

NO. 2.01
TOWN OF LIBERTY (VERNON COUNTY)
DRIVEWAY ORDINANCE

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1. TITLE/PURPOSE

This ordinance is entitled the Town of Liberty Driveway Ordinance.

The purpose of the ordinance is to regulate the location and construction of any private access road (private driveway) that will intersect any public road in the Town of Liberty. The ordinance will set forth an orderly procedure for obtaining a driveway permit, and will establish driveway permit fees and penalties for failure to obtain a required driveway permit.

2. AUTHORITY

The Town Board of the Town of Liberty has been granted village powers pursuant to Sec. 60.10 (1988 – 1989) Wis. Stats. and has the specific authority, powers, and duties pursuant to Sec. 60.10, 60.045 and 86.07 Wis. Stats to regulate, control, prevent and enforce against in the Town of Liberty certain uses, activities, businesses and operations by persons that may affect the public works and infrastructure in the Town of Liberty and to act for the health, safety and welfare of the public.

3. GENERAL PROVISIONS

A Driveway Permit is required whenever a proposed private access road (private driveway) will intersect any public road in the Town of Liberty.

If the proposed driveway will intersect a county or state highway, the Wisconsin Department of Transportation, the Vernon County Highway Department and/or the Vernon County Zoning Administrator will establish the rules and regulations regarding conditions for the permit and compliance with the permit.

If the proposed driveway will intersect a town road, the Driveway Permit will be issued by the Board of the Town of Liberty, subject to the following rules and regulations:

- A. The private driveway must be designed and constructed in such a way that it will not cause any damage to the public road nor create any hazard to the public as they travel on the public road.

In order to meet this requirement, the Board will determine (based on the specific location) whether or not a culvert is required, and if so, the minimum diameter and length of the culvert, and will also determine the angle and slope of the intersecting portion of the driveway and whether any erosion control devices must be installed at or near the intersection in order to minimize damage to the public road.

- B. If a culvert is required, it must be made of steel.
- C. The applicant must agree to comply fully with Secs. 66.045 and 86.07 Wis. Stats. regarding correction of damage to public roads.
- D. A driveway, which serves a dwelling, should meet minimum width and surface requirements throughout its length to permit safe access by emergency vehicles and snowplows. Driveways should be at least 10 feet wide with at least 14 feet height clearance free of trees, wires or similar obstructions to allow access for fire protection. If these minimum requirements are not met, fire trucks may not be able to get through to the building and it may also be difficult or impossible for the landowner to obtain fire insurance on the dwelling. The applicant also must understand that issuance of a Driveway Permit does not guarantee access by the town's snowplow. If the driveway does not meet the minimum requirements specified in the town's Snow Plowing Policy the private driveway will not be plowed by the town. The town Driveway Permit does guarantee that if the permit specifications are met and construction complies with the standards outlined in this ordinance and on the Permit, the applicant will not be liable for damages to the town road.
- E. A landowner who has purchased vacant property with no intention of farming or building any improvements (for example, for hunting, camping, hiking, etc.) must construct a driveway that at a minimum will allow parking off the town road right-of-way. A permit must be obtained from the Town Board and the driveway must meet all applicable standards for location, slope, drainage, size of culvert, and surface preparation outlined in Section 3. A. above.
- F. If a landowner alleges that a driveway exists that is presently serving open land without improvements, and that now an application is being filed for a building permit for a structure which will be served by that alleged driveway, the Board will examine the existing driveway to determine if it is adequate to meet the specifications of this ordinance. The Board will either document in writing the existence of an approved driveway or will require changes to bring the driveway up to standard. An approved driveway must be in place before a building permit can be issued.
- G. This ordinance does not address or regulate access from a town road to agricultural land by agricultural implements and regulated equipment. No driveway permit is required for entry for agricultural purposes into a field or woods that borders a town road. However, Secs. 66.045, 86.021, and 86.07

Wis. Stats. would apply regarding damage or obstruction to a public road or right-of-way. No provision of this ordinance would relieve any person from a requirement to comply fully with Secs. 66.045, 86.021, and 86.07, and corrective action would always be required from an owner or operator who damages a public road. Any access to agricultural land from a county or state highway will be governed by the Wisconsin Department of Transportation and/or the Vernon County Highway Department and this ordinance has no authority over their conditions or requirements.

- H. When a driveway permit is issued or an existing driveway is approved an Emergency Number (fire number) will be assigned to the location and a sign will be obtained and installed by the Town of Liberty.

4. PROCEDURE AND FEES

Application for a Driveway Permit to intersect a town road should be made to the Town Chairperson, or in his absence, to a designated Town Supervisor. The application will include the legal description of the property, a rough drawing of the proposed driveway site, and payment of the required fee.

The Chairperson or Supervisor will make an appointment to meet with the applicant AT THE SITE to discuss the specifics of the access road. Any specific requirements will be entered on the permit and written permission will be given to begin construction.

All expenses of construction and materials will be the responsibility of the applicant. Under no circumstances will the Town of Liberty perform the actual work of constructing the private access road or setting the culvert, but the Town Chairperson may require that a town employee be present to oversee the construction.

If the requirements and procedures of this ordinance are not followed and a private driveway is constructed in such a way as to cause damage to the town road or to create a hazard to public safety, the township will require that the private access road or driveway be changed to correct these flaws at the private owner's expense.

When the private access road/driveway is completed, the applicant will notify the Town Chairperson who will then make a final inspection of the driveway, and if the driveway is properly constructed, the Chairperson or Supervisor will approve the driveway in writing on the Permit.

The Board of the Town of Liberty will establish the fees for obtaining a Driveway Permit and penalties for failure to obtain a Driveway Permit before constructing a private access road. The fee schedule will be reviewed annually by the Board and adjusted as needed so that the fee will cover the direct costs of onsite consultation, inspection and administration, and a portion of the cost for an Emergency Number sign. One half of the established fee will be paid to the Town Officer who performs the inspections, and the other half will be retained in the Town's general funds to cover the other costs of administration.

The initial fee schedule established by the Board is shown below and is effective with adoption of this ordinance:

DRIVEWAY PERMIT (includes initial on-site consultation, any interim inspections or consultations, and final site inspection and approval)	\$50.00
APPROVAL OF ALLEGED EXISTING DRIVEWAY (includes on-site inspection of alleged driveway. If it is determined that the alleged driveway does not meet the specifications of this ordinance, a Driveway Permit will be required)	\$12.00

5. PENALTIES

Any driveway constructed on land in the Town of Liberty in violation of any of the provisions of this ordinance shall be deemed to be an unlawful driveway.

Any person who constructs an unlawful driveway, which intersects a town road in the Town of Liberty in violation of any provision of this ordinance, shall be required to forfeit not less than \$10 or more than \$100 for a first offense, and not less than \$100 or more than \$150 for subsequent offenses. Each day a violation continues without action taken to remedy the situation constitutes a separate offense.

Any person who constructs an unlawful driveway, which intersects a state or county highway on land in the Town of Liberty, will be subject to any penalties, forfeitures or conditions established by the State of Wisconsin and/or Vernon County.

Any physical changes required by the Board of the Town of Liberty to an unlawful driveway to bring the driveway into compliance with the terms of this ordinance and the terms of the Driveway Permit will be made at the private owner's expense.

6. DEFINITIONS

For the purpose of this Ordinance the following definitions shall be used:

DRIVEWAY. A private road which gives access to private property from a public roadway. Also called PRIVATE ACCESS ROAD.

DRIVEWAY PERMIT (issued by Town of Liberty). A permit to construct a private driveway from a town road, through the public road right-of-way to private property. The permit regulates construction on private property only to the extent that the private driveway construction might affect the public right-of-way and roadway. A permit for a driveway WHICH WOULD ACCESS A STATE OR COUNTY HIGHWAY,

ROAD OR STREET will be defined, regulated and administered by the State of Wisconsin and/or Vernon County and is not covered by this ordinance.

INTERSECTION. The portion of the driveway that passes through the public right-of-way to the town roadway.

TOWN ROAD RIGHT-OF-WAY. Town roads in the Town of Liberty are presumed to be four rods in width unless originally deeded to the town with a lesser width specified. In actual practice, some town roads right-of-way may be three rods in width based on the original deed.

7. EFFECTIVE DATE

This Ordinance shall take effect after a Public Hearing and adoption by the Board of the Town of Liberty and posting as required by law.

ADOPTED: May 18, 1999

VOTE FOR: 3 AGAINST: 0

/S/ DANNY DEEVER – Town Chairman

/S/ R. CRAIG STARR – Town Supervisor

/S/ WILLIAM OLIVER – Town Supervisor

/S/ JUDY DAILY – Town Clerk

Resolution to adopt a part of Code of Ordinances: April 12, 1999

Code on file and open for public inspection: beginning April 19, 1999

Public Hearing: April 19, 1999