

TOWN OF COON (VERNON COUNTY)

DRIVEWAY ORDINANCE

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1. TITLE/PURPOSE

This ordinance is entitled the Town of Coon Driveway Ordinance.

The purpose of the ordinance is to regulate the location and construction of any private access road (private driveway) that will intersect any public road in the Town of Coon. The ordinance will set forth an orderly procedure for obtaining a driveway permit, and will establish driveway permit fees and penalties for failure to obtain a required driveway permit.

2. AUTHORITY

These regulations are adopted under the general authority granted to the Town of Coon pursuant to sec. 60.10(2)(c), 60.22(3), and 61.34(1) of the Wisconsin Statutes.

3. GENERAL PROVISIONS

A Driveway Permit is required whenever a proposed private access road (private driveway) will intersect any public road in the Town of Coon

If the proposed driveway will intersect a county or state highway, the Wisconsin Department of Transportation, the Vernon County Highway Department and or the Vernon County Zoning Administrator will establish the rules and regulations regarding conditions for the permit and compliance with the permit.

If the proposed driveway will intersect a town road, the Board of the Town of Coon, subject to the following rules and regulations, will issue the Driveway Permit:

A. Requirements Governing the Driveway and its Intersection with a Public Road:

The private 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. In order to meet this requirement, the Board

will determine (based on the specific location) whether or not a culvert is required and, if so, the minimum diameter and the length of the culvert. It will also determine the angle and slope of the intersecting portion of the driveway and whether any erosion control devices must be installed at or near the intersection in order to minimize damage to the public road. The minimum road width at the intersection shall be 20 feet, with a minimum width clearance of 24 feet and a steel culvert, if necessary, no less than 30 feet. The minimum height clearance, free of trees, wires, etc., shall be 16 feet. It shall have a road bed of 6 inches of 2-3" breaker rock covered with four inches of ¾ inch aggregate gravel at grade. The driveway within the area of the public right-of-way shall slope away from the public road at a minimum of 1% and a maximum of 5% and for 15 feet from entrance to town road to prevent erosion onto the public road. The angle of any intersection of a town road and driveway shall be no less than 90 degrees...

B. The applicant must agree to comply fully with Sections. 66.0425 And 86.07 Wis. Stats, regarding correction of damage to public roads.

C. Minimum Driveway Standards

The Town Board requires that a proposed driveway that serves a dwelling (use MFL definition for dwelling) shall meet the minimum standards outlined below throughout its length to allow for possible ingress of emergency vehicles:

Road width 14 ft.

Width Clearance 14 ft.

Height Clearance 16 ft.

Maximum grade 15%

The roadbed shall consist of 6 inches of 2-3" breaker rock covered with 4 inches of ¾ " gravel. At the end of the driveway, a circle drive or cul-de-sac of 60 ft. radius shall be provided or another method provided to allow turn-around of service and emergency vehicles.

D. A landowner who has purchased vacant property with no intention of farming or building any improvements (for example, for hunting, camping, hiking, etc.), must construct a driveway that at a minimum will allow parking off the town road right-of-way. A permit must be obtained from the Town Board and the driveway must meet all applicable standards for location, slope, drainage, size of culvert, and surface preparation outlined in Section 3 (A) above.

E. If a landowner alleges that a driveway exists that is presently serving open land without improvements, and that now an application is being filed for a building permit for a structure which will be served by that alleged driveway, the Board will examine the existing driveway to determine if it is adequate to meet the specifications of this ordinance. The Board will either document in writing the existence of an approved driveway or will require changes to bring the driveway up to standard. **An approved Town Driveway Permit must be in place before a building permit can be issued.**

F. This ordinance does not address or regulate access from a town road to agricultural land by agricultural Implements and related equipment. No driveway permit is required for entry for agricultural purposes into a field or woods that border a town road. However, Secs. 66.0425, 80.021, and 86.07 Wis. Stats, would apply regarding damage or obstruction to a public road or right-of-way. No provision of this ordinance would relieve any person from a requirement to comply fully with Secs. 66.0425, 86.021, and 86.07, and corrective action would always be required from an owner or operator who damages a public road. Any access to agricultural land from a county or state highway will be governed by the Wisconsin Department of Transportation and/or the Vernon County Highway Department and this ordinance has no authority over their conditions or requirements.

G. Any property that is developed with cabins or small non dwellings must have approved driveways before the land can be split up and sold.

H. When a driveway permit is issued or an existing driveway is approved, an Address Number will be assigned to the location and a sign will be obtained and installed by the Town of Coon.

I. The minimum setback distance from any adjoining property line to the closest edge of the driveway is 25 feet.

4. PROCEDURE AND FEES

Application for a Driveway Permit to intersect a town road should be made to the Town Chairperson, or his appointee. The application will include the legal description of the property, a rough drawing of the proposed driveway site, and payment of the required fee.

The Chairperson or his appointee will make an appointment to meet with the applicant at the site to discuss the specifics of the access road. Any specific requirements will be entered on the permit and written permission will be given to begin construction.

All expenses of construction and materials will be the responsibility of the applicant. Under no circumstances will the Town of Coon perform the actual work of constructing the private access road or setting the culvert, but the Town Chairperson may require that a town employee be present to oversee the construction.

If the requirements and procedures of this ordinance are not followed and a private driveway is constructed in such a way as to cause damage to the town road or to create a hazard to public safety, the township will require that the private access road or driveway be changed to correct these flaws at the private owner's expense.

When the private access road/driveway is completed, the applicant will notify the Town Chairperson or appointee who will then make a final inspection of the driveway, and if the driveway is properly constructed, the Chairperson or appointee will approve the driveway in writing on the permit.

The Board of the Town of Coon will establish the fees for obtaining a Driveway Permit and penalties for failure to obtain a Driveway Permit before constructing a private access road. The fee schedule will be reviewed annually by the Board and adjusted as needed so that the fee will cover the direct costs of onsite consultation, inspection and administration, and the cost for an Address Number sign.

The Initial fee schedule established by the Board is shown below and is effective with adoption of this ordinance:

Driveway Permit (includes initial on-site consultation and final site inspection and approval) **\$75.00**

Address Number Sign **\$60.00**

5. PENALTIES

Any driveway constructed on land in the Town of Coon in violation of any of the provisions of this Ordinance shall be deemed to be an unlawful driveway.

Any person who constructs an unlawful driveway, which intersects a town road in the Town of Coon in violation of any provision of this Ordinance shall be required to forfeit not less than \$10.00 or more than \$100.00. Each day a violation continues without action taken to remedy the situation constitutes a separate offense.

Any person who constructs an unlawful driveway, which intersects a state or county highway on land in the Town of Coon, will be subject to any penalties, forfeitures or conditions established by the State of Wisconsin and/or Vernon County.

Any physical changes required by the Board of the Town of Coon to an unlawful driveway to bring the driveway into compliance with the terms of this Ordinance and the terms of the Driveway Permit will be made at the private owner's expense.

6. VARIANCE

Any variance from these requirements must have prior approval from the Town Board.

7. DEFINITIONS

For the purpose of this ordinance the following definitions shall be used:

Driveway (Also called **Private Access Road**) A private road which gives access to private property from a public roadway.

Driveway Permit (Issued by Town of Coon) a permit to construct a private driveway from a town road, through (the public road right-of-way to private property. A permit for a driveway which would access a State or County highway, road or street will defined, regulated and administered by the State of Wisconsin and/or Vernon County and is not covered by this ordinance.

Dwelling Per state definition of meeting five of eight characteristics pertaining to dwelling as referenced in MFL legislation and according to Wisconsin Administrative Code NR46.15(9) or if structure is occupied on a full time basis.

Intersection The portion of the driveway that passes through the public right-of-way to the town roadway.

Town Road Right-of-Way Town roads in the Town of Coon are presumed to be four rods in width unless originally deeded to the town with a lesser width specified.

8. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

(1) Town Board Approval. This Ordinance was adopted by the Town Board on this ___ day of _____, 2007

APPROVED BY:

Orlan Bakkum, Chairperson _____

Craig Storm, Supervisor #1 _____

Leon Minor, Supervisor #2 _____

ATTESTED BY:

Lorraine Bakkestuen, Clerk _____