

Town of Medina  
Dane County, WI

Driveway Ordinance

1.1 PURPOSE

The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification, or the reworking of a driveway that changes the existing topography of the land to assure that the site, method of construction, and conservation practices to be used will promote the public health, safety, and general welfare of the community, preserve agricultural land and productivity, and enforce the goals and policies set forth in the Town of Medina Land Use Plan.

1.2 JURISDICTION

Jurisdiction of these regulations shall include all driveways on land within the Town of Medina.

1.3 AUTHORITY

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

1.4 DEFINITIONS

- (1) 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 that serves a residential dwelling, commercial building or that requires a paid permit by the County.
- (2) Agricultural Road. A road used to service agricultural buildings or vacant land.
- (3) Town Building Inspector. The individual hired by the Town Board to act in this capacity.
- (4) Town Board. The Town of Medina Board of Supervisors.
- (5) Town Clerk. Clerk of the Town of Medina.
- (6) Topography. The surface configuration of an area of land.
- (7) Agricultural Land. Land within the Town of Medina that has produced or

is capable of producing a viable crop.

## 1.5 APPLICATION REQUIREMENTS AND PROCEDURES

- (1) Who Must Apply. No person or entity shall establish, construct, improve, modify, or rework a driveway that materially changes the existing topography of the land without first obtaining a Driveway Construction Permit from the Town Board.
- (2) Application Forms. The Town Board shall approve a form for applications for driveway permits. These are available from the Town Clerk.
- (3) Application. Submit a completed Driveway Construction Permit Application with the appropriate fee and the following required attachments, as required, to the Town Clerk. The attachments (a) through (f) are described in the Town's Applications Guide, a copy of which is available from the Town Clerk.
  - a. Plat map.
  - b. Aerial photo/site analysis.
  - c. Soil/slope analysis.
  - d. Driveway Construction Plan to meet the specifications in 1.6 and 1.7.
  - e. County or State Highway permit where applicable.
  - f. Preliminary Driveway Approval from Planning Commission.
  - g. Other Documents. The Town may require other documents to be attached to the Driveway Construction Permit Application. Such documents, if any, would be described in the Applications Guide.
- (4) Application Review. Procedures for the evaluation of the Driveway Construction Permit Application —including site view of the proposed driveway and Town Board meeting —are described in the Applications Guide.
- (5) Permit Application Denial. If an application for a Driveway Construction Permit is denied by the Town Board, no reapplication for a relatively similar Driveway Construction Permit will be considered within 3 months of the denial.
- (6) Permit Period. The Driveway Construction Permit is effective for 12 months from the date of issuance. The permit shall expire after 12 months unless renewed.
- (7) Renewal. The permit may be renewed for 1 additional period of 12 months. If the driveway has not been constructed by the end of this period, a new application must be submitted and approved.
- (8) Driveway Inspection. The applicant shall notify the Town Building

Inspector within 30 days of completion of the construction or modification. 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.

- (9) Building Permits. 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 or other approved surface, which may occur after heavy equipment needed for building activities will no longer be using the driveway.
- (10) Application Fee. An application fee of an amount determined by a resolution of the Town Board will be charged. This fee is specified in the Town Fee Schedule.

### 1.6 SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS

- (1) Slope. No land with a slope of more than 25% shall be disturbed for the establishment, construction, improvement, modification, or reworking of a driveway. The maximum final slope of the driveway or any portion of the driveway shall be no more than 25%.
- (2) Width, Rise, and Ditch Distance. The driveway shall be constructed with a minimum of 12 feet in width, with a maximum side slope of 1 foot of vertical rise for each 2 feet of horizontal distance.
- (3) Culverts. Each driveway shall have a culvert at least 18 inches in diameter at the ditch line where the driveway meets the public road, unless modified by the Town Board. The culvert length will be determined by the Town Board based on recommendations made by the Town patrolman. Culverts shall be in place if needed, before construction commences.
- (4) Juncture with Public Road. A length of driveway of a minimum of 12 feet shall have a maximum of 5% slope at the point where the driveway enters onto a public road. A slight dip across the drive shall be placed just before the culvert at the entrance to a public road to prevent debris from washing onto the public road.
- (5) Drainage. Ditches along the right of way, roadway crowning, and culverts shall be provided by the property owner for acceptable drainage. The driveway shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto the public road and/or the lands of other persons.
- (6) Side Banks. The side banks shall be graded to a slope of no more than 1 foot of

vertical rise in each 2 feet of horizontal distance. Excluded from this grading requirement are driveways for which retaining walls and/or other erosion control measures are installed as specified in a Driveway Plan approved by the Town Board. The side banks shall be constructed using earthen materials.

- (7) Radius of Curves. Curves in the driveway shall have an inside radius of no less than 36 feet.
- (8) Erosion Control. Once the construction of the driveway has begun, all specified erosion controls —including retaining walls, ditching, culverts, crowning, mulching, matting, and bank seeding — shall be begun immediately. For winter construction, erosion alternatives must be implemented within 30 days until specified controls are available.
- (9) Substrate. The driveway must have at least 2 inches of 3/4-inch rock on the roadbed. A field road is exempt from this provision.
- (10) Costs. All costs of construction of said driveway, including the cost of the culverts and Driveway Plan, if required, shall be paid by the property owner requesting the permit.
- (11) Clearance for Emergency Vehicles. All driveways shall allow reasonable access by emergency vehicles.
- (12) Waiver of Specifications. Any specification(s) in this section may be waived or modified by the Town Board if it deems the specification(s) would impose an unnecessary hardship. Any request by an applicant for a waiver or modification of any provision in this section must accompany the initial application and must state the reason for the request.
- (13) Height Clearance. A minimum height clearance free of trees, wires, etc. of 18 feet is required.
- (14) Sight Clearance. A minimum of 300 foot vision clearance is recommended along the right-of-way at the junction of the driveway with the right-of-way. This includes any obstructions such as curves, hills, embankments, etc. Adequate spacing is required between existing driveways and road junctions and proposed driveways to be determined by volume and type of traffic.
- (15) Driveway Topography. Any driveway that exceeds 300 feet in length is required to have a passing lane every 300 feet that is 20 feet in width and 35 feet in length. Additionally, the driveway must have an adequate turn around at the end to accommodate the turn around of emergency vehicles.

## 1.7 DRIVEWAY PLAN SPECIFICATIONS

- (1) Components. If required, a Driveway Plan will include a scale plan showing the following:
  - (a) Location. A Location Plan is required for all segments of the proposed driveway not covered by a Driveway Plan. The plan shall be drawn to scale and show the location of the driveway on the lot.
  - (b) Slope. The slope of the driveway showing no segment exceeding 25%.
  - (c) Retaining walls. The location and structure of any retaining walls.
  - (d) Culverts. The location and size of any culverts.
  - (e) Cross-section. A cross-section of the driveway.
  - (f) Erosion control. The required mulching, matting, or other erosion control.
- (2) Approval.
  - a. Conditions. No construction of a driveway may commence until the Driveway Plan, if required, is reviewed by the Town patrolman, is approved by the Town Board, until a Driveway Construction Permit is issued by the Town and, when applicable, any necessary approvals are obtained from Dane County or the State of Wisconsin (See sec. 86.07 of the Wisconsin Statutes). The preparation of a Driveway Plan does not guarantee the Town's approval of the Driveway Construction Permit Application.
  - b. Inspection. After the driveway has been completed, the Town Building Inspector shall inspect the driveway to determine whether or not it was constructed according to the plan(s) and is consistent with the requirements of this Ordinance.
  - c. Disclaimer. The Town's approval of a driveway permit application does not constitute a determination that the driveway is safe, suitable, for use or otherwise passable for the public. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose.

## 1.8 EXISTING DRIVEWAYS

- (1) Hazardous Conditions. When washing or other conditions created by existing driveways or agricultural roads that do not meet the specifications

required in this Ordinance obstruct or become a potential hazard to a public road, the Town Board shall notify the property owner of the conditions. Any property owner failing to correct such condition within 30 days after notice by the Town Board shall be subject to the penalties described in the penalties section of this Ordinance.

- (2) Agricultural Roads. No agricultural road may be used for non-agricultural purposes unless the agricultural road has been approved as a driveway under the purposes of this Ordinance.
- (3) Non-Conforming Driveways. Non-conforming driveways shall be brought into compliance with this ordinance with any residential, commercial construction or rezoning of the property.

## 1.9 AGRICULTURAL ROADS

- (1) Width, Rise, and Ditch Distance. The driveway shall be constructed with a minimum of 12 feet in width, with a maximum side slope of 1 foot of vertical rise for each 2 feet of horizontal distance.
- (2) Culverts. Each driveway shall have a culvert at least 18 inches in diameter at the ditch line where the driveway meets the public road, unless modified by the Town Board. The culvert length will be determined by the Town Board based on recommendations made by the Town patrolman. Culverts shall be in place if needed, before construction commences.
- (3) Juncture with Public Road. A length of driveway of a minimum of 12 feet shall have a maximum of 5% slope at the point where the driveway enters onto a public road. A slight dip across the drive shall be placed just before the culvert at the entrance to a public road to prevent debris from washing onto the public road.
- (4) Drainage. Ditches along the right of way, roadway crowning, and culverts shall be provided by the property owner for acceptable drainage. The driveway shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto the public road and/or the lands of other persons.
- (5) Erosion Control. Once the construction of the driveway has begun, all specified erosion controls —including retaining walls, ditching, culverts, crowning, mulching, matting, and bank seeding —shall be begun immediately. For winter construction, erosion alternatives must be implemented within 30 days until specified controls are available.
- (6) Costs. All costs of construction of said driveway, including the cost of the culverts and Driveway Plan, if required, shall be

paid by the property owner requesting the permit.

- (7) Waiver of Specifications. Any specification(s) in this section may be waived or modified by the Town Board if it deems the specification(s) would impose an unnecessary hardship. Any request by an applicant for a waiver or modification of any provision in this section must accompany the initial application and must state the reason for the request.
- (8) Height Clearance. Adequate clearance of utility lines at road right of way.
- (9) Sight Clearance. Adequate sight clearance to be determined by the Town Board based on use of the access.

### 1.10 AGRICULTURAL PRODUCTIVITY

The Town Board shall attempt to approve a driveway with the least substantial adverse impact on agricultural land.

### 1.11 PENALTIES

- (1) Forfeitures. Should a driveway be constructed or modified in violation of the provisions of this Ordinance, or create a hazard that is not corrected within 30 days of notification, the owner(s) of the land through which the driveway passes shall, upon conviction, pay a forfeiture of \$100.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense. An unlawful driveway constitutes a public nuisance and may be enjoined,
- (2) Corrections. In addition, the landowner shall make the corrections ordered by the Town Board within 30 days or a period of time determined by the Town Board.

### 1.12 SEVERABILITY

The provisions of this Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

### 1.13 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 \_\_\_\_\_, 2015.
  
- (2) Public Notice.
  - a. Public Review. A notice was published in the Courier newspaper on \_\_\_\_\_ to inform residents that a final draft of this Driveway Ordinance was on file with the Town Clerk for a two week period during which it was available for inspection.
  
  - b. Posting. This Notice of Adoption of Ordinances relating to this Ordinance was posted on \_\_\_\_\_. 2015 at the Medina Town Hall.
  
  - c. Publication. A Notice of Adoption of Ordinances relating to this Ordinance was published in the Courier newspaper, the publication of record for the Town of Medina on \_\_\_\_\_, 2015.