

## Town of Woodland DRIVEWAY ORDINANCE

The Town Board of the Township of Woodland, Sauk County, Wisconsin, does ordain as follows:

### Section 1 Purpose

The purpose of this 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 Woodland. It is the intent of the Town Board of Woodland that all new private access roads regardless of whether the road remains in private control, or is a public road operated by the Town, shall meet certain minimal standards to 1) allow access of emergency vehicles to the principal structures, 2) control soil disturbance and erosion, 3) protect the aesthetic views of hillsides, and 4) protect both the Town and private property owners, and the general public, present and future, against any undue risk and property loss due to poorly designed and maintained private road access.

### Section 2 Authority

The Town Board of the Town of Woodland has been granted village powers pursuant to Sec. 60.10(2)(c), 60.22(3) and 61.34(1) of the Wisconsin Statutes. and under the controlled access highway power granted pursuant to section 83.027(10) and 84.25(10) of the Wisconsin Statutes.

### Section 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 Woodland.

If the proposed driveway will intersect a town road, the Driveway Permit will be issued by the Board of the Town of Woodland, subject to the following Rules and regulations:

- (1) The private driveway must be designed and constructed in such a way that it will not cause any damage to the public road nor create any hazard to the public as they travel on the public road.

In order to meet this requirement, the Board will determine (based on specific location) whether or not a culvert is required, and if so, the minimum diameter and length of the culvert, and 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 roads.

- (2) If a culvert is required, it must be made of steel.
- (3) The applicant must agree to comply fully with Secs. 86.07 and 86.021 Wis. Stats, regarding correction of damage to public roads.

### MINIMUM STANDARDS

- 1) A driveway width of a minimum 20 feet between ditches (may include shoulders), with at least 14 feet height clearance of trees, wires or similar obstructions to allow access for all emergency vehicles.



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- 2) If needed, a culvert will be a minimum of 30 feet in length and a minimum of 18 inches in diameter.
- 3) A maximum grade of 11 percent is recommended.
- (4) A landowner who has purchased vacant property with no intention of farming or building any improvements (for example, hunting, camping, hiking etc must construct a driveway at a minimum that 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 as outlined in Section 3(1) above.
- (5) If 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 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 into compliance. A driveway permit must be issued before a building permit will be issued.
- (6) 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. 86.021 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. 86.021 and 86.07 Wis. Stats.

## Section 4 Procedures and Fees

Application for a Driveway Permit to intersect a town road should be made to the Town Chairperson, or in his absence, to a designated Town Supervisor. 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 Supervisor 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. The Chairperson or Supervisor will have 20 working days for the application to be approved or denied. A copy of the permit will be kept by the applicant and by the Town Board.

All expenses of construction and materials will be the responsibility of the applicant. 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 manner as to cause damage to the town road or to create a hazard to public



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safety, the township will require that the private access road or driveway be changed to correct these flaws at the private property owner's expense.

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

The Board of the Town of Woodland 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 so that the fee will cover the direct costs of onsite consultation, inspection and administration.

Driveway Permit	\$50.00
(includes initial on-site consultation, any interim inspections or consultations, and final site inspection and approval)	

Approval of an Existing Driveway	\$12.00
(includes on-site inspection of alleged driveway. If it is determined that the existing driveway does not meet the specifications of the ordinance, a Driveway permit will be required.)	

## Section 5 Penalties

Any driveway constructed on land in the Town of Woodland in violation of any 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 Woodland in violation of any provision of this Ordinance shall be required to forfeit not less than \$10.00 nor more than \$100.00 for a first offense, and not less than \$100 or more than \$150 for subsequent offenses. Each day a violation continues without action taken to remedy the situation may constitute a separate offense.

Any physical changes required by the Board of the Town of Woodland 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 property owner's expense.

## Section 6 Definations

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

Driveway: a private road which gives access to private property from a public roadway.  
Also called Private Access Road.

Driveway Permit (issued by the Town of Woodland): a permit to construct a private driveway from a town road, through the public road right-of-way to private property.  
The permit regulates construction on private property only to the extent that the

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private driveway construction might affect the public right-of-way and roadway. A permit for a driveway which would access a State or County Highway, Road, or Street will be defined, regulated and administrated by the State of Wisconsin and/or Sauk County and is not covered by this ordinance.

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 Woodland are presumed to be four rods in width unless originally deeded to the town with a lesser width specified. In actual practice, some town roads right-of-way may be three rods in width based on the original deed.

## Validity

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

This ordinance shall be deemed to be in force from and after its passage, approval, publication and recording, according to law.

The foregoing Ordinance was adopted at a Regular meeting of the Town Board of the Town of Woodland on the 9<sup>th</sup> day of March, 2009.

Town Board:

Town Chairperson: Lester Woolver

Town Supervisor: Luffman

Town Supervisor: Dick Lankey

Filed this 9<sup>th</sup> day of March, 2009.

Nancy Dieck

Town Clerk