

**Town of Lebanon, Dodge County
Town of Lebanon Driveway Ordinance L-04-2
Relating to the Construction of Private Driveways**

Article 1. Title and Purpose.

This Ordinance is entitled the Town of Lebanon Driveway Ordinance. The purpose of the Ordinance is as follows:

Whereas interest has been expressed to establish standards for driveways in the Town of Lebanon that will provide for safe and adequate access from private development to public right-of-way. The primary reasons for the ordinance include but are not limited to the following:

- ❖ Provide safe vehicle access to public roadways (ingress/egress).
- ❖ Provide adequate access for emergency vehicles to service improved property and life.
- ❖ Prevent water drainage and siltation from private driveways onto public roadways.

In this Ordinance the term "driveway" is defined to mean private driveway, road, field road or other means of travel through any part of a private parcel of land or which connects or will connect with any public roadway. The following regulations apply to the construction or modification of private driveways on lands in the Town of Lebanon.

Article 2. Authority.

The Town Board of the Town of Lebanon has the specific authority, powers and duties pursuant to Section 60.61, 60.62, and 60.23 Wisconsin Statutes, pursuant to the specific statutory Articles noted in this Ordinance and/or by its adoption of village powers under Section 60.10 to regulate and control certain uses, activities, businesses and operations in the Town of Lebanon.

The Town Board of the Town of Lebanon has been granted village powers pursuant to Section 60.10, Wisconsin Statutes, and at the Town meeting dated April 3, 1962.

Article 3. Adoption of Ordinance.

The Town Board of the Town of Lebanon has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific Articles of this Ordinance, and has established by these Articles and this Ordinance the ability to regulate and control certain uses, activities, businesses, and operations in the Town of Lebanon:

Article 4. Applicability

General Conditions

- A. Any private driveway, road or other means of travel through any part of a private parcel of land which connects or will connect with any public roadway is subject to the terms of this Ordinance. Field roads used only for agricultural purposes may be subject to the provisions of this Ordinance.

- B. No person shall improve, modify or rework a driveway, with the exception of routine maintenance which changes the existing topography of the land without consulting the Town of Lebanon Highway Superintendent to determine the applicability of obtaining a Driveway Permit from the Town Board. Application forms and information can be obtained from the Town Highway Superintendent if a permit is required.
- C. Any proposed driveway construction, improvement or modification requiring a driveway permit shall be accompanied by an erosion control plan presented to the Town Board prior to the issuance of a Driveway Permit. An erosion control plan shall include the driveway owner's intentions and timing to re-seed, mulch, ditch, place culverts and carry out other erosion control practices which will be accomplished within 90 days after beginning driveway construction or modification. If an engineer's plan of the driveway is prepared, an erosion control plan shall describe practices which are not mentioned or required in the engineer's plan.

Existing Driveways

Existing driveways shall be brought into compliance with the terms of this Ordinance to the extent determined practical by the Highway Superintendent. Mandatory review criteria will include driveway width, height clearance, ingress/egress angle, condition and driveway surface.

Actions which will trigger the need to obtain a driveway permit for existing driveways include the following:

- a. Issuance of a land use "building" permit for structural improvements valued at \$25,000 or more (does not include septic and/or well).
- b. Construction of a new residential, commercial, industrial or animal confinement structures.
- c. Land divisions whereby the splitting of parcels designates 2 or more separate owners.
- d. Hazards as determined by the Highway Superintendent.

Construction of New Driveways

No person shall establish or construct a new driveway without first obtaining a driveway permit from the Highway Superintendent. Application forms and information can be obtained from the Highway Superintendent if a permit is required.

Article 5. Fees

An applicant shall be subject to payment for the following types of fees:

A. Driveway Application Fee.

The fees rates shall be established by the Town Board and stated on the Town of Lebanon permit form. Fees shall be paid to the Town prior to the construction of any new or modified driveway. The applicant must obtain a driveway permit prior to receiving a Town Building Permit.

Article 6. Application Procedures.

A. The applicant must submit a completed Driveway Permit application and Driveway Location Construction Plan and submit it to the Highway Superintendent or Town Clerk 15 days prior to the regularly scheduled Town Board meeting.

B. The applicant who may be the owner, agent, contractor, or designee, shall submit a location construction plan showing scale, north arrow, lot dimensions, existing and/or proposed buildings, driveway location, driveway specifications, including grade, slope, width, length of the driveway, culvert location/size, surface and base materials and erosion control procedures. The plan must be legible and submitted on a 8 ½" by 11, 8 ½" by 14, or 11" by 17" sheet of paper.

C. The application and location plan shall be reviewed by the Town Board for conformance with this Ordinance and all ordinances, rules, regulations, and plans which affect it. The Town Board shall, within (45) days from the date of submission of the application and location construction plan, approved or denied the issuance of a driveway permit.

D. With the approval of the Town Board, the driveway permit may allow for the excavation of the site to provide for site preparation and to provide fill for the proposed driveway.

E. The applicant shall notify the Town within 7 days of completion of the driveway to allow inspection of the driveway per the terms of the approved permit.

Article 7. Specifications for the Construction of Driveways.

A. The following specifications shall apply:

- Maximum number of dwelling units served by a driveway (unless more permitted by Town Board) 1
- Maximum driveway length 1000 feet
- Maximum driveway surface width 24 feet (non-commercial)
35 feet (commercial)
- Minimum driveway surface width 12 feet
- Minimum width clearance 24 feet
- Minimum height clearance width 20 feet
- Maximum grade 10%
(grades >10% will require an engineers plan)
- Minimum sideyard setback 15 feet

- Site distance Consistent w/Dodge County
 - Angle of entry 90 degrees
 - Minimum spacing between adjacent access points 300 feet (County and Town)
 - (same side of road) and intersections 500 feet (State) ADT<5000 Vehicles
 - 1000 feet (State) ADT>5000 Vehicles
 - Others See attached driveway details
- B. No land with a grade of more than twenty-five percent (25%) shall be disturbed for the construction, establishment, re-working or improvement of a driveway.
- C. An engineer's plan showing adequate erosion control and stabilization measures is required for any segment of the proposed driveway which disturbs land with a grade of more than ten percent (10%) and less than twenty-five percent (25%).
- D. All new driveways shall have a new (unused) 16-gauge galvanized metal construction culvert, at least thirty feet (30') long, at least fifteen inches (15") in diameter and have 16-gauge galvanized metal apron end walls, unless a different type and size of culvert is specified by the Highway Superintendent, at the ditch line where the driveway meets the public road, unless determined unnecessary by the Highway Superintendent. Examples could be driveway location on the crest of a hill or inadequate ditch depth. This condition may also be waived or modified on showing of hardship or difficulty by the Town Board and, in the case of County or State highways, approved by the Dodge County Highway Department or district engineer of the Wisconsin Department of Transportation.
- E. The driveway area within public right-of-way shall slope away from the public road at a minimum of one percent (1%) and a maximum of five percent (5%) for a minimum of 20 feet from the edge of the pavement to minimize erosion onto the public road surface or a slight dip across the drive shall be placed just before the culvert at the entrance to a public road to prevent debris from washing onto the public road.
- F. At least one 25 feet in length and 18 feet in width segment of road surface shall be provided for each 500 feet of driveway length to provide for the safe passage of meeting vehicles.
- G. At the end of a new driveway, a 25-foot minimum radius turn-around shall be constructed, or some other method used to allow vehicles to turn around shall be provided as determined by the Highway Superintendent and approved by the Town Board.
- H. Ditches, roadway crowning and culverts shall be provided for acceptable drainage.
- I. The side banks shall be graded to a slope of no more than one foot (1') of vertical rise in each three feet (3') of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in an engineer's plan approved by the Town Board.
- J. Curves in the driveway shall have an inside radius of no less than thirty six feet (36').
- K. Maximum grade of the driveway or any portion of the driveway shall be no more than ten percent (10%).

- L. Banks shall be seeded promptly to control erosion.
- M. Once the construction of the driveway has begun, all specified erosion controls, including retaining walls, ditching, culverts, crowning, mulching and matting shall be completed within ninety (90) days.
- N. The driveway must have at least four inches (4") of two-inch (2") rock on the roadbed, covered with two inches (2") of three-quarter inch (¾") gravel. Substitution for suitable material can be agreed upon by the Highway Superintendent. A field road, which is a road used only for agricultural purposes and not leading to a structure, is exempt from this provision.
- O. All costs of construction of said driveway, including the cost of the culverts and engineer's plan shall be paid by the property owner requesting the permit.
- P. An area twenty four feet (24') in width and twenty feet (20') in height shall be cleared along the driveway right-of-way in order to permit the safe passage of emergency vehicles. In cases where such clearing would be environmentally damaging, the Town Board will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard. A field road is exempt from this requirement.

Article 8. Requirements for an Engineering Plan.

- A. The Town Board may require a plan prepared by a licensed engineer prior to any proposed driveway construction or modification. An engineer's plan is required.
 - 1. For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of more than ten percent (10%) and less than twenty five (25%).
 - 2. For a driveway or segment of a driveway which requires a retaining wall or other special erosion control measure as determined by the Highway Superintendent.
 - 3. When the Town Board requests a plan.
- B. The engineer's plan shall include the following:
 - 1. The precise location of the driveway or segment of driveway which requires an engineer's plan relative to the parcel.
 - 2. Grade of the driveway showing no segment exceeding 10%.
 - 3. Location and structure of any retaining walls.
 - 4. Location and size of any culverts.
 - 5. Cross section of the driveway.
 - 6. The required mulching, matting or other erosion control.

7. Existing and proposed building.
- C. Construction of a driveway shall not commence until the engineer's plan, if required, is approved by the Town board and a Town Driveway Permit is issued and, when applicable, any necessary approvals are obtained from Dodge County or the State of Wisconsin (See Wis. Stats. 86.07).
- D. The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

Article 9. Existing Driveways and Field Roads.

When washing or other conditions created by existing driveways or field roads become a potential hazard to a public road, the Town Board will notify the property owner of the conditions. Any property owner failing to correct such condition within thirty (30) days after notice by the Town Board shall be subject to the penalties of this Ordinance and shall also be liable for any costs incurred by the Town to eliminate the hazards as provided in Wis. Stats. 66.60(16).

Article 10. Penalties.

- A. Forfeiture. Should a driveway be constructed or modified in violation of the provisions of this Ordinance, the owner(s) of the land through which the driveway passes shall, upon conviction, pay a forfeiture equal to three times the fee charged for the permit application plus applicable assessments and fees and, in addition, shall make the corrections ordered by the Town Board within a period of time determined by the Town Board, but not less than ten (10) days.
- B. Special Charge for Correction by Town. If the owner(s) of the land through which the driveway passes does not make required corrections ordered by the Board under (A.) within the specified time period, the Town Board shall cause the required corrections to be made and charge the cost of correcting such violations, including, when necessary, the return of disturbed land to its original condition. The Town's direct and indirect costs of correcting the violation, including but not limited to engineering, legal, administrative, materials and construction expenses shall be imposed as a special charge against the property through which the driveway passes pursuant to Wis. Stats. 66.60(6).