

AN ORDINANCE TO ESTABLISH DRIVEWAY CONSTRUCTION AND TOWN HIGHWAY ACCESS STANDARDS IN THE TOWN OF KENDALL, LAFAYETTE COUNTY, WISCONSIN, AND TO ESTABLISH PENALTIES FOR VIOLATION THEREOF

1.0 TITLE/PURPOSE

The title of this ordinance is the **Town of Kendall Driveway and Highway Access Permit Ordinance**. The purpose is to regulate, for public health and safety reasons, the establishment, repair, construction, improvement, modification, and reconstruction of private driveways, to assure that the methods of repair, construction, improvement, modification, and reconstruction practices used in any driveway that accesses a Town Road from private property in the Town of Kendall.

2.0 AUTHORITY

The Town Board has the specific authority under ss. 66.0425 and 86.07, Wis. Stats., to adopt a town highway access permit ordinance, and has the general authority under its Village powers under Wis. Stat. Sec. 60.22 to adopt this ordinance.

3.0 ADOPTION OF ORDINANCE

The Town Board, by this ordinance, adopted on proper notice with a quorum and roll call vote by the majority of the Town Board present and voting, provides the authority for the town to regulate and permit certain driveways and highway access locations in the Town.

4.0 DEFINITIONS

In this ordinance:

(1) "Driveway" means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide service to a residence, business, recreational site, or other similarly appropriate use.

(2) "Wis. Stats." Means the Wisconsin Statutes, including successor provisions to cited statutes or amendments to cited or successor statutes.

(3) "Ag Access Driveway" A private driveway, road or other avenues of travel that runs thru any part of a private parcel of land that connects with any public roadway, that is used for the sole purpose of providing roadway access to fields or other agricultural access for the purpose of planting, cultivating and harvesting of crops.

(4) "Residential" All portions of a private way, road or other avenue of travel that runs from any public roadway through any private parcel of land for the sole purpose of a service entrance of a single-family residence.

(5) "Commercial" All portions of a private way, road or other avenue of travel that runs from any public roadway through any private parcel of land for the sole purpose of a service entrance of a service entrance of a business structure.

5.0 COVERAGE

No person shall establish or construct a driveway or reconstruct, reroute, or alter the existing slope of any existing driveway in the Town without first obtaining a Town Driveway/Highway Access Permit to be issued by the Town Board.

6.0 MINIMUM REQUIREMENTS

- (1) No permit shall be issued unless the following specifications are met:
 - (a) The driveway shall have a minimum traveled way width of 14 feet.
 - (b) The driveway shall have a minimum width clearance of 30 feet.
 - (c) The driveway shall have a minimum height clearance of 18 feet,
 - (d) The maximum grade of the driveway shall be 10%.
 - (e) The Town Board or its authorized representative shall determine the minimum culvert widths and lengths.
 - (f) Erosion control measures to be determined by the Town Board as necessary.
 - (g) Any curve in the driveway must allow for safe and prompt access by large fire trucks and other emergency vehicles.
- (2) The standards required under Section (1) shall apply to the entire length of any driveway serving residents and/or businesses whether any such driveway is located on the property served by the driveway or is an easement over the property of another for access or egress purposes or both.
- (3) 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% to prevent erosion onto the public road. The driveway shall have a roadbed base of a minimum of four inches of 3-inch breaker rock, which thickness may be increased to not more than nine inches depending on conditions, covered by not less than five inches of 1/2 inch gravel.
- (4) The driveway shall have an approach at the place where it intersects with the public road of at least 30 feet in width and an unobstructed view of at least 600 feet in each direction at that place unless the Town Board approves a lesser distance. (NOTE: County and state roads may have a different requirement.)
- (5) County and State standards shall apply, respectively, to access to county and state highways and, if different from the standards provided herein, the most restrictive standard shall apply.

7.0 APPLICATION PERMIT PROVISIONS AND PROCEDURES

- (1) The Town Board shall approve a form for application for the Town Driveway/Highway Access Permit, which shall be available from the Town Clerk.

- (2) The applicant for a permit shall submit to the Town Clerk a completed application with the appropriate fee and with a location construction plan showing the specifications of the driveway (including grade, slope, width and length and any erosion control measures). A property owner, the owner's agent or the owner's contractor, may submit the application.
- (3) Procedures for the evaluation of the Town Driveway Permit Application and any required Town Highway Access Permit Application by the Town Board are as follows:
 - (a) Upon receipt of the application materials described in s. (2), the Town Chairman or a Town Supervisor, or the Town Board as a whole, may inspect the site of the proposed driveway. The applicant will receive notice, either verbally or in writing of any such inspection.
 - (b) Subsequent to inspection, if any, the Town Board will act on the application. The applicant will receive notice, either verbally or in writing of any meeting at which action on the application may be taken.
- (4) The Town Board shall approve or deny any application and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the applicant/permittee. Reasons for denying a Town Driveway Permit Application or Town Highway Access Permit Application may include, but are not limited to:
 - (a) The inconsistency or nonconformance of the proposed driveway or highway access with this ordinance, with any existing town comprehensive plan, master plan, or land use plan, with other town ordinances, rules, regulations, or plans, or any applicable County, State, or Federal laws, ordinances, rules, regulations, or plans.
 - (b) The driveway and/or highway access, when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for use by persons in the town.
 - (c) The application as filed and submitted is incomplete or contains false material as determined by the Town Board.
 - (d) Alternative driveway or highway access locations will be safer.
 - (e) The driveway and/or highway access, when constructed, rerouted, reconstructed, or altered as proposed would not alter, impede, or direct the flow of surface water in a manner detrimental to property, the environment, ground water, safety, and the general public.
- (5) In the event of a denial of a Town Driveway/Highway Access Permit Application, the Town Board shall provide in writing the particular facts upon which it bases its denial of the permit. The Town Board shall also afford the applicant an opportunity to request that

the Town Board review the decision. The applicant may present information to the Town Board refuting the Board's initial determination. Thereafter, the Town Board may affirm, reverse or modify its decision. The Town Board shall recite in writing findings to any decision to modify or reverse its initial determination.

- (6) If the Town Board denies two consecutive applications for a Town Driveway/Highway Access Permit on the same parcel, no subsequent reapplication for a permit of the same type that was denied for that parcel will be considered within twelve (12) months of the second denial of either.
- (7) The Town Driveway/Highway Access Permit is effective for twelve (12) months from the date of issuance and shall expire after twelve (12) months.
- (8) The applicant shall notify the Town Chairman within 30 days after completion of the construction, reconstruction, rerouting, or alteration of the driveway or highway access. Within 30 days of notification, the Town will conduct an inspection of the driveway or highway access to ensure full compliance with all of permit conditions and provisions of this ordinance. Upon determination of completeness and compliance, the Town Board shall issue the permit.
- (9) No building permit for any construction of buildings or structures will be issued by the town until the driveway/highway access is constructed, reconstructed, rerouted, or altered according to the specifications of the permit as issued and this ordinance.
- (10) A non-refundable permit fee in the amount of \$100.00 will be charged for each permit application.
- (11) A refundable performance deposit of \$500.00 must also be submitted with each driveway application. The deposit, or a portion thereof, will be refunded when all applicable provisions of this ordinance are properly met.

8.0 EFFECT OF NON-COMPLIANCE

Should a driveway be constructed or modified in a way which violates the provisions of this ordinance, the owner of the land through which the driveway passes shall forfeit an amount equal to three times the fee charged for permit application. In addition to this forfeiture, the owner of the land shall be required to make corrections indicated by the Town Board prior to notification to the Lafayette County Planning & Zoning Office that a building permit may be issued.

**TOWN OF KENDALL
APPLICATION FOR DRIVEWAY PERMIT**

Name of Applicant _____ Date: _____

Applicant's Address _____

Applicant's email address _____ Phone# _____

Property Owner's Name _____

Address of proposed driveway (If known) _____

Closest Property # existing _____

What Type of Driveway (circle one)

NEW IMPROVED RELOCATING EXISTING

What Type of Use will the Driveway Serve: ___ RESIDENTIAL

___ AGRICULTURAL

___ RURAL COMMERCIAL

Section _____ Town _____

Range _____ Quarter/Quarter _____

The Driveway will provide access to Town Road Name _____

Proposed land use of property _____

Signature

Date

A location construction plan showing the specifications of the driveway (including grade, slope, width and length and any erosion control measures) together with a permit fee of \$100.00 must accompany this application.

9.0 EFFECTIVE DATE

This Ordinance is effective on publication. The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 9 day of March, 2020.

Mark Rehmstedt, Chairman Mark Rehmstedt

Reggie Kamps, Supervisor Reggie Kamps

Bernice Fogel, Supervisor Bernice Fogel

ATTEST: Lisa Caya
Lisa Caya Clerk/Treasurer

Originally Adopted: Dec 9 2013

Date Change Adopted: MAY 11, 2020

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