

## **COVER PAGE FOR DRIVEWAY/CULVERT ORDINANCE**

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## **CHAPTER 15**

### **DRIVEWAY/CULVERT**

#### **15.01 PURPOSE.**

The purpose of this Ordinance is to promote the safety and general welfare of the citizens of the Town of New Denmark through authorization of driveway locations and minimum standards which allow proper drainage of surface waters within town ditches.

#### **15.02 DEFINITION.**

A driveway is defined as a private roadway which serves no more than one parcel of land owned by the same individual(s).

#### **15.03 APPLICATION FOR PERMIT.**

Prior to the installation of any driveway or culvert in the Town of New Denmark right-of-way, the property owner or the owner's agent shall apply in writing to the Town of New Denmark for a permit to place such driveway and culvert. Application shall include the location, length and width of the driveway along with the elevation of placement, intended diameter and length of the culvert. A check, in the amount of twenty-five (25) dollars payable to the "Town of New Denmark" shall accompany the completed application.

If the culvert is installed without an approved permit, a fine of five hundred (\$500) dollars will be assessed by the Town Board. If the Town Board determines the size and/or length of a culvert, installed without a permit, to be inappropriate, the landowner shall remove the culvert within thirty (30) days and install a culvert of the correct specifications. Upon failure to do so, the town will remove the existing culvert and install a culvert to the correct specifications. The landowner will be billed for costs associated with removal and installation.

#### **15.04 DRIVEWAY/CULVERT CONSTRUCTION APPLICATION REQUIRED.**

A. No person, partnership, company nor corporation shall locate, establish, or construct any new driveway or install or replace any culvert without having first obtained a Driveway/Culvert Construction Application from the Town Building Inspector or Town Board who shall determine need, size and grade and collect the fee as determined by the Town Board.

B. Prior to the time the use of a property served by a driveway changes, the owner and/or other necessary parties shall obtain a Construction Application from the Town of New Denmark Building Inspector and approval from the Town of New Denmark before the new use of the property can be undertaken.

#### **15.05 DRIVEWAY LOCATION.**

The Town Building Inspector or Town Board shall approve the location of any driveway which will intersect with any private road or town highway located within the Town of New

Denmark. The Town Building Inspector or Town Board will determine the need for culverts on all driveways. No more than three (3) driveways shall be permitted along the arc of a cul-de-sac.

Driveways shall be located so as to not create a safety hazard for vehicles traveling on the roadway, or vehicles existing or entering the property. The Town Board shall determine the permitted location for driveways with consideration given to the road's classification, topography, linear/curvilinear roadway attributes and posted travel speed. Driveways shall be located to permit a safe distance from a vehicle at the driveway entrance to see an approaching vehicle and to have adequate time to exit or enter the driveway safely, and for an approaching vehicle to clearly see a vehicle on the driveway and safely stop.

The property owner/developer must obtain permission from the State of Wisconsin, Department of Transportation for access to state and federal highways, and from the Brown County Highway Department for access to any county highway.

#### **15.06 GENERAL REQUIREMENTS.**

The location, design and construction of driveways shall be in accordance with the following:

A. General Design. All driveway approaches shall be at least twenty (20) feet apart and there shall be at least ten (10) feet from the edge of the driveway to the property line except by special permission from the Building Inspector. Driveways shall in all cases be placed wherever possible as to not interfere with utilities in place.

In addition to those requirements listed above, private driveways one hundred fifty (150) feet and over in length, measured from the edge of the traveled surface of the intersecting highway to the structure, must meet the following standards to permit access to principle buildings by the Town of New Demark Fire Department: a minimum twenty-four (24) foot right-of-way, minimum clear-cut width of twenty (20) feet, minimum driving surface of sixteen (16) feet, a minimum height clearance of fifteen (15) feet, and a minimum width of twenty (20) feet for all aprons and approaches. Driveways one hundred fifty (150) feet and over accessing parcels on which there are no structural improvements are exempt from the requirements in this paragraph. However, if a structure is subsequently built, this will mandate upgrade of the culvert and driveway to the standards of this Ordinance.

The Building Inspector, based on recommendations of the Town of New Denmark Fire Department, may request additional clear cut and driving surface widths to alleviate concerns caused by sharp curves, steep inclines or other situations which would interfere with emergency vehicles utilizing the driveway.

B. Culverts. The Town Building Inspector or Town Board will determine the need for culverts on all driveways. If culverts are needed, the Building Inspector or Superintendent of Highways will determine the culvert diameter and length based on site location and drainage needs. In no case shall the culvert diameter be less than fifteen (15) inches nor the culvert length less than two (2) feet greater than the width of the driveway.

C. Drainage. The surface of the driveway connecting with the highway cross sections shall slope downward and away from the highway shoulder a sufficient distance consisting of a 4' (ft) 4" (in) slope to preclude ordinary surface water drainage flowing onto the highway roadbed. Under no circumstances shall such driveway apron extend above any highway pavement.

**15.07 FINAL INSPECTION/APPROVAL.**

The final inspection and approval for driveways will be made by the Town Building Inspector or Town Board at completion of construction.

**15.08 PROHIBITED DRIVEWAYS AND/OR FILLING.**

No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure with the right-of-way limits of any highway in the Town of New Denmark except as permitted by this Ordinance. As used herein the word "structure" includes private driveways, a portion of which extends into any highway, and which is in non-conformance with this Ordinance.

**15.09 MAIL BOXES.**

Mail boxes shall be installed in accordance with the US Postal Service regulations, approximately 8 inches from the Town pavement as illustrated in the attached and incorporated diagram included in this Ordinance. Mail box supports and attachments shall be strong enough to withstand the pressure and thrust of plowed wet snow, but shall not be so formidable and massive as to damage vehicles and cause serious injury to people who may accidentally strike them.

**15.10 NEWSPAPER BOX PLACEMENT.**

All newspaper boxes within the Town limits shall henceforth be attached, or placed as close as practical to, residential and commercial mailboxes specified and utilized by the United States Postal Service. It is intended that said mailboxes shall be attached to the pole and/or other edifice utilized for placement of the United States Postal Service mailboxes.

It is intended by this ordinance that henceforth no newspaper boxes shall exist or be placed on the side of Town Roads alternate from the side whereon United States Postal Service mailboxes are placed.

**15.11 APPLICABILITY.**

This Ordinance shall apply to all driveways constructed or reconstructed within the Town of New Denmark after the effective date of this Ordinance.

**15.12 APPEAL.**

The property owner/developer has the right to appeal to the Town Board any decision/recommendation made by the Town Building Inspector or Town Board.

**15.13 ENFORCEMENT.**

No fire number or building permit for construction of any kind will be issued until such time as the Driveway/Culvert Construction Application has been approved.

**15.14 PENALTY.**

Any persons, partnerships, company or corporation who violates any provision in this Ordinance shall pay, when a permit fee is required, double the specified fee and shall remove, alter or correct the installation as ordered by the Town Building Inspector or Town Board. If the owner or occupant does not correct the installation as ordered by the Town within the allotted time, the expense of correcting the installation shall be done by the Town and the expense thereof shall be charged to the property as a special charge pursuant to Section 66.0301, Wisconsin State Statues after notice and hearing.

3/9/2009