

ORDINANCE 300-01 TOWN OF ALBANY

Revised August 8th 2023
(Prior rev. 8/19/2003)

GREEN COUNTY, WISCONSIN

DRIVEWAY AND RIGHT OF WAY ORDINANCE

1. AUTHORITY

This ordinance is adopted pursuant to the general police powers granted under Wis. Stat. § 60.22 (31), and specific authority under Wis. Stat. § 236.45. This Driveway and Right of Way Ordinance repeals and replaces the prior Driveway Ordinance last revised August 17, 2003.

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. DEFINITIONS

- a. “Driveway” means a road or other traveled way giving access from a public highway to one or more buildings (other than farm accessory buildings) located, or to be constructed, on adjacent lands.
- b. “Field road” means a road or other traveled way giving access from a public highway to farmland, farm accessory buildings, or other adjacent vacant land.

4. GENERAL PROVISIONS

- a. This ordinance pertains to all driveways or field roads off 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 three (3) member Albany Town Board.
- c. No person shall construct a new driveway or field road, improve an existing driveway or field road, or rework the existing topography of the land within the right of way, or relocate or extend an existing driveway or field road without first obtaining a Driveway/Field Road Permit from the Town Board. Re-graveling of a previously constructed driveway or field road does not constitute a change in the existing topography

of the land or constitute an improvement of the driveway or existing field road. All new driveways proposed to be installed or any field road 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 an "Application for Driveway Construction Permit" and a driveway or field road 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 Six (6) of this ordinance for the driveway's construction or field road'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 and Field Road permits will be valid for one year from the date of issue. Another application for a permit will be required for any improvements not completed during the one-year permit period.

5. FEES

a. A fee of \$500.00 shall be charged for the issuance of a Driveway/Field Road Permit for a new driveway or field road. The fee is due when the "Application for Driveway/Field Road Construction Permit" is submitted to the Town Chairman or the Town Board.

b. A fee of \$250.00 shall be charged for the issuance of a Driveway/Field Road Permit for a change in an existing driveway or field road.

c. In addition, a refundable security deposit of \$500.00 shall be paid with the "Application for Driveway/Field Road Construction Permit". A refund may be made after the driveway or field road is completed and inspection by the Town Chairman and, if required, by the two (2) town supervisors. The security deposit 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 or field road.

d. The above fees shall include one inspection by the Township. Fees for additional inspections and other costs may be imposed by the Township, in its discretion. The above fees may be further adjusted by future resolutions of the Town Board establishing a fee schedule for the Town of Albany.

6. 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 or field road which disturbs land with a grade of more than twenty-five (25) percent, unless waived by the Town Board.

- b. The driveway shall be constructed with a minimum roadway of fifteen feet (15) in width and a minimum shoulder of three (3) feet on each side having a slope of one (1) foot of vertical rise for each six (6) feet of horizontal distance. To provide for the safe passage of meeting vehicles a segment of the roadway shall be fifty (50) feet in length and twenty-five (25) feet in width at each three-hundred (300) foot segment of the roadway. These requirements can be waived by the Town Board.
- c. Each driveway or field road shall have a culvert with metal flared end sections at the ditch line where the driveway or field road meets the public road, unless waived by the Town Board. The culvert shall be a minimum eighteen (18) inches in diameter and thirty (30) feet in length. Masonry or concrete walls at the ends of culverts are not permitted.
- d. A driveway or field road which is at least twenty-four (24) feet in length shall have a maximum five (5) percent grade at the point where the driveway or field road enters onto a public road. A slight dip across the driveway or field road 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 one (1) foot of vertical rise in each three (3) 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 thirty (30) days to control erosion.
- h. Curves in the driveway shall have an inside radius of not less than thirty-six (36) feet.
- i. The maximum grade of the entire driveway or any given segment of the driveway shall not exceed ten (10) percent.
- j. Once the construction of the driveway or field has begun, all specified erosion control measures, including retaining wall, ditching, culverts, crowning, seeding, mulching, and matting shall be completed within ninety (90) days.
- k. When completed, the driveway must have at least eight (8) inches of three (3) inch rock on the roadbed and covered with six (6) inches of three quarter (3/4) inch gravel unless the Town Board approves otherwise. The six (6) inches of three-quarter (3/4) inch rock may be placed after the heavy equipment has left the site.
- l. All costs of the construction of the driveway or field road, including the cost of the culverts and engineer's plan, if required, shall be paid by the property owner requesting the Driveway/Field Road Permit. The maintenance cost of the driveway or field road, including the replacement of any culvert, is the responsibility of the owner.
- m. An area of twenty-five (25) feet in width and twenty (20) 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.

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

o. The residence, any buildings, and driveway shall be clearly marked with the appropriate fire number.

p. The driveway must have a back out with a radius of at least ninety (90) degrees or a fifty (50) foot turning radius and the grade must not exceed ten (10) percent.

q. The driveway or field road must have an approach at the place where it intersects with the public road of at least thirty (30) feet in width and an unobstructed view of at least three hundred (300) feet in each direction at that place unless the Town Board approves otherwise. County and state roads may require a longer sight distance.

r. Only one residential driveway shall be allowed per lot.

s. The approach apron of a new or replacement concrete driveway must have a joint, full thickness of slab, installed four (4) feet from the pavement edge for future road improvements. When road improvements occur, the Town will replace the approach apron with blacktop material. Any concrete replacement of the approach apron will be at the owner's expense.

t. 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 recorded with the Green County Register of Deeds. A copy of the recorded Joint Driveway Agreement shall be provided to the Town Clerk.

u. 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 specifications or town road specifications.

7. MAILBOX LOCATION

Mailbox location(s) shall be submitted at the time of a required for a Driveway/Field Road 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

driveways/private roads serving multiple structures, a single location for mailboxes shall be required.

8. EXISTING DRIVEWAYS OR FIELD ROADS:

When washing or other conditions created by existing driveways or field roads becomes a potential hazard to a public road, the Town Board shall notify the owners of the land through which the driveway or field road passes of such conditions. Any property owner failing to correct such conditions with ninety (90) 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. Stat. § 66.0627.

9. 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 twenty-five (25) 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. The grade of the driveway showing no segments exceeding ten (10) 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/Field Road Permit issued, and when applicable, any necessary approvals are obtained from Green County or the State of Wisconsin per Wis. Stat. § 86.07.

- d. The preparation of an engineer's plan does not guarantee the approval of a Driveway/Field Road 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/Field Road 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 ninety (90) days after beginning driveway construction or modification. If an engineer's plan of the driveway is prepared according to the requirements of Section Six (6) 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.

10. OTHER RIGHT OF WAY REGULATIONS

- a. A landowner shall not make any changes to the topography of the land within the right of way without first notifying the Town Chairperson and receiving the Town Chairperson's permission to proceed with the changes to the topography. If the Town Chairperson refuses to give permission to the proposed changes, the landowner may make a separate request to the Town Board.
- b. No permanent structures shall be placed in the right of way of any town road.
- c. No landowner shall place any items in the right of way or allow any item to remain in the right of way of the town road that is deemed to present a hazard or danger to travelers on the town road or impedes the maintenance of the right of way by the Town.

11. PENALTIES:

- a. Should a driveway or field road be constructed or modified in a way which violates the provisions of this ordinance, the owners of the land through which the driveway or field road passes shall pay a fine equal to 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 set by the Town Board.
- b. If the owners of the land through which the driveway or field road 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 or field road passes as provided in Wis. Stat. § 66.0627.

12. VARIANCE:

Where, in the judgment of the Town Board, it would be inappropriate to apply the provisions

of this Driveway Ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper, as long as such modification does not violate the intent of this ordinance and the 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. Application for such a variance shall be made in writing to the Town Board.

13. 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 ____ day of _____ 2023.

Prior Revisions Adopted – August 19, 2003
(Original Ordinance Adopted 10/17/00)
Published – August 27, 2003
Effective – August 28, 2003