

Town of Chippewa
Ashland County
Butternut, Wisconsin

Revised Ordinance 2007-01
Driveways and Culverts

The Town of Chippewa Board of Supervisors do ordain as follows:

(A)Town of Chippewa Code of Ordinances is hereby created to promote the safety and general welfare of the citizens of the town through town authorization of driveway locations and minimum standards which allow proper drainage of surface waters within town ditches. This section is intended to establish the standards regarding the construction, improvement, modification or reconstruction of a driveway or field driveway connecting to a town road to:

- 1) Assure that the site, method of construction, and conservation practices to be used will promote the public health, safety, and general welfare of the community;
- 2) Preserve agricultural land and productivity;
- 3) Provide safe entrance onto public roadways by avoiding dangerous driveway locations;
- 4) Prevent damage to public roads, graded ditches, roadsides and other driveways by managing drainage;
- 5) Maintain safe travel on public roads;
- 6) Provide uniform, consistent design standards for the construction and improvement of town roads, supplementing county road standards;
- 7) Promote the orderly layout of town roads and mapping of the same for continuation in and connection with the town road system.

(B)Applicability. This section applies to all driveways, including residential, open space, agricultural, commercial, industrial, temporary and field driveways accessing Town roads, which occur or are proposed to occur in the town. Specific standards set fourth in this section apply only to those segments of driveways located within a town right-of-way.

(C)Definitions. The following definitions shall be applicable in this section, the terms or wards used herein shall be interpreted as follows:

- 1) Rules of interpretation. For the purpose of administering and enforcing this section, the terms or words used herein shall be interpreted as follows:
 - a. Words used in the present tense include the future; in the singular include the plural and in the plural include the singular.
 - b. The word "shall" is mandatory, not permissive.
 - c. All distances, unless otherwise specified, shall be measured horizontally.
 - d. All definitions that refer to the Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.
- 2) Driveway. A private way, road, or other avenue or means of access or travel that runs through any part of a private parcel of land or that connects, or will connect, with any public highway/road and will provide vehicular access from the highway to a residence, business, farm, recreational site or other appropriate use,
- 3) Field driveway. A type of driveway used solely to access land for agricultural use.
- 4) Rural profile driveway. One located on a road without curb and gutter, with ditches.
- 5) Temporary driveway. A driveway that may be placed for a specific purpose (such as logging) but which must be removed at the end of the specified timeframe.

(D) Driveway/Culvert construction permit required.

- 1) Permit requirement. No person, partnership, company or corporation shall locate, establish or construct any new driveway, modify an existing driveway, or install or replace any culvert in a town right-of-way without having first obtained a driveway/culvert permit and having necessary inspections occur. Permit must be completed by the current property owner and the site of the proposed driveway clearly marked. Permits will only be issued to the current property owner(s) and will expire one year from issuance if the work has not been completed.
- 2) Permit issuance prior to construction or building permit issuance; exception.
 - a. No construction work shall commence on a new or existing driveway or culvert prior to obtaining a town permit. Driveway surface maintenance or repair of an existing driveway does not require a permit.
 - b. A driveway/culvert permit shall be obtained before a building permit is issued for a new residence.

(E) Driveway/culvert permit applications.

- 1) Application review. The town board shall review all driveway/culvert applications.
- 2) Required application information. Applications shall include the following information.
 - a. Applicant name and contact information.
 - b. Property owner name and contact information, if different than the applicant.
 - c. Property information: site address, legal description, town road affected.
 - d. Project information: type of driveway, location, town road affected, and proposed construction plan and dates.
 - e. A site plan or sketch, which shall include the following information:
 1. Parcel or lot dimensions.
 2. Existing and/or proposed buildings.
 3. Proposed driveway or culvert location.
 4. Road names(s) and locations to lot/parcel and driveway/culvert.
 5. Driveway specifications: length, width, and materials to be used.
 6. Culvert specifications: length, width, material, and location.
 7. Drainage areas that impact or cross the driveway/culvert and description of how water will be managed to protect the integrity of the driveway or culvert.
 8. Slopes of 20% or greater that the driveway or culvert will disturb or cross and a description of how erosion will be prevented, and sediment controlled.
 - f. Contact information regarding who will be doing the construction work on the driveway and/or culvert.
- 3) Required signatures. The application shall be signed by the property owner.
- 4) Marking of proposed site. The application shall clearly mark the proposed driveway and/or culvert location with flags and/or stakes. The proposed centerline of the driveway surface shall also be marked.
- 5) Fee payment. This permit is free.

(F) Application determinations.

- 1) Single property permit issuance or denial. Within 20 days from the date of submittal of properly completed application, including a site plan, and after an inspection of the site has occurred, the town board shall approve or deny the issuance of a driveway/culvert permit for a single property at the closest board meeting after receiving the application.
- 2) Post-construction inspection. Town officials may require a final inspection of the site to verify that the driveway/culvert construction is in conformance with the permit and the town requirements.

- 3) Permit validity. A driveway/culvert permit shall be valid for one year from the date of issuance. All approved construction shall be completed prior to permit expiration.
- 4) Other agency approvals. The property owner/developer shall obtain permission from the State of Wisconsin Department of Transportation for access to state and federal highways, and from the Ashland County Highway Department for access to any county highway.

(G) General driveway and culvert standards.

- 1) Reservation of town rights. The town reserves the right, without permit, to make such changes, additions, repairs and relocations within statutory limits to a driveway, culvert and their related appurtenances in a town right-of-way as may at any time be considered necessary to facilitate the relocation, reconstruction, widening and/or maintenance of the town road or to provide proper protection to life and property on or adjacent to the town road.
- 2) Hold harmless requirement; maintenance and snow removal responsibility.
 - a. The applicant, his/her successors, and assigns agree to hold harmless the town and its duly appointed representatives against any action for personal injury or property damage sustained by construction and installation of any driveway and/or culvert authorized by town permit.
 - b. The town does not assume any responsibility for repair or maintenance of any driveway along a town road, including repair, maintenance or replacement of culverts in the town right-of-way maintenance and/or replacement is the responsibility of each property owner.
 - c. The town does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of windrows of such material, upon any portion of any driveway along a town road, even though snow, ice or sleet is deposited or windrowed on said driveway by town personnel engaged in normal winter road maintenance operations.
- 3) Obstruction or impairment of drainage.
 - a. All driveways shall be designed and maintained by the owner(s) to not obstruct or impair drainage in road side ditches or roadside area, unless the driveway has been designed to redirect or hold water and such design was approved by the town.
 - b. All driveways shall be designed and maintained by the owner(s) to prevent surface water drainage from the driveway area excessively flowing onto the roadway.
- 4) Maximum number of driveways.
 - a. The number of driveways allowed to serve an individual residential or commercial property fronting on a town road shall be a maximum of two (2). Where 2 driveways serve a parcel, such driveways shall be located no closer than 75 feet from centerline to centerline.

(H) Driveway design standards. All driveway construction shall meet the following standards:

- 1) Grade.
 - a. No grade greater than two percent is permitted within 50 feet of the centerline of the intersecting road. The driveway surface shall initially follow the existing shoulder grade and shall slope away from the town road.
- 2) Maximum driveway slope. To ensure safe turning movements into driveways, especially during snow, sleet, ice and heavy rain events when sliding and skidding are likely to occur, the maximum slope of the roadway centerline grade for a distance of 100 feet from each side of the driveway centerline shall be six percent or less or go with the existing slope.
- 3) A minimum width of twelve (12) foot base road with a twenty (20) foot clearance, free of any obstructions.
- 4) A minimum height clearance of eighteen (18) feet at any given point.
- 5) It is the property owner(s) responsibility to contact Diggers Hotline before installation.

- 6) Restoration of disturbed areas. Town road surfaces, slopes, shoulders, ditches and vegetation disturbed by driveway and/or culvert construction shall be restored by the property owner at his/her cost.

(I)Field driveways. In addition to meeting other applicable requirements in subsection (H) regarding driveway design standards, field driveways should be placed close to property lines or fence rows wherever possible. A field driveway/culvert requires a permit from the town.

(J)Temporary driveway standards.

- 1) Use limitation. A temporary driveway may be allowed to accommodate short-term events or activities such as parking or logging. A temporary driveway shall not be used to access a residential building site or property.
- 2) Security deposit. In addition to meeting the driveway standards regarding driveway design standards, the applicant for a temporary driveway shall provide a removal and repair case deposit to be held by the town. Such deposit amount shall be set by the town board in an amount up to \$7,500.00 to cover the cost of driveway removal, regarding, seeding, vegetation and associated costs, such as, but not limited to, publication, professional services and bidding.
- 3) Application review and approval. Applications for temporary driveway shall be reviewed and approved by the town board.
- 4) Permit validity; inspection; site restoration.
 - a. A temporary driveway permit shall be issued for a maximum of six months.
 - b. Within 30 days of the expiration of the temporary driveway permit, the driveway and any culvert shall be immediately removed and the ditch and right-of-way graded and seeded to match the grade and cover prior to installation.
 - c. Upon the removal of the temporary driveway by the permittee, the town shall be contacted and an inspection of the site shall be made prior to any return of the deposit.
 - d. In the event the temporary driveway is not removed at the expiration of the permit, the town board shall exercise its right to retain the removal and repair deposit and use the funds to remove the driveway, repair the site, and restore vegetation.

(K)Culverts

- 1) Determination of culvert need.
 - a. Upon completion of the design review for a driveway, the town board shall make a determination, and inform the applicant, when a driveway culvert is necessary in road right-of-way.
 - b. Culverts may be necessary outside of the town right-of-way for proper drainage and safe emergency vehicle access, but the size, design and location of such culverts are the property owner's responsibility.
- 2) Culvert specifications.
 - a. Used culverts are not permitted without town board inspection and authorization. Culverts shall be constructed of galvanized steel, or dual-wall HDPE with end walls; the size and gauge shall be approved by the town board prior to installation.
 - b. The property owner shall install the culvert at his/her cost and shall keep such culvert properly maintained, unobstructed and clean.
 - c. In no case shall the culvert diameter be less than 12 inches nor shall the culvert length be less than 30 feet or two feet greater than the width of the driveway. The culvert shall be of a size provide proper drainage under the driveway entrance and along the town road.
- 3) Placement. Culverts shall be placed in the ditch line at elevations that will ensure proper drainage.

- 4) Backfill materials. Material used for backfill shall be of a quality acceptable to the town and shall be free from frozen lumps, wood, stumps, or other extraneous or perishable/biodegradable materials.
- 5) Minimum cover. The minimum cover, measured from the top of the culvert pipe to the top of the crushed aggregate, shall be 12 inches.
- 6) Erosion control. Erosion control measures shall be implemented as necessary to control erosion when culverts and/or driveways are installed, as directed by the town.
- 7) Responsibility for installation and maintenance; improper placement. The property owner shall install the culvert and be responsible for the cost thereof. Illegal culverts shall be removed at the owner's expense following notice and a prior opportunity to correct. Maintenance of culverts and/or driveways and repair of defective culverts shall be the responsibility of property owners, except when the town does a reditching project and culverts are replaced, the town will replace the culvert and pay the cost thereof. Replacement of a damaged or worn culvert is the property owner's responsibility. Filling of ditches and/or culverts located within the public right-of-way is prohibited without authorization from the town.

(L)Prohibited driveways and/or approvals. No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the right-of-way limits of any highway in the town except as permitted by this section. As used herein, the term "structure" includes private driveways, a portion of which extends into any highway, and which is in non-conformance with the requirements of this section. Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the town board.

(M)Enforcement. No fire/address number or building permit for construction of any kind will be issued until such time as the driveway/culvert permit has been issued.