.	Total driveway length, measured from the center of the public road-Right-way, shall not exceed 1320 feet. This length includes that of any Existing driveways used to gain access to public road.	_____	_____	_____
VI.	Curves in the driveway shall have an inside radius of no less than 25 feet turning radius at the point the driveway meets the public Road shall also be no less than 25 feet.	_____	_____	_____
VII.	For shared driveways, the clear area shall be a minimum of 24 feet Wide and 14 feet high, with a minimum surface of 16 feet.	_____	_____	_____
VIII.	Driveways that are longer than one hundred fifty (150) feet measured From the public road center line will require a turn around similar to those shown in Figures #2 and #3.	_____	_____	_____
IX.	The first thirty-three (33) feet of the driveway from the edge of the Public roadway shall rise no more than four percent (4%) and from that point the maximum grade on any one portion of the driveway shall be no more than ten- percent (10).	_____	_____	_____



		Yes	No	Does not apply
X.	The driveway must have a least four (4) inches of two-inch (2) rock On the sub grade, covered with a final surface of two inches (2 ) of Three- quarter inch (3/4) gravel with a width of a least of 12feet ( 16 feet for a shared driveway). Other acceptable final surfaces are asphalt or concrete.	_____	_____	_____
XI.	An area ten feet (12 feet for shared driveway) each side of the centerline of the driveway and a height of fourteen (14) feet above the centerline sufficient to permit the safe passage of emergency vehicles must be clear of obstructions.	_____	_____	_____
XII.	Vision corners must be free of all obstructions at each access point In accordance with the Vision Corner Diagram show in Figure #4. Driveway vision corners are to be measured from the point three and one half (3 1/2) feet above the center of the proposed access, fifteen (15) feet back from the edge of pavement of the town road, to two points four and one-half (4 1/2) feet above the center of the coming lane of the town road in each direction, at a Distance "D" shall correspond to the speed limit of the road. If the given speed limit is not listed, the next highest speed limit shall be used.	_____	_____	_____ nearest c
XIII.	A field road or driveway used only for agricultural purposes and not leading to a residence is exempt from these specifications with exception of Section XII detailing vision corners.	_____	_____	_____
XIV.	Concrete may only come to the right of way and not to the road Edge.	_____	_____	_____

The driveway is approved by the Town of Roxbury.

Yes NO

Inspected by \_\_\_\_\_  
Chairperson-- Supervisor

Date \_\_\_\_\_ 20\_\_\_\_.

**ORDINANCE OF THE TOWN OF ROXBURY, DANE COUNTY WISCONSIN**

**Title: Driveway Permit Ordinance – New Section 3.045**

Date adopted \_\_\_\_\_

Vote \_\_\_\_\_

Date of posting of adoption of ordinance \_\_\_\_\_

WHEREAS, the Town of Roxbury previously adopted Ordinance No. 2001-A titled "Driveway Permit Ordinance"; and

WHEREAS, the Driveway Permit Ordinance was amended on 1/27/2002 and 5/2/2005; and

WHEREAS, the Town Board wishes to further amend the Driveway Permit Ordinance.

NOW, THEREFORE, the Town Board of the Town of Roxbury, hereby amends the Driveway Permit Ordinance, and ordains as follows:

New Section 3.045 shall be added the Driveway Permit Ordinance as follows:

**Section 3.045 Driveways in Platted Subdivisions**

- I. Any person or developer who owns a lot or lots within a platted subdivision (as those terms are defined in the Town subdivision ordinance), may request that the Town Board authorize the issuance of driveway permits for a lot or lots within the subdivision under the procedures set forth in this section 3.045 (*hereinafter* "Alternate Procedures").
- II. The Town Board may, but is not required to, authorize the use of these Alternate Procedures. The Town Board may confirm the use of the Alternate Procedures by Town Board motion or resolution provided that the person or developer requesting such use:
  - A. Makes a sufficiently detailed oral or written request to the Board describing the lots that will be covered by the Alternate Procedures;
  - B. Makes satisfactory arrangements to address the bonding requirements in the ordinance;
  - C. Agrees that all required fees and inspection costs will be paid as required under this ordinance;
  - D. Agrees that all driveways will meet the necessary technical standards set forth in this ordinance;
  - E. Provides any other information, plans, drawings, or specifications requested by the Town Board.

In authorizing the use of the Alternate Procedures, the Board may set forth any reasonable condition or requirement otherwise allowed by this ordinance or the subdivision ordinance.

- III. Driveway Approval Procedure in Platted Subdivisions. If the Town Board approves the use of the Alternate Procedures:
  - A. The developer or owner shall submit the driveway permit application and construction plans to the Town Engineer.
  - B. The developer or owner shall submit the permit fee and any required bond funds, made payable to the Town of Roxbury to the Town Engineer.



- C. The developer or owner shall submit the erosion control and engineering plan, if required under the other provisions of the ordinance, to the Town Engineer.
  - D. The Town Engineer shall be authorized to perform any and all required reviews, recommendations, and inspections of the driveway permit, application, plans, driveway location, driveway construction, or any other reviews or inspections otherwise required under this ordinance.
  - E. The Town Engineer shall be authorized to approve and issue the driveway permit, provided that the driveway conforms to all applicable Town driveway standards and all appropriate fees are paid.
  - F. The Town Engineer shall provide regular monthly updates to the Town Board on any driveway permits issued under this section.
- IV. Any dispute arising between the Town Engineer and owner or developer regarding the issuance or review of a driveway permit shall be brought to the Town Board for a final decision.
- V. At its sole and unilateral discretion, the Town Board may revoke the use of the Alternate Procedures by motion or resolution.

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Ervin Breunig, Town Chair

ATTEST:

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Bob Pings, Town Clerk

Approved as to form as of this  
19<sup>th</sup> day of February, 2008  
ANDERSON & KENT, S.C.



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Constance L. Anderson or Gregory D. Murray  
Roxbury Town Attorney