

**TOWN OF DUNN
DANE COUNTY, WISCONSIN
ORDINANCE NO. 13-2
REGULATING DRIVEWAYS**

An Ordinance to repeal Ordinance 13-2 and recreate Ordinance 13-2 of the Town of Dunn Building Code to provide for the regulations of driveways in the Town of Dunn.

Section 1: Authority

Pursuant to sections 60.22(1), 60.22(3), 61.34(1) and 81.01 of the Wisconsin State Statutes, the Town Board of the Town of Dunn, Dane County, Wisconsin, does hereby ordain as follows:

Section 2: Purpose

The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification, enlargement, or reconstruction (collectively "construction") of driveways in the Town to assess if the location of the driveway and method of construction will promote the public health, safety, and general welfare of the Town, preserve agricultural land and productivity, and comply with the goals and policies set forth in the Town of Dunn Comprehensive Land Use Plan. It is the Town's intent to provide access to properties abutting town highways provided access is not deficient or dangerous to the public. This Ordinance shall not apply to driveways or other access which connects or will connect to any county or state highways. Hereon throughout the term town highway shall apply only to town owned and maintained public thoroughfares.

Section 3: Definitions

1. *County Highway*: All county owned and maintained public thoroughfares.
2. *Driveway*: A private road or other avenue of travel that runs through a parcel of land or connects or will connect with any public town highway but shall not include any field road lying outside of the right-of-way of a public town highway.
3. *Field Road*: A road or other avenue of travel regularly used only for agricultural purposes or to access agricultural land.
4. *Agricultural Land*: Land within the Town of Dunn which has produced or is capable of producing a viable crop.
5. *Private Road*: A road on private property which is accessed by one or more driveways and provides access to a public highway.
6. *Town Highway*: All town owned and maintained public thoroughfares.
7. *State Highway*: All State of Wisconsin owned and maintained public thoroughfares.

Section 4: Maximum Number of Driveways Per Parcel

1. The maximum number of driveways allowed to serve an individual residential or commercial property shall be two (2) driveways, subject to paragraph (2) below, provided when two (2) driveways are utilized, there is also at least 180 feet of total frontage on the town highway or private road from which the driveways serve the parcel.
2. There shall be allowed one (1) driveway for the first acre of the served parcel, and one (1) additional driveway for the second acre or part thereof, up to a maximum of two (2) driveways.

3. For corner parcels, or parcels abutting more than one town highway or private road, access shall be allowed from only one (1) of the town highways or private roads abutting the parcel.
4. Where two (2) driveways serve a parcel, each driveway shall be located no closer than 75 feet from each driveways' centerline and each driveway's edge shall be at least ten (10) feet from the property line.

Section 5: Driveway Construction Permit Required

No person or public or private entity shall locate, establish, construct, or substantially reconstruct a driveway, field road, or other access to a property or parcel from a town highway or to a private road without first obtaining a driveway construction permit from the Town of Dunn. If a residential dwelling located on property served by an existing driveway is reconstructed or razed and a new dwelling is subsequently constructed, a new driveway permit must be applied for and obtained. Permit fees will be charged in accordance with the Town of Dunn's fee schedule. All costs of subsequent driveway construction shall be paid by the holder of the driveway construction permit.

Section 6: Driveway Construction Permit Submittal Requirements

1. Application Fee: The applicant shall pay a non-refundable fee, in accordance with the Town of Dunn's fee schedule, at the time of making the application for a residential driveway or field road construction permit.
2. Application: A driveway construction permit application shall be submitted to the Town of Dunn. The application shall include the following information:
 - a. A copy of any erosion control plan, if required by Dane County Land and Water Resources.
 - b. A copy of any shoreland zoning permit if required by Dane County Zoning.
 - c. A driveway or field road construction plan consisting of a drawing or diagram showing the following information:
 - i. The length and width of the driveway or field road;
 - ii. The relationship of the driveway or field road to property lines and neighboring driveways;
 - iii. Any structures and existing roads;
 - iv. The location and size of any culverts;
 - v. The location and structure of any retaining walls;
 - vi. The Town may request additional information regarding the radius of any curves, the slope of the driveway, substrata, and/or any other information relevant to driveway construction.

Section 7: Application Review and Approval

1. Upon submittal of a completed application, accompanying requirements, and full payment of the permit fee, as described in Section 6 of this Ordinance, the Town's Highway Superintendent, or his or her representative, shall review all applications using this Ordinance's guidelines and requirements. The Town may issue a driveway construction permit if all requirements have been met.
 - a. The Town's issuance of a driveway construction permit does not constitute a determination the driveway or field road is safe, suitable, or fit for any purpose.

2. If the Highway Superintendent, or his or her representative, determines the application presents issues which should be presented to the Town Board, a meeting must be scheduled before the Town Board to review the application.
 - a. The Town Board shall consider the application and, at its sole discretion, approve, conditionally approve, or deny the application.
 - i. If the Town Board approves the application, the Highway Superintendent shall issue a driveway construction permit.
 - ii. If the Town Board conditionally approves the application, the Highway Superintendent, or his or her representative, shall issue a driveway construction permit once the conditions of the approval have been fulfilled.
 - iii. If the Town Board denies the application for a driveway or field road construction permit, it will not consider a substantially similar application from the applicant.
3. Driveway Inspection: The holder of the driveway construction permit shall notify the Town within thirty (30) days of completion of the driveway construction. Within thirty (30) days of notification, the Town Highway Superintendent shall conduct an inspection of the driveway to verify compliance with the provisions of this Ordinance.
4. Permit Period: Upon application approval, the driveway construction permit is effective for 12 months from the date of issuance. The permit shall expire after 12 months.
5. Renewal: The driveway construction permit may be renewed for one additional 12-month period upon request. Renewal is conditioned upon any additional state and/or county regulations being met. Any required state or county permits must be valid and nonexpired. If the driveway has not been constructed by the end of the renewal period, a new application and applicable fee must be submitted.

Section 8: Specifications for the Construction of Driveways

Driveway plans and specifications must comply with the following:

1. *General Design and Location:* All driveways shall be located and constructed so vehicles approaching or using it shall have adequate sight distance along the town highway or private road as determined by the Highway Superintendent. Driveway approaches must be at least twenty (20) feet from the nearest driveway and be located at least ten (10) feet from lot lines. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the town highway required for effective traffic control or for highway signs or signals. Driveways shall be located wherever possible as not to interfere with utilities in place.
2. *Drainage:* All driveways, driveway entrances, driveway approaches, and field roads shall be constructed so they shall not interfere with the drainage of town highways, side ditches, or roadside areas or with any existing structure in the right-of-way. Drainage from driveways shall run into ditches and not onto the town highway pavement, private roads, or neighboring properties. Drainage shall follow the ditch lines. It is the property owner's responsibility to restore the road right-of-way area. Stormwater shall be discharged more than 5-feet away from the property line and shall not be directed towards neighboring properties.
3. *Length and Width:* A driveway's length shall be a minimum of 24-feet to ensure appropriate room for emergency vehicles. All driveways shall have a maximum width of 25-feet where the driveway pavement meets the town highway edge and within the road right of way area. For driveways longer than 40-feet in length, driveways shall have a

minimum width of 14-feet where the driveway pavement meets the town highway edge to ensure appropriate room for emergency vehicles.

4. *Culvert Requirement:* Unless a larger culvert is required by the Town Highway Superintendent, a culvert with a diameter of at least 18-inches and 24-feet in length must be present and accompanied with end walls at the ditch line with a slight dip just before the culvert. It is the property owner's responsibility to provide a culvert at their own expense. If no culvert is necessary, the applicant must receive a waiver from the Town's Highway Superintendent.
5. *Erosion Control:* Erosion control methods shall be implemented in accordance with Dane County Land and Water Resources specifications and requirements.
6. *Slope:* Driveways shall not be too steep which will prevent or inhibit safety vehicles from accessing the property.
7. *Side Banks:* Side banks shall be constructed using earthen materials.
8. *Driveway Apron:* For concrete driveway aprons, it is recommended but not required, that six (6) to eight (8) inches of asphalt is placed between the edge of the concrete driveway and the beginning of the town highway pavement in order to mitigate potential apron damage. It is the property owner's responsibility to repair damaged aprons at their own expense.
9. *Agricultural Land:* If applicable, driveways shall be constructed in a way which minimizes adverse effects on productive agricultural land.
10. *Relocation of Utilities:* If the relocation of utilities cannot be avoided, property owners must notify the Town and the utility holder prior to any utility relocation or driveway or field road construction. Any costs of relocating utilities shall be the responsibility of the property owner.
11. *Substrata:* The driveway must have at least four (4) inches of three-to-four-inch (3-4 inch) rock on the roadbed, covered with two (2) inches of three-fourth (3/4) inch gravel. If it can be shown there is already a suitable base established, the provision requiring four (4) inches of three-to-four-inch (3-4 inch) rock may be modified or waived by the Town Highway Superintendent.

Section 9: Prohibited Driveways and Activities

1. No person shall place, construct, locate in, or cause to be placed, any obstruction or structure within the road right-of-way of any town highway.
2. No person shall fill ditches and/or culverts or interfere with the drainage of town highways, side ditches, or road right-of-way areas.
3. No person shall place lawn sprinkler pipes and fencing, including invisible or underground fencing, in a public road right-of-way.
4. No person shall create a hazardous condition.
5. Field roads shall not be used for non-agricultural purposes.

Section 10: Variances

The provisions in Section 4 and or 8 of this Ordinance may be varied by the Town Board, or the Town Board's representative, in instances where driveway reconstruction is proposed to occur in the same location as prior or in such instances where the particular nature of the property or the design of the town highway may make the adherence to the requirements of this Ordinance impossible or impractical. Any variance request must accompany the initial application and the reason for the variance request must be stated in writing.

Section 11: Penalties

Any violation of this Ordinance shall be subject to a penalty of \$100.00 per violation. Each day the violation continues to exist shall constitute a separate offense.

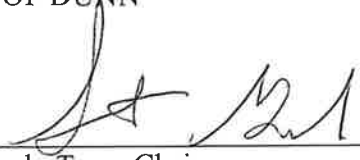
Section 12: Severability

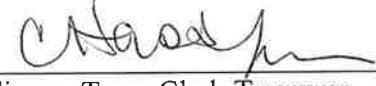
If any section or part of this Ordinance is adjudged to be unconstitutional, unlawful, or invalid, by a course of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 13: Effective Date

This Ordinance shall take effect the day after passage and posting or publication pursuant to law. The above and foregoing Ordinance was adopted by the Town Board of the Town of Dunn at its meeting held on January 16th, 2024.

TOWN OF DUNN

By: 
Steve Greb, Town Chair

Attest: 
Cathy Hasslinger, Town Clerk Treasurer

1-16-2024