

**TOWN OF LINCOLN
POLK COUNTY WISCONSIN**

CODE OF ORDINANCES

Chapter 2 (Amended)

Driveway

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POLK COUNTY, WISCONSIN**

**Code of Ordinances
Chapter 2**

DRIVEWAY ORDINANCE

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2.01 PURPOSE. The Purpose of this chapter is to regulate and control driveway design and construction in the Town of Lincoln in order to promote public health, safety, general welfare, water quality, and aesthetics. This can be accomplished by requiring an orderly layout and use of land for this purpose, providing safe access to highways, roads and streets, facilitating adequate provision for transportation and protecting safe and adequate surface drainage ways.

2.02 AUTHORITIES. This Chapter is adopted under the authority granted by Sections 60.10, 60.61, 60.62, 61.35, 62.23 and 236.45 Wisconsin Statutes.

2.03 ADOPTIONS. The Town Board has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance, and has established by these sections and this ordinance the certain areas and the regulations and controlling of certain uses, activities, businesses and operations in the Town of Lincoln.

This ordinance shall be in effect beginning June 13, 2007 and shall remain in effect until the ordinance is withdrawn or modified by the Town Board. Publication of this ordinance shall be made according to Statute prior to legal authority.

2.04 APPLICATION FOR PERMIT.

A. All driveways proposed to be installed for residential purposes, any driveway serving open land without improvements (a "field driveway") and entering onto a Town road, or any field driveway being converted to a driveway for residential purposes shall make application for a driveway permit and pay an application fee to the Town before installation or use of the driveway. Construction or use shall not begin until approval and a permit is received for such driveway.

B. The applicant who may be the owner, agent, or contractor shall pay the permit fee and submit a plan showing the specifications including grade, slope, width and length of driveway, erosion controls and culvert specifications at the time of application.

C. A driveway permit is valid for a period of one year from the date of

issuance. If a driveway has not been completed and inspected within one year, reapplication is required.

2.05 DEFINITIONS. For purpose of this Chapter, certain words or phrases as used herein are defined as follows:

- A. Committee. The Town Board of the Town of Lincoln or its designee.
- B. Town. The Town of Lincoln.
- C. Driveway. A private road used for the purposes of ingress and egress that intersects with a Town road and serves open unimproved land (a “field driveway”) or serving not more than two (2) residential or commercial lots.
- D. Easement. Any part of a lot so designed on a Certified Survey Map or plat and utilized for a specific purpose, such as driveway, drainage or utility.

2.06 DRIVEWAY STANDARDS. The following are the standards for field and regular driveways. Where other Town requirements are more restrictive, they shall apply.

- A. Driveways shall meet the following objectives - to permit the safe, efficient and orderly movement of traffic; to respect natural features and topography; to permit proper drainage.
- B. No more than two (2) driveways, including existing driveways, will be permitted within the parcel 1320 feet frontage with a Town road, without special permission of the Committee. Driveways within new subdivisions not accessing existing roads are exempt from this provision and are subject to 2.06 E. (6) and (7).
- C. All driveways shall be designed and constructed in accordance with

applicable road standards adopted by the Town or standards set forth in Sec. 86.26(1) (b), Wisconsin Statutes, and shall also satisfy the following:

- (1) 15" culverts, or as otherwise specified, with a minimum cover of one foot to the top of the sand lift.
- (2) All culverts shall be galvanized, corrugated steel pipe, pipe arch, plate, reinforced concrete, or plastic pipe in conformity with American Association of State Highway officials' (AASHTO) specifications. And all culverts shall be installed to include end walls.
- (3) The minimum culvert length shall be 30 feet.
- (4) Widening of driveways requires compliance with this Driveway Ordinance, including application for a driveway permit. No fee shall be charged for such permit.

D. The construction requirements for the portion of driveways located in Town road right-of-ways or private easements.

- (1) 3' to 5' ditch bottom
- (2) 24' minimum road width before gravel or base course
- (3) 20' road width after base course
- (4) 2' shoulders
- (5) 12" sub-base of sand, measured after being compacted
- (6) 6" base of WisDOT grade 2 crushed limestone or 7" base of Wisconsin grade 2 gravel, measured after being compacted.
- (7) Driveways shall be sloped away from the edge of the road 1% - 10% for a distance of at least 10'.
- (8) Decomposable materials shall not be used in construction

(9) Shoulder slopes of 4%

(10) Fill slopes of 3:1 on fills to 3ft; 2:1 maximum below top 3 ft

(11) Back slopes 3:1 or flatter desirable; 2:1 maximum

E. The Committee or designee shall examine the proposed design and location of driveways to assure that they are laid out in a way that will produce intersections, grades and other features to satisfy the following standards:

(1) The intersection angle of a driveway to a road shall be 90 degrees, or as near as practical at the discretion of the Town Board.

(2) The Committee shall require intersection vision clearances.

(3) The vertical alignment of the centerline shall be based on the minimum safe stopping sight distance in accordance with the design standards of the AASHTO. See attachment "Road Construction Standards". The Committee shall authorize an independent engineering analysis to be completed by the Town engineer, where site conditions merit such an analysis. The Committee has sole discretion to require such an analysis, for which the applicant shall promptly reimburse the Town.

(4) The Committee may require joint driveways.

(5) The Committee shall require additional driveway construction beyond the right-of-way where deemed necessary to prevent erosion, provide emergency response vehicle access, or address any other public safety concern.

(6) No driveway shall be located within 100' of any other driveway on the same side of the road.

(7) No driveway shall be located within 200' of any public Intersection without approval of the committee.

(8) No owner of the driveway shall allow any material including mud, snow, or ice or any other material onto the public road. This

includes the plowing of such material across the highway.

(9) Mailbox location is primarily determined by Post Office; however the Town will enforce the following standards'

- (a) Support will be of cantilever design
- (b) Vertical post shall be at least 2' back from shoulder
- (c) Mailbox front shall not be closer to the road than near edge of shoulder
- (d) Bottom of mailbox horizontal support shall be at least 46" above shoulder

2.07 FEES AND AGREEMENTS.

A. Fees

- (1) Each driveway permit application requires an application fee.
 - a. Field Driveway Permit Application Fee: Refer to the Town of Lincoln Fee Schedule.
 - b. Residential Driveway Permit Application Fee: Refer to the Town of Lincoln Fee Schedule.
- (2) Inspection when not in compliance:
 - (a) The first non-compliance notice shall be written and shall state the nature of the changes required to meet the driveway ordinance. This notice will result in a forfeiture amount. Refer to Town of Lincoln Schedule of Deposits for forfeitures. A time to bring the driveway into compliance shall be stated in the notice. A minimum of 30 calendar days shall be given for compliance unless an immediate safety peril has been identified.

(b) A driveway permit is required before construction can begin, so an inspection of the driveway shall occur at the time a house number is issued. Notice of any failure to comply with this ordinance shall be given at that time. This notice shall constitute a 30-day notice to comply.

(c) A second inspection shall be made after the expiration of the time given in the first notice to cure the violation. If the driveway remains in a state of non-compliance, the forfeiture amount shall increase. Refer to the Town of Lincoln Schedule of Deposits for forfeitures. Every day the driveway remains non-compliant thereafter shall be considered a separate offense that incurs an additional forfeiture. Refer to the Town of Lincoln Schedule of Deposits for forfeitures.

B. Agreements:

(1) As part of the application process, applicants for a Town driveway permit shall acknowledge in writing that they have received a copy of the DRIVEWAY ORDINANCE, an application in conformity therewith, and agree to reimburse the Town for its expenses in excess of the permit application fee, such as the independent engineering analysis referred to in 2.06 E (3) of this ordinance. This agreement can be obtained from the Town Chair, Clerk, or its designee.

(2) For any lot or structures served by a driveway which is substandard, or cannot be easily traversed by emergency response vehicles due to overhanging trees, narrow width, tight turns, steep

grades, obstructions close to the sides or excessive length, the Town of Lincoln cannot be responsible for damages from emergency response vehicles gaining access to the property or being unable to access the property.

2.08 VIOLATIONS AND PENALTIES. Any person, partnership, or organization or other entity that fails to comply with the provisions of this Chapter shall, upon adjudication of violation, be subject to penalties and forfeitures as provided in Secs. 236.30, 236.31, 236.32, 236.33 and 236.35 Wisconsin Statutes.

This Ordinance shall be in effect and in force from and after the date of its passage and publication all in accordance with the Wisconsin Statutes.

Adopted this 12th day of NOV. 2009

Jay Luke Jay Luke, Chairman

Richard Waterman Richard Waterman, Supervisor

Alan Carlson Alan Carlson, Supervisor

ATTEST: Stephanie Marciniak
Stephanie Marciniak, Clerk

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