

Ordinance No. 2024-01
Town of Forest, Richland County, WI

Driveway Ordinance

Sec. 1-1 Purpose and Authorization

- A) Authorization: This ordinance is adapted pursuant to S.S 60.555, 60.627, and 281.33, Wisc. Stats.
- B) Purpose: The purpose of this ordinance is to promote public health, safety and general welfare, and to protect natural resources. The Town of Forest does enact this ordinance to regulate the construction of driveways within the Town of Forest to ensure access to all properties by emergency vehicles and to regulate construction site erosion and storm water management.
- C) Severability: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- D) Permit Fee: The permit fee shall be established by resolution by the Town Board of the Town of Forest.
- E) Effective date: The provisions of this ordinance shall take place immediately following the adoption and the posting of this ordinance.

Sec. 1-2 Definitions

- A) Field Access Driveways. Those driveways used on a seasonal basis expressly related to agriculture or driveways not accessing any structure permanent or temporary.
- B) Structure. Any building, well, well head, septic field, or otherwise requiring a permit under the Richland County zoning ordinance.
- C) Unnecessary Hardship: A condition proven by the owner that the owner has no reasonable use of the property.
- D) Multiple User Driveway: Serves more than one structure.

Sec. 1-3 Exemptions.

- A): Field access driveways are exempt from Sec. 1-5.

Sec. 1-4 Application and Permit

The application and permit shall designate the area over which the driveway shall be constructed and where access shall be required to a public highway on a form to be designed by the Town Board of the Town of Forest. The form shall require a driveway plan showing specifications, including grade, slope, width and length of the driveway, and erosion control plan. The permit shall be issued prior to any person beginning construction of a driveway within the Town of Forest. All permits shall be valid for a period of *1 year* after issuance with a *1-year* automatic extension if requested in writing by the applicant prior to the expiration of the original permit. No application will be acted upon if there are any unpaid taxes or fees in arrears.

Sec 1-5 Applicability and Specifications

The following specifications and requirements shall only apply to all new driveways proposed (after the date of this ordinance) to be constructed to serve one or more structures, and to all existing driveways which currently serve open land but are proposed to be converted to a driveway serving one or more structures.

- A)** Driveways shall be laid out for the least adverse impact to agricultural cropland and to facilitate emergency vehicles.
- B)** Driveways shall contain a minimum roadway base of 6 inches (6") of 2-1/2-inch to 4-inch breaker rock and 4 inches (4") of 3/4-inch crushed gravel. The final grading of the base shall have a crown of between 1/4" and 1/2" per foot of finished driveway width.
- C)** The maximum grade slope of any part of the driveway shall not exceed *fifteen* percent (15%). The Town may require, at the applicant's expense, verification of slope and a signed affidavit confirming slope compliance.
- D)** The minimum horizontal curve radius of any part of the driveway shall be not less than forty feet (40').
- E)** Grading shall be required to fit the natural contours of the site. The alignment shall follow natural terrain and shall attempt to retain existing trees and other natural vegetation to stabilize hillside cuts. No lands with a slope greater than forty-five percent (45%) shall be disturbed for a driveway installation. The Town may require, at the applicant's expense, verification of slope and a signed affidavit confirming slope compliance.
- F)** Each structure or parcel served requires a minimum *twenty-foot (20')* roadway width.

G) Parcels served by shared driveway require a minimum *twenty-foot (20')* roadway width the entire length, and shall have an additional two inches (2") of base and an additional two inches (2") of crushed gravel.

H) There shall be no more than one (1) residential structure on any private driveway. The Town Board, at its option, may approve an access easement for no more than three (3) residential structures. Any driveway proposed for joint use shall be required to have recorded an access easement, which shall provide for the following:

1) a sixty-six-foot (66') width,

2) a minimum of sixty-six feet (66') of frontage for each parcel serviced by the shared driveway,

3) sixty-six feet (66') of frontage along a public right-of-way,

4) enough area for a cul-de-sac having a minimum radius of sixty-six feet (66').

Designation of an access agreement, subject to Town's approval, shall be recorded as an official document with the Richland County Register of Deeds in the form of a certified Survey Map, Subdivision Plat. The easement shall include a maintenance/repair agreement.

I) The portion of the driveway which abuts the public highway shall have a minimum width of 30 feet (30') and a maximum of 50 feet (50') and a minimum of 20 feet (20') of length perpendicular to the public right of way.

The first 20 feet (20') of the driveway from the intersection of the driveway with the public roadway shall have a minimum of one percent (1%) grade with a maximum of five percent (5%) except for those covered under (L) below.

J) A minimum width clearance of *twenty-eight (28)* feet and a minimum height clearance of eighteen (18) feet shall be required for all driveways constructed under this ordinance. This includes the minimum driveway width plus a two-foot (2') shoulder on each side and a two-foot (2') ditch for drainage on each side. Tree and brush removal may be required to comply with width requirements.

K) The minimum spacing between driveways accessing a Town road shall be one hundred feet (100').

L) The portion of driveway which crosses the public right-of-way of the highway if sloping away from the highway for the first twenty-five feet (25'), shall have a slope between one and five percent (1-5%). If the driveway slopes towards the

public roadway it shall have a low point within the first ten feet (10') of the roadway of at least six inches (6") lower than the public roadway.

- M)** All disturbed areas shall be seeded and the applicant shall maintain such erosion control measures as shall be required by the Town Board. Such measures shall be decided by the board prior to the start of construction of the driveway.
- N)** At the dead end of all driveways, a turn around with a minimum radius of twenty-five feet (25') shall be provided; as an alternate, a circle with a traveled way of twenty feet (20') with a horizontal curve radius of twenty-four feet (24') measured to the edge of the traveled way nearest the center radius point, an additional alternate may be a "T" constructed with a minimum width of fourteen feet (14') and a perpendicular length of thirty feet (30') measured from the center of the driveway.
- O)** For all driveways off of town roads this permission will be included as part of the permit. For all driveways off any State or County highways this permission must be in written form and received from the appropriate highway authority and shall be made a part of the applicant's permit.
- P)** If any portion of a driveway causes safety issues (such as lights shining into traffic on the roadway), the Town Board may require barriers such as vegetation, fencing mounds, etc.
- Q)** All culverts within the right of way shall be corrugated metal pipe (CMP); culverts outside of the right of way maybe either CMP or corrugated plastic pipe (CPP) at the applicant's choice. The Town may order the replacement of culverts in the right-of-way if the culverts become damaged or are no longer serviceable for any reason; such replacement shall be at the property owner's expense.
- R)** Every one hundred to one hundred fifty feet (100' to 150') the drainage ditches shall have diversions (distance shall depend on the anticipated water flow in the ditch) directing run-off to the natural slope of the terrain. If this is not possible on one side of the driveway, a culvert shall be placed under the driveway to allow both sides to drain to the natural slope of the terrain.
- S)** The full length of all culverts shall be covered with a total minimum of three inches (3") of gravel which shall be 3/4-inch crushed gravel.
- T)** All driveways shall have a shoulder of at least two feet (2') on each side of the minimum width of the driveway. The shoulder may be constructed to the same requirements as the driveway if a desired width of driveway wider than the

minimum is desired. Any area between the finished driveway and the ditch line shall slope to the drainage ditch at a minimum slope of two inches (2") per foot and a maximum of six inches (6") per foot.

- U) All driveways shall have a drainage ditch at least two feet (2') outside of the minimum driveway width plus shoulders on each side of the driveway. The drainage ditches shall be less than eight feet (8') from the final outside edge of the driveway.

Sec 1-6 Driveway Inspector

- A) The Town Chair shall be the Driveway Inspector. He/She may delegate a Town of Forest Board member to this position. All driveway application sites shall be inspected by the Driveway Inspector accompanied by a Town of Forest patrolman prior to any permit being issued.

Sec. 1-7 Approval Process

All driveway applications shall be filed with either the Town of Forest Clerk or the Town Chair with the appropriate filing fee. For all accesses onto Town roads, the Town Driveway Inspector shall inspect the location of the driveway as indicated on the application. During this inspection, the Driveway Inspector shall indicate the location and size of any required culvert(s), as well as any ditch lines within the right-of-way. If approved, the driveway permit shall be issued by the Town Clerk or Town Chair. For all accesses onto County or State roads, a written statement from the appropriate highway authority shall be required approving the location of the driveway; and a permit to construct a driveway will be issued by the Town Clerk or Town Chair. Any driveway which crosses a navigable stream as determined by the Wisconsin DNR shall get approval from the Wisconsin DNR; a copy of said approvals shall be made a part of any permit issued.

After the driveway is constructed according to the requirements of the permit, the Town Driveway Inspector shall be notified. Within four (4) working days, the Town Driveway Inspector shall inspect the driveway for final approval. The county zoning office and the applicant will be notified in writing if the driveway passes. Such written notice shall allow the county zoning office authority to issue a permit meeting county requirements.

Sec. 1-8 Variances

Where the Town Board finds that unnecessary hardship may result from strict compliance with these requirements, it may vary the requirements so that substantial justice may be done, provided that public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of these requirements.

Sec. 1-9 Appeals

Persons aggrieved by the decisions or determinations of the Town Driveway Inspector may appeal the decision or determination to the Town Board following guidelines in Chapter 68, Wisc. Stats.

Sec. 1-10 Enforcement and Penalties

The enforcement of this ordinance shall be by way of withholding the driveway permit and injunctive action. No permit for a structure shall be issued until the approval of the driveway permit has been received from the Town Clerk or Town Chair of the Town of Forest as notified by the Town Driveway Inspector.

As a condition of application, the applicant grants permission for access to the affected property by the Town of Forest Board or their designee for the purpose of making driveway inspections.

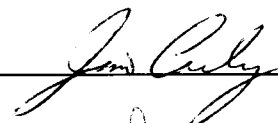
Any driveway over which this ordinance has jurisdiction which is not constructed according to the specifications of this ordinance shall be considered a non-conforming driveway. Emergency vehicles shall not be expected to utilize any non-conforming driveway.

Adopted this 6th day of February, 2024.

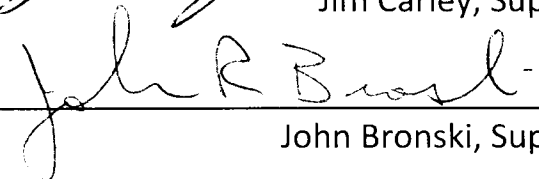
Town of Forest Town Board:



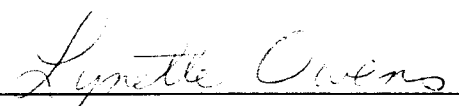
John Matthes, Chairperson



Jim Carley, Supervisor



John Bronski, Supervisor

Attest: 

Lynette Owens, Town Clerk