

# TOWN OF GRANTSBURG

## DRIVEWAY ORDINANCE - # 2001-01

Adopted 9/13/01, revised 3/15/02, 4/8/02, 5/13/02, 3/10/03

### Section 1: Title/Purpose

This ordinance is entitled the Town of Grantsburg Driveway Ordinance. The purpose of this ordinance is as follows:

Whereas interest has been expressed to establish standards for driveways that will provide for better and safer provisions for adequate access from private development to a public right of way, and to provide for safe and orderly delivery of emergency services.

### Section 2: Authority

The Town Board of the Town of Grantsburg has been granted village powers pursuant to Sec. 60.10 of the Wisconsin State Statutes.

#### A. Multiple Jurisdictions.

All persons reviewing the provisions of this Ordinance should be aware that the Town of Grantsburg is only one of a number of governmental bodies that may have jurisdiction over proposed driveway construction or alteration. The Town of Grantsburg cannot make any representations on behalf of any other governmental body. No driveway may be constructed or altered unless all required approvals have been given.

#### B. Binding Acts.

No statement or action by any official, employee, agent, or committee of the Town of Grantsburg should be construed or taken as a binding act of the Town except a resolution, motion, or ordinance that has been adopted by the Town Board, the Town Plan Commission, or the Town electorate, at a properly noticed and lawfully conducted meeting. This includes, but is not limited to, interpretation of this Ordinance.

### Section 3: Definitions

**A. Driveway/access:** any area where travel occurs from a public road for the purpose of gaining access to land or improvements.

**B. Lot:** A plot, parcel, tract, or allotment of land.

**C. Bump out:** A section of driveway measuring at least 50 feet in length and 12 feet in width to allow for the safe passage of motor vehicles.

### Section 4: Minimum Requirements

#### All driveways must:

**A.** have a minimum driving surface of 12 feet.

**B.** have a minimum road base width of 16 feet.

**C.** have a minimum side to side clearance width of 24 feet.

**D.** have a minimum height clearance of 18 feet.

**E.** Have a slope no greater than 10% unless documentation is obtained stating that slope will not affect public safety in providing emergency services.

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**F.** have the first 20 feet of driveway slope down and away from the edge of the public road a minimum of 1% and a maximum of 5%.

**G.** have a minimum of 10 feet from the driving surface to the property line.

**H.** have an adequate roadbed base to support the projected traffic including emergency vehicles.

**I.** be at least 200 feet from any intersection with a public road.

**J.** be directly across the road from another driveway if at all possible.

**K.** be completed and approved before a building permit can be issued.

**L.** intersect the public road at a right angle from the property line.

**M.** A driveway outside of a Town subdivision shall not be constructed within 200 feet of another driveway located on the same side of a public road except to comply with Sec. 4 (J).

### Section 5: Additional Provisions/Requirements

**A.** A driveway may serve a lot only if both of the following requirements are met:

**1.** The lot fronts on a public road or a driveway easement.

**2.** The driveway or driveway easement is continuous from the lot to a public road.

**B.** Up to two (2) lots may be served by one driveway; otherwise more than two lots must be served by a public road built to the requirements of the Town of Grantsburg Minimum Town Highway Design Standards Ordinance.

**C.** Any driveway serving two (2) lots shall be located within a driveway easement that is a minimum of thirty-three (33) feet wide and that is continuous from each lot to a public road.

- D. Any driveway serving two (2) lots shall require a Joint Driveway Permit. A Joint Driveway Agreement shall be submitted with the Joint Driveway Application. The Joint Driveway Agreement shall expressly provide for the responsibility of maintenance and repair of the joint driveway, including snow removal, and restrictions on its use. Such agreement shall be approved by the Town Board or its designee prior to the issuance of a joint driveway permit. If approved, the Joint Driveway Agreement shall be recorded with the Register of Deeds of Burnett County so that it is binding upon all subsequent owners of the lots served by the Joint Driveway.
- E. All new driveways proposed to be installed or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more structures shall be subject to an inspection fee as established by the Town Board, to be paid to the Township prior to the start of any construction on a new driveway and prior to the issuance of a building permit. A driveway inspection fee as listed in the **Town of Grantsburg Fee Schedule**, is to be submitted upon application for a driveway. The fee will be refunded if the location for the driveway is denied. If a second inspection is not up to code, a new application must be submitted and a new fee will be charged

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- F. Authorization for a driveway is subject to the approval of the Town Board or its designee. The evidence of an existing driveway is either the clear indication of a driveway being in place or a statement from the town that an approved driveway is in place. If there is a dispute on the adequacy of an alleged existing driveway the decision of the Town Board or its designee will be the deciding factor.
- G. any requirements for culverts shall be determined by the Town Board or it's designee in considering an application for driveway approval. If culverts are required the recommended minimum diameter shall be 18". All culverts must be made of Galvanized metal or Aluminum. Illegal culverts will be removed at landowner's expense.
- H. The Plan Commission may require Joint Driveways to minimize driveway spacing along Town Roads.
- I. Driveways exceeding 600 feet in length must provide a Bump out of at least 12 feet wide by 50 feet long, every 600 feet of driveway length to within 600 feet of the principal building, to permit motorized vehicles to pass safely. The driveway must also comply with Sec. 5(J.) below.
- J. Driveways exceeding 150 feet in length must provide an adequate turnaround area that will accommodate a 30-foot long fire truck. The turnaround space shall be within 75 feet of the principal building and can be provided by one of the following methods:
  - 1. If a circle drive is constructed, it must have a radius of no less than 35 feet to the centerline. (Or)
  - 2. A turnaround space free of trees and other obstructions may be  
Provided if it has the dimensions of not less than 80 feet by 50 feet. (Or)
  - 3. A turnout may be provided with the following dimensions: the length shall be a minimum of 30 feet. The width at the entrance shall also be a minimum of 30 feet. The turnout may be trapezoidal in shape, thereby tapering down to a minimum of 20 feet at the rear. In addition, a minimum of 40 feet of driveway must be provided between the building and the turnout to allow enough room to back a 30-foot long fire truck into the turnout.  
Exemptions from provisions I (1) through I (3) above of this ordinance would include:
    - A. New buildings that are 75 feet or less from a public road.
    - B. Those portions of both private roads and driveways which are restricted by an existing easement.

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**Further, in the interest of public safety and better delivery of emergency services, the Grantsburg Town Board encourages and recommends that existing driveways be upgraded to these minimum standards.**

**Section 6. Existing Driveways.**

When washing or other conditions created by existing driveway or field roads become a potential hazard to a public road, the Town Board or its designee shall notify the owner(s) of the land through which the driveway passes of such condition(s). Any property owner failing to correct such condition(s) within 30 days after notice by the Town Board or its designee shall be subject to the penalties of this ordinance and shall also be liable for any costs incurred by the Town to eliminate the hazard as provided in Wis. Stats. Section 66.60(16).

**Section 7: Variance.**

**Any person seeking a variance from the terms of this ordinance may request a copy of the Town's policy from the Town Clerk.**

Where the Town approves access to a public road from any lot through the variance process, upon approval thereof, the permitted shall sign an affidavit stating: "The permitted, successors and assigns agree to hold the Town of Grantsburg harmless for problems of, but not limited to ingress and egress resulting from approval of this variance". The variance and affidavit shall be

recorded with the Register of Deeds of Burnett County so that it is binding upon all subsequent owners of the lot(s) served by the driveway.

**Section 8: Penalties and Forfeitures**

Should a driveway be constructed or modified in violation of the provisions of this ordinance, or create a hazard that is not corrected within 30 days of notification, the owner(s) of the land through which the driveway passes shall pay the penalty listed for this ordinance in the **Town of Grantsburg Citation and Penalty Schedule**. Each day that the violation continues to exist shall constitute a separate offense.

**Section 9: Non-exclusivity**

- A.** Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- B.** The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other ordinances or law or enforcement method to enforce any ordinance, regulation, or order.

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**Section 10: Severability**

If any clause, sentence, paragraph, section or provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or constitutional provision or application.

**Section 11: Effective Date**

This Ordinance shall take effect on May 14, 2003 after its passage and publication or posting as provided by law.