

ORDINANCE NUMBER 3-2021

DRIVEWAY AND CULVERT ORDINANCE

An Ordinance to Establish Standards and Procedures for the Approval of Driveways and Culverts in the Town of Lind.

Section 1.0 INTRODUCTION

1. **Authority.** This ordinance is adopted pursuant to authority conferred by Section 60.22 and 86.07, of the Wisconsin State Statutes.
2. **Purpose.** The purpose of this ordinance is to promote the public health, safety and general welfare of the Town of Lind by ensuring safe access and adequate means to convey surface water runoff within public right-of-ways in the Town of Lind.

Section 2.0 GENERAL PROVISIONS

1. **Applicability.** This Ordinance applies to all driveway accesses and culverts located within public right-of-ways in the Town of Lind. No driveway access and/or culvert in a public right-of-way may hereinafter be installed, relocated or replaced without a driveway access/culvert permit as provided herein.
2. **Other Requirements.** The standards procedures and approvals required by this Ordinance are minimum standards of the Town of Lind. Any driveway access or culvert on a county, state or federal highway may be subject to additional standards, procedures and approvals of other governmental units. Where more than one governmental unit has authority to approve, a driveway access and culvert shall comply with the most restrictive requirements. A permit under this Ordinance only constitutes approval under this Ordinance. The applicant is solely responsible for obtaining any other required approvals.

Section 3.0 DESIGN AND APPROVAL REQUIREMENTS

1. **Driveway Access.** Unless otherwise determined by the Lind Town Board, there shall not be more than one driveway access per parcel of record. The driveway may not obstruct or impair drainage in highway ditches or roadside areas. Driveways shall have adequate sight distance in both directions. The guideline for determining adequate sight distance shall be ten feet (10') for each mile per hour of posted speed limit.
2. **Driveway Width and Angle.**
 - (a) Commercial driveways shall not ordinarily have a width of greater than forty feet (40') measured at right angles to the centerline of the driveway except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the property would require a greater width than specified herein, the Lind Town Board, in its discretion, may permit a driveway of additional width. The angle between the centerline of the driveway and curb line or road edge should be at right angles or approximately right angles but in no case less than seventy degrees (70 degrees).

- (b) Residential driveways shall not ordinarily have a width less than sixteen feet (16') or a width greater than twenty-four feet (24') measured at right angles to the centerline of the driveway. The angle between the centerline of the driveway and curb line or road edge shall be a right angle or approximately right angle or parallel to the property line but in no case less than sixty degrees (60 degrees) unless the Lind Town Board, in its discretion, approves a lesser angle because of topography or other unique circumstances.
 - (c) For the purpose of ensuring adequate and effective access to all dwellings for emergency vehicles, any driveway which is over one hundred feet (100') in length which is used or intended to be used as access to a dwelling shall have a right-of-way cleared of trees, brush, stumps and rocks of not less than sixteen feet (16') in width and a graveled surface width of not less than twelve feet (12'). In addition, all driveways shall have a height clearance of not less than fourteen feet (14').
- 3. Culvert Design.** All culverts shall be large enough to pass normal surface water flows without creating any backwater. Culverts shall ordinarily be installed below the bed of the ditch channel. Culvert sizes, inlet types and slopes shall be determined by the Town of Lind. Culverts shall comply with the following minimum standards:
- (a) Culverts, if needed, shall be a minimum of fifteen inches (15 ") in diameter (or equivalent elliptical or arch), have at least eight (8") inches of suitable backfill cover, and be constructed of corrugated metal or concrete unless otherwise authorized by the Lind Town Board. Culverts shall have tapered end walls if specified by the inspecting agent.
 - (b) Driveway height, at the point of the culvert, shall not exceed the level of the outside edge of the road shoulder. The surface of the driveway connecting with the public road shall slope downward and away from the public roadway.
 - (c) The side slopes of the driveway shall equal or be flatter than the side slope of the public highway but shall not be steeper than four to one unless otherwise designated on an individual basis.
- 4. Prohibited Practices.**
- (a) Filling ditches and/or culverts within a public right-of-way without approval from the Lind Town Board.
 - (b) Discharging or directing drainage from a driveway onto any public road.
 - (c) Constructing a private driveway within a public road right-of-way which causes an obstruction to the maintenance and clearing of the public roadway.

Section 4.0 ADMINISTRATION

- 1. Driveway Access/Culvert Permit Procedure.**
- (a) Obtain a copy of the Driveway and Culvert Ordinance and application form from the Town of Lind.
 - (b) Review the Ordinance and application form.
 - (c) Mark on the edge of the pavement where the proposed driveway may be located.

- (d) Call a Township representative to do a preliminary inspection and to formally stake the requested driveway from a fixed point on the property.
 - (e) **AFTER** getting the preliminary inspection passed, file the application along with payment to the Town Clerk.
 - (f) If the Town Board deems it necessary to be further reviewed, it will be sent to the Planning Commission for further investigation.
 - (g) The application will go before the Town Board at its monthly meeting for final consideration, and either be approved, modified or denied.
 - (h) If a building is planned and approved, the fire number must be applied for through the County. Final inspection and installation of the fire number shall be placed before construction can start pending having the location marked by Diggers Hotline.
2. **Driveway Access/Culvert Permit.** Application for a driveway access/culvert permit for the installation, relocation or replacement of a driveway access/culvert within the Town of Lind shall be made in writing upon a form furnished by the Town of Lind. This permit is valid for ninety days (90) upon approval by the Lind Town Board. A site plan to scale showing the proposed location, placement and design of the access and culvert shall accompany the application. There shall be a permit fee paid by the applicant at the time the application is submitted to the Town of Lind. The Town or its designated agent shall then review the application and stake the appropriate location, placement and design of the access and the diameter, length and design of the culvert if necessary.
 3. **Installation and Inspection.** Driveway access and culverts are subject to inspection by the Town of Lind. The Town of Lind shall notify the owner in writing of an improperly located or designed driveway access or culvert. If the owner fails to correct the deficiency within 90 days of written notice, the Town of Lind may take such corrective action as it deems necessary and charge the cost to the owner.
 4. **Appeals.** Any person aggrieved by any decision of a Town of Lind official or agent in the administration and enforcement of this Ordinance may appeal such decision to the Town of Lind Board of Supervisors.
 5. **Variances.** The Town of Lind Board of Supervisors shall have the power to authorize upon appeal a variance from the terms of this Ordinance where a literal enforcement of the provisions of the ordinance will result in practical difficulty.
 6. **Violation and Penalties.** It shall be unlawful to install, relocate or replace a driveway access or culvert or any excavation in the road right-a-way without prior written notice from the Town of Lind Town Board shall be in violation of this ordinance. Any person, firm or corporation that fails to comply with the provisions of this Ordinance shall upon conviction thereof, forfeit not less than \$100.00 and not more than \$1,000.00 and the cost of prosecution for each violation.
 7. **Fees.** See Resolution 2021-1, Town of Lind Planning, Zoning and Permit Fee Schedule.

Section 5.0 Repeal of Prior Ordinances

This Ordinance repeals Ordinance Number 2-2017 adopted June 12th, 2017.

Section 6.0 Severability

If any 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 unconstitutional provision or application.

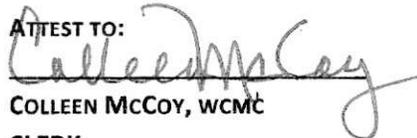
Section 7.0 Effective Date

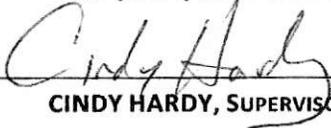
Upon adoption by the Lind Town Board, this Ordinance shall take effect the day after the date of publication or posting as provided by Section 60.60, Wisconsin State Statutes.

ADOPTED AND APPROVED THIS 14TH DAY OF JUNE, 2021.



STEVE GALL, CHAIRMAN

ATTEST TO:

COLLEEN MCCOY, WCMC
CLERK

KURT (ANDY) JENSEN, SUPERVISOR I


CINDY HARDY, SUPERVISOR II