

TOWN OF LAKEWOOD

DRIVEWAY AND DRIVEWAY CONNECTION PERMIT ORDINANCE

7.0700 TITLE

The title of this ordinance is the Driveway and Driveway Connection Permit Ordinance

7.0701 AUTHORITY

The Town Board has the specific authority under Wis. Stat. §§ 66.0425 and 86.07 to adopt and enforce this Driveway and Driveway Connection Permit Ordinance. The Town has the general authority under Wis. Stat. § 60.22 to adopt this ordinance.

7.0702 PURPOSES

The purposes of this ordinance are to (1) regulate, for public health and safety reasons, the establishment, repair, construction, improvement, modification, and reconstruction of driveways and driveway connections in the Town, (2) assure that the methods of repair, construction, improvement, modification, and reconstruction practices used in any driveway and driveway connections will adequately protect public health, safety, and general welfare of people in the Town, and (3) limit and regulate access by motor vehicles to Town roads. This is not a zoning ordinance.

7.0703 ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the Town Board on a roll-call vote with a quorum present and voting, and proper notice having been given, regulates driveways and driveway connections in the Town by permit.

7.0704 DEFINITIONS

In this ordinance:

- A. "Access" means permission for a driveway connection within a public road right-of-way allowing access for motorized vehicles.
- B. "Alter" means any change made to a driveway or driveway connection beyond routine maintenance. This includes a change of use.
- C. "Change of use" means any modification to a parcel that results in a significant change in the number and/or types of vehicles using a parcel's driveway or driveway connection.
- D. "Emergency vehicle" means any ambulance, fire, first responder, or police vehicle used in emergency or hazard activities in the Town and includes any "authorized emergency vehicle" defined under Wis. Stat. § 340.01(3).
- E. "Driveway" means any private way, private road, field drive, or other avenue of private travel that runs through any part of a private lot or parcel of land, or that connects with or will connect with any public road.

- F. “Driveway connection” means the part of a driveway that is within a public road right-of-way and connects the driveway to the traveled part of the public road.
- G. “Driveway permit” means a permit to construct or alter a driveway granted by the Town upon application therefore in accordance with this ordinance.
- H. “Driveway connection permit” means a permit to construct or alter a driveway connection from the approved access location on a public road to the remainder of the driveway granted by the Town upon application therefore in accordance with this ordinance.
- I. “Permit” means a driveway permit and/or a driveway connection permit, as the context requires.
- J. “Permit applicant” means a person requesting a permit from the Town.
- K. “Permit application” means an application for a driveway permit and/or a driveway connection permit, as the context requires.
- L. “Permittee” means the permit applicant to whom the Town grants a permit.
- M. “Person” means any individual, corporation, limited liability company, trust, joint venture, association, company, limited or general partnership, unincorporated organization, or other entity of whatever nature.
- N. “Prime or productive agricultural or forestry land” means any land within the Town that is currently being farmed or kept in forestry, including cropland and pastureland, or land that is included in a government-sponsored agricultural or forestry program.
- O. “Public road” means any public way, thoroughfare, highway, road, street, or alley, including bridges upon the same, under the jurisdiction of and maintained by a public authority and open to public travel by motorized vehicles, including a Town road, county road, state highway, or federal highway. A public road includes the entire width between the boundary lines of every way open to the public as a matter of right for vehicular travel.
- P. “Right-of-way” means the land within legally defined property boundaries whose title rests with the Town, county, or state, and is designated or intended for use as a public road.
- Q. “Town” means the Town of Lakewood, Oconto County, Wisconsin.
- R. “Town Board” means the Board of Supervisors of the Town and includes any designee of the Town Board authorized to act for the Town Board.
- S. “Town Clerk” means the clerk of the Town.
- T. “Town road” means a public road or a segment thereof that is located within, is under the jurisdiction of, and is maintained by, the Town.
- U. “Wis. Stat.” means the Wisconsin Statutes, including successor provisions to cited statutes.

7.0705**COVERAGE**

- A. No person shall site, place, construct, or alter a driveway in the Town without first obtaining a driveway permit from the Town.
- B. No person shall site, place, construct, or alter a driveway connection in the Town without first obtaining a driveway connection permit from the Town.
- C. Any person before and at the time of applying for a permit must own or have a legal interest in, and current legal access to, the land to which the permit will apply.

7.0706**SPECIFICATIONS**

Beginning 3 months after the effective date of this ordinance for existing driveways and driveway connections and beginning on the effective date of this ordinance for new driveways and driveway connections being constructed, all driveways and driveway connections in the Town for which a permit is required under Section 7.0705 shall meet all of the following minimum requirements. No permit shall be issued unless the materials submitted as required under Sections 7.0707(B) demonstrate compliance with the requirements of this section:

<u>Construction requirements</u>	<u>Driveway and Driveway Connections</u>
A. Minimum distance from the nearest edge of the right-of-way of an intersecting public road.	Recommend 75'
B. Minimum distance from edge of driveway to adjacent property line.	5'
C. Road (driveway) surface width.	12'
D. Minimum width clearance from obstructions (6 feet each side).	24'
E. Minimum height clearance from trees, wires, etc.	18'
F. Grade: driveway section on the right of way shall slope away at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road. *Recommended Maximum grade for the entire driveway is 15%. Slope greater than 15% becomes a safety consideration for Emergency Vehicles.	>1% and <5%
F. Required bump out for every 300' driveway. To provide safe passage for meeting vehicles (bus, fire, ambulance, personal vehicles, etc.)	25' long, 18' total width

I. Roadbed (A suitable subgrade to support projected traffic and emergency vehicles)	6" of 3" road rock base; 3" of 3/4" road rock top
J. Culvert requirement. If needed, 15" diameter minimum – material to be corrugated galvanized metal. Culverts are to be bedded in with 1 1/2' road rock. (PVC and any other plastic pipe are not acceptable materials for culverts.) The landowner will remove illegal culverts	Determined at initial site visit
L. End sections on culverts. (Concrete, stone, and timber are not allowed.)	Std Mfg. apron ends
M. When the driveway in the road right-of-way is in an area sloping up from the road, the following general design must be followed:	N/A
<p>:</p>	

7.0707

APPLICATION AND PERMIT PROVISIONS

- A. The Town Board shall approve a form for application for both the driveway permit and the driveway connection permit, which shall be available from the Town Clerk. All permit applicants shall pay a non-refundable permit review and inspection fee of an amount set by the Town Board.
- B. The permit applicant shall submit to the Town Clerk a completed permit application for each desired permit with the proper fee and with the following attachments:
 1. Sketch Map. A rough sketch illustrating the conceptual idea of the project, along with its approximate location and dimensions. The sketch map may be submitted to the Town Board before the preparation or submission of the other supporting documents for the Town Board to provide initial comments and review of the proposal. Formal approval of a permit application will not be granted without the submission of complete supporting documents.
 2. Plat Map. A plat map showing the location and dimensions of the desired driveway and driveway connection locations, if any, as well as the parcels immediately adjacent to the permit applicant's property. The permit applicant may first submit only a sketch plat. Once the Town Board has reviewed the sketch plat, the permit

applicant may be required to submit an additional preliminary plat, a final plat, or both.

3. Aerial Photo/Site Analysis.
 4. Soil/Slope Analysis.
 5. Driveway Construction Plan.
 6. Road Access Location Plan.
 7. Other Documents. The Town Board may require other documents to be submitted with the permit application, including a county highway access permit.
- C. Procedures for the evaluation of the permit application by the Town Board, including any required site inspections, public hearings, and Town Board meetings, are as follows:
1. Application process.
 - a. If accessing a county or state highway, the permit applicant must contact the Oconto County Highway Department (920 834 6886) to obtain an application to do work within county highway right-of-way and a copy of the rules covering the installation of driveways on county trunk highways in Oconto County.
 - b. If accessing a county or state highway, the permit applicant must complete the county application and submit it to Oconto County.
 - c. If accessing a town road, the permit applicant must contact the Town Clerk (by phone or email) to obtain a permit application and a copy of this ordinance.
 - d. The permit applicant must fully and accurately complete the permit application, including all supporting documents.
 - e. The permit applicant must return the completed permit application and all required attachments, including, but not limited to, a detailed sketch map and plat map, a copy of the approved county driveway permit if applicable, and the required fee (Check made out to: Treasurer, Town of Lakewood) to: Town of Lakewood Clerk, P.O. Box 40, Lakewood WI 54138.
 - f. A copy of the returned information will be forwarded to the Plan Commission Chair and Public Works Foreman. They will contact the permit applicant to arrange a site visit with the permit applicant or the permit applicant's agent. At the site visit, the layout and construction plan will be reviewed, and compliance with all requirements of this ordinance will be verified. Additionally, at this time, it will be determined whether a culvert is needed, along with any other special requirements, and these will be documented on the permit application.

- g. The permit application and all supporting documentation will be reviewed at the Plan Commission's next regularly scheduled meeting.
- h. When the Plan Commission provides its recommendation and the Public Works Foreman approves the plan, the Town clerk will be notified to issue the required permit, and a copy of the permit will be sent to the permit applicant.
- i. For new homes, an application for a physical address can then be requested from Oconto County.

2. Inspection Process.

- a. When construction is complete (before paving if paving), the permit applicant shall notify the Town Clerk to schedule a final inspection.
- b. The Town Clerk will notify the Plan Commission Chair and/or the Public Works Foreman to schedule a site visit for final inspection.
- c. One or two members of the Plan Commission and/or Public Works will meet with the permit applicant or agent and review construction of the driveway or driveway connection.
- d. Upon approval, the Town Clerk will be notified that the driveway or driveway connection is approved and that a finalized driveway permit and/or driveway connection permit may be issued to the permit applicant. A second copy will be sent to the Town Building Inspector, notifying him or her that the driveway or driveway connection has been approved and any restrictions may be lifted.
- e. If it is determined that the driveway or driveway connection does not meet the requirements of this ordinance, the Town Clerk will be notified of corrective actions needed and the timeframe in which the corrective actions must be completed. The Town Clerk will record this in a letter sent by registered or certified mail to the permit applicant, notifying the permit applicant of the non-compliant issues and the time frame for corrective actions to be completed.
- f. Upon completion of the required corrective actions, the permit applicant shall contact the Town Clerk for a second inspection.
- g. Upon notification, the steps outlined in subsections (b)-(e) shall be repeated.
- h. If a driveway or driveway connection fails a second inspection, the permit applicant must submit a new permit application and pay a new application fee.

- D. The Town Board shall approve or deny every permit application, and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the permittee. Reasons for denying a permit application may include, but are not limited to:
1. The inconsistency or nonconformance of the proposed driveway or driveway connection with any of the following:
 - a. This ordinance.
 - b. Any existing Town comprehensive plan, master plan, or land use plan.
 - c. Town ordinances, rules, regulations, or plans.
 - d. Any applicable county, state, or federal laws, ordinances, rules, regulations, or plans.
 2. The driveway, bridge, culvert, or driveway connection, or any combination, when constructed, rerouted, reconstructed, or altered as proposed, would be dangerous or unsafe for use by people in the Town.
 3. The permit application as filed and submitted is incomplete or contains false material as determined by the Town Board.
 4. Alternative driveway locations, bridges, culverts, and/or driveway connection locations will be safer for people ingressing or egressing on the driveway and driveway connection by motor vehicle or for people traveling on the adjacent road by motor vehicle.
 5. Alternative driveway locations or alternative driveway connection locations will preserve or better protect more prime or productive agricultural or forestry land in the Town.
 6. Alternative driveway locations or alternative driveway connection locations will have less or no negative land use impact on wetlands, historically, archaeologically, community, public, culturally significant, or environmentally sensitive parcels of land or facilities in the Town, including land adjacent to or near the proposed driveway or driveway connection.
 7. The driveway or driveway connection will not provide timely, safe, and adequate ingress and egress for emergency vehicles.
- E. In the event of a denial of a permit application, the Town Board shall recite in writing the particular facts on which it bases its denial of the permit. The Town Board shall also allow the permit applicant to request that the Town Board review the decision. After posting or publication of a Class 1 notice of the hearing, the permit applicant may present evidence to the Town Board at the public hearing refuting the Town Board's initial determination. Thereafter, the Town Board may affirm, modify, or reverse its decision. The Town Board

shall recite in writing findings regarding any decision to modify or reverse its initial determination.

- F. The permit applicant shall notify the Town Clerk within 30 days after completion of the construction, reconstruction, rerouting, or alteration of the driveway or driveway connection. Within 30 days of notification, the Town shall inspect the driveway or driveway connection to ensure full compliance with all the permit conditions and provisions of this ordinance. After determining completeness and compliance, the Town Board shall issue the completed permit.
- G. An application fee that is nonrefundable in an amount determined by resolution of the Town Board will be charged for each permit application based on the current fee schedule.
- H. The Town will not issue a building permit to construct any buildings or structures until the driveway and/or driveway connection is constructed, reconstructed, rerouted, or altered in accordance with the specifications of the permit issued and this ordinance.
- I. As a condition of any permit, the driveway or driveway connection shall be constructed and maintained by the owner or occupant to ensure safe, timely, and proper access and travel by emergency vehicles. The Town Board, or its designees, shall have the right of inspection onto land pursuant to a warrant issued under Wis. Stat. § 66.0119, for the purpose of inspecting existing or proposed driveways and driveway connections to determine if the driveways and driveway connections will allow for safe and timely travel by emergency vehicles or vehicles of the general public.
- J. In making an application for a permit, the permit applicant agrees to the following conditions:
 - 1. Driveways and driveway connections must be completed within one (1) year after the permit is issued; otherwise, the permit shall automatically terminate. The permit may be renewed before the termination date, for a period not to exceed one (1) additional year, by payment of a fee determined by the Town Board.
 - 2. That the permit applicant represents all parties in interest, and that any driveway or driveway connection constructed by the permit applicant is for the bona fide purpose of securing access to the permit applicant's property and not for the purpose of parking or servicing vehicles, or for advertising, storage, or merchandising of goods on the road right-of-way.
 - 3. The construction of the driveway and/or driveway connection shall not interfere with any existing structure on any right-of-way without specific permission in writing from the Town Board and the other owner thereof.
 - 4. The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during the construction of any driveway or driveway connection.

5. The permittee shall provide all materials and do all work and pay all costs in connection with the construction of the driveway or driveway connection. Materials used and the type and character of the work shall be suitable and appropriate for its intended purpose, and the type of construction shall be as designed and subject to approval of the Town. The permittee shall make the installation without jeopardizing or interfering with traffic using the public road. Disturbed public road surfaces, shoulders, ditches, and vegetation shall be restored to their original condition by the permittee.
6. The permittee shall assume responsibility for all maintenance of the driveway connection from the right-of-way line to the edge of the traveled roadway.
7. No revision, addition, or relocation shall be made to the driveway or driveway connection on the right-of-way without the written permission of the Town.
8. The Town reserves the right to make changes, additions, repairs, and relocations within statutory limits to the driveway or driveway connection on the right-of-way as may at any time be considered necessary to permit the relocation, reconstruction, widening, and maintenance of the public road or to properly protect life and property on or adjacent to the public road.
9. The permittee, and the permittee's successors or assigns, agree to hold harmless the Town and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of the permit.
10. The Town does not assume any responsibility for the removal or clearance of snow, ice, or sleet, or the opening of windrows of such material, upon any part of any driveway or driveway connection along any public road even though snow, ice or sleet is deposited or windrowed on the driveway or driveway connection by its authorized representatives engaged in normal winter maintenance operations.

7.0708 HAZARDOUS CONDITIONS

When washing, stormwater flow, or other conditions created by an existing driveway or driveway connection that does not meet the specifications required in this ordinance obstruct or cause a potential hazard to a public road, the Town Board shall notify the property owner of the conditions. A property owner who fails to correct such obstruction or hazardous condition within 30 days after notice from the Town Board shall be subject to the penalties section of this ordinance.

7.0709 PENALTY PROVISION

Any person who fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00 nor more than \$500.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a

separate offense under this ordinance. The Town Board may also seek injunctive relief from a court of record to enjoin any further violations.

7.0710 SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

7.0711 EFFECTIVE DATE

This ordinance takes effect upon publication or posting. The Town Clerk shall properly post or publish this ordinance as required under Wis. Stat. § 60.80.

PERMIT FEES RECOMMENDATIONS:

NEW DRIVEWAY REQUEST - \$100

DRIVEWAY ADJUSTMENT/MODIFICATION - \$50

PERMITS APPLIED FOR AFTER INSTALLATION/MODIFICATION - \$400

NEW ROAD ACCESS REQUEST (PLAT REQUIRED) - \$100

BLACKTOP EXISTING DRIVEWAY - \$50

PERMIT APPLIED FOR AFTER BLACKTOP - \$200

REMOVAL OF ILLEGALLY PLACED DRIVEWAY – ACTUAL COST if completed by the town

EXISTING DRIVEWAY CULVERT REPLACEMENT or adding a culvert – NO FEE (