

**ORDINANCE 300-01  
TOWN OF ALBANY**

Revised 8/19/03

GREEN COUNTY  
WISCONSIN

**DRIVEWAY ORDINANCE**

**1. AUTHORITY**

This ordinance is adopted pursuant to the general police powers granted under Sec.60.22 (3) and 61.34 (1), Wis. Stats., and specific authority under Sec.236.45, Stats.

**2. PURPOSE**

The purpose of this ordinance is to promote public safety and general welfare of the community and to enforce the goals and policies of the Town Board of the Town of Albany. This ordinance applies to construction or modification of private driveways located in the Town of Albany which provide access to buildings constructed or to be constructed or substantially modify a driveway after the effective date of this ordinance.

**3. DEFINITION**

Driveway is defined as a road giving access from a public highway or private road to one or more dwelling units or commercial buildings located or to be constructed on adjacent lands.

**4. GENERAL PROVISIONS**

- a. This ordinance pertains to all driveways off of state, county, township or private roads in the Town of Albany.
- b. No building permit for new construction will be issued until the driveway is constructed according to the specifications of this ordinance and inspected by the (3) three member Albany Town Board.
- c. No person shall construct, improve or rework a driveway which changes the existing topography of the land without first obtaining a Driveway Permit from the Town of Albany Supervisors. Re-graveling of a previously constructed driveway does not constitute a change in the existing topography of the land. 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 issuance of a building permit. An approved driveway shall be in place before an "Approval for Driveway" form is sent to the Albany Township Building Inspector and a building permit can be issued. Prior to consideration of the application by the Town Board, the applicant (owner, agent, or contractor) shall submit to the town Chairman of Albany and "Application for Driveway Construction Permit" and a driveway construction plan which shall accurately describe the location of the proposed driveway and the specifications (grade, slope, width, and length and erosion control procedures, etc.) as required by Section (5) of this ordinance for the driveway's construction. When the application is approved a "Driveway Construction Permit" will be issued. When construction is completed and inspected the "Approval for Driveway" will be sent to the Albany Township Building Inspector.
- d. Driveway permits will be valid for (1 year) one year from date of issue. Another application for a permit will be required for any improvements not completed during the (1 year) one year permit period.
- e. A fee of (\$1,000.00 plus footage to building site) one thousand dollars plus footage to building site shall be charged for the issuance of a Driveway Permit. The fee is due when the "Application for Driveway Construction Permit" is submitted to the Town Chairman or the Town Board.
  1. A refundable security deposit of (\$500.00) five hundred dollars for the first (100 feet) one hundred feet of roadway and thereafter (\$1.00) one dollar per running foot to building site. The refund will be made after roadway is completed and inspected by the Town Chairman and, if required, the (2) two town supervisors. The fee or part thereof may not be refundable should there be damage to the town road or other costs (plan evaluations, expert help) incurred by the Town of Albany by construction of the said driveway.

**5. SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS**

- a. An engineer's plan showing adequate erosion control measures is required for any segment of the

proposed driveway which disturbs land with a grade of more than (25%) twenty five percent, unless waived by the Town Board.

- b. The driveway shall be constructed with a minimum roadway of (15 feet) fifteen feet in width and a minimum shoulder of (3) three feet on each side having a slope of (1 foot) one foot of vertical rise for each (6 feet) six feet of horizontal distance. To provide for the safe passage of meeting vehicles a segment of the roadway shall be (50 feet) fifty feet in length and (25 feet) twenty five feet in width at each (300 foot) three hundred foot segment of the roadway. These requirements can be waived by the Town Board.
- c. Each driveway shall have a culvert at the ditch line where the driveway meets the public road, unless waived by the Town Board. The culvert shall be a minimum (18 inches) eighteen inches in diameter and (30 feet) thirty feet in length.
- d. A driveway which is at least (24 feet) twenty-four feet in length shall have a maximum (5%) five percent grade at the point where the driveway inters onto a public road. A slight dip across the driveway shall be placed just before the culvert at the entrance to the public road to prevent debris from washing onto the public road.
- e. Ditches, roadway crowning and culverts which provide acceptable drainage are required.
- f. The driveway's side banks shall be graded to a slope of no more than (1 foot) one foot of vertical rise in each (3 feet) three feet 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.
- g. The side banks shall be seeded within (30) thirty days to control erosion.
- h. Curves in the driveway shall have an inside radius of not less than (36) thirty-six feet.
- i. The maximum grade of the entire driveway or any given segment of the driveway shall not exceed (10%) ten percent.
- j. Once the construction of the driveway has begun, all specified erosion control measures, including retaining wall, ditching, culverts, crowning, seeding, mulching and matting shall be completed within (90) ninety days.
- k. When completed, the driveway must have at least (8 inches) eight inches of (3 inch) three inch rock on the roadbed, and covered with (6 inches) six inches of (3/4 inch) three quarter inch gravel unless the Town Board considers otherwise. The (6 inches) six inches of (3/4 inch) three quarter inch rock may be placed after the heavy equipment has left the site.
- l. All costs of the construction of the driveway, including the cost of the culverts and engineer's plan, if required, shall be paid by the property owner requesting the driveway permit. The maintenance cost of the driveway is the responsibility of the owner.
- m. An area of (25 feet) twenty-five feet in width and (20 feet) twenty feet in height shall be cleared along the driveway right-of-way in order to permit the safe passage of emergency vehicles. This area shall be free of all trees, wires or any other possible obstruction. This area must be maintained with the designated clearance. In cases where such a 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.

On longer driveways, the Town Board shall specify additional width shall be required for safe passage of meeting vehicles. The driveway surface shall be a minimum of (18 feet) eighteen feet wide for a distance of (40 feet) forty feet at distances determined by the Town Board, in consultation with emergency medical service and fire personnel, necessary for emergency vehicle access.

- n. Clearly mark your house and driveway with your fire number so emergency vehicles can find your home.
- o. The driveway must have a back out with a radius of at least (90 degrees) ninety degrees or a (50 foot) fifty foot turning radius and the grade must not exceed (10%) ten percent.
- p. The driveway must have an approach at the place where it intersects with the public road of at least (30 feet) thirty feet in width and an unobstructed view of at least (300 feet) three hundred feet in each direction at that place unless the Town Board considers otherwise. County and state roads may have a longer sight distance.
- q. Joint driveways will not be permitted without prior review and specified approval by the Town Board of a written "Joint Driveway Agreement" establishing the proposed joint driveway and the manner of its construction, maintenance and use. The written Joint Driveway Agreement shall be signed by each landowner who will be using the driveway and the signatures shall be notarized and dated and

a copy given to the Town Board to be filed with the Clerk.

- r. Private roads that will serve two or more driveways are required to obtain prior approval by the Town Board. The Town Board shall determine if such private roads are to be constructed to driveway specification or town road specifications.

#### 6. MAILBOX LOCATION

- a. Mailbox location(s) shall be submitted at the time of a required for a driveway permit. Mailboxes shall be placed in a manner and at a location that allows for the safest mail delivery and allows for the widest travel distance along the public road and right of way.

For driveway/field roads serving multiple structures or to be used for access to private roads, a single location for mailboxes shall be required.

#### 7. EXISTING DRIVEWAYS OR FIELD ROADS:

- a. When washing or other conditions created by existing driveways or field roads becomes a potential hazard to a public road, the Town Board of the Town of Albany shall notify the owners of the land through which the driveway passes of such conditions. Any property owner failing to correct such conditions with (90 days) ninety days after notice by the Town Board shall be subject to the penalties of this ordinance and shall be liable for any costs incurred by the Town of Albany to eliminate the hazard as provided in Wis. Stats, Section 66.60 (126).

#### 8. REQUIREMENTS FOR AN ENGINEER'S PLAN

- a. The Town Board of Supervisors of Albany Township may require the applicant to obtain a plan prepared by a professional engineer licensed by the State of Wisconsin prior to the construction or modification of any proposed driveway. 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 (25%) twenty five percent or greater, unless waived by the Town Board of Supervisors.
  - 2. For a driveway or segment of a driveway whose construction requires a retaining wall or other special erosion control measure as determined by the Town Board of Supervisors or its authorized representative; or
  - 3. For reasonable cause as determined by the Town Board of Supervisors and upon request of such.
- b. The engineer's plan will include the following:
  - 1. The precise location of the driveway.
  - 2. Grade of the driveway showing no segments exceeding (10%) ten percent.
  - 3. Location and structure of any retaining walls.
  - 4. Location and size of any culverts.
  - 5. Cross section of the driveway.
  - 6. Seeding, mulching, matting or other erosion control measures.
- c. When an engineer's plan is required, no construction of a driveway may commence until the engineer's plan is approved by the Town Board of Supervisors and a Driveway Permit issued, and when applicable, any necessary approvals are obtained from Green County or the State of Wisconsin per Wis. Stats. Section 86.07.
- d. The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.
- e. A proposed driveway construction or modification 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 timetable to reseed, mulch, ditch, placement of culverts, and carry out other erosion control measures, all of which shall be completed within (90) ninety days after beginning driveway construction or modification. If an engineer's plan of the driveway is prepared according to the requirements of Section (7) of this ordinance, an erosion control plan shall specify only those measures which are not mentioned or required in the engineer's plan.
- f. It is the responsibility of the property owner to contact the local school district regarding rules and regulations for school bus pickup on private drives.

#### 9. PENALTIES:

- a. Should a driveway be constructed or modified in a way which violates the provisions of this ordinance, the owners of the land through which the driveway passed shall pay a fine equal to (3

times) three times the fee charged for the permit application, whether or not that fee has been paid. The owners of the land shall also make the corrections indicated by the Town Board within a reasonable period of time by the Town Boards of Albany Township.

- b. If the owners of the land through which the driveway passes do not make the required corrections within the time specified, the Town Board of Albany Township shall determine the cost of correcting violations of the provisions of this ordinance including when necessary the return of disturbed land to its original condition. The cost shall be paid to the Town by the owners of the property through which the driveway passes as provided in Wis. Stats. Section 66.60 (16).

10. WAIVER:

The Town Board may, when it deems it appropriate, waive parts of this ordinance, when granting such a waiver will not be detrimental to the public safety, health or welfare or be injurious to other property or improvements in the area in which the driveway is located.

11. EFFECTIVE DATE

This ordinance shall take effect and be in force the day after its passage by the Town Board of the Town of Albany, Green County, Wisconsin publication and posting by law.

Dated this 17th day of October, 2000.

Revisions Adopted – August 19, 2003

(Original Ordinance Adopted 10/17/00)

Published – August 27, 2003

Effective – August 28, 2003

## TOWN OF ALBANY

### DRIVEWAY PERMIT PROCEDURES

1. Persons wishing to construct a new driveway or rework an existing driveway must obtain a driveway permit application from the Town Chairman. Rework means improvement or changes that change the drainage, topography (width, location) or grade of the existing drive. Rework does not include any maintenance of an existing drive that does not require changing the drainage, grade or topography of the existing driveway (examples; replacing existing culvert with same size culvert, regravelling, surface grading, sealcoating, patching). These items do not require a permit.
2. The Town Chairman or Supervisor shall review the following points with the applicant.
  - a. A plan showing locations and specifications as described in the Town of Albany Driveway Ordinance must be submitted to the Town Board.
  - b. The applicant will receive a copy of the driveway ordinance when they pay the \$500 fee for the "Application For Driveway Construction Permit". If the applicant wants a copy of the ordinance before the application fee is paid, a charge of \$5.00 per copy will apply.
  - c. The \$500 refundable security deposit for the first 100 feet of roadway and \$1.00 per running foot to building site, is due when the "Driveway Construction Permit" is issued by the Town Board.
3. The Town Board will review the plan presentation and either approve, deny or postpone approval if further study is required. If the plan is approved, the applicant must submit the security deposit before the construction permit will be issued. Permits are valid for one year.
4. Driveways will be inspected by the three member Town Board. It is up to the applicant to contact the Town Chairman to schedule an inspection. Driveway permits issued and not inspected within the one year time frame will have to reapply for a driveway permit.

No building permits will be issued until the driveway is inspected and approved by the entire Town Board and a notification of "Approval Of The Driveway" is sent to the Albany Township Building Inspector.

Security deposits will be refunded after final inspection and approval. Expenses for damages, plan evaluation, expert help or other expenses incurred by the Town regarding this driveway project will be deducted from the security deposit.

5. When the applicant returns the application and pays the fee, the Chairman schedules the plan presentation on the appropriate date and posts in on the meeting agenda.