

TOWN OF MT.PLEASANT
GREEN COUNTY, WISCONSIN

ORDINANCE 1-98 (AMENDED JUNE 2013, MAY 2016, AND AUGUST 2018)

1. AUTHORITY

This ordinance is adopted pursuant to the town's village powers under Wis. Stat. 60.22 and specific authority under Wis. Stat 66.0425 and 86.07.

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 Mt. Pleasant. This ordinance applies to construction or modification of private driveways and field driveways located in the Town of Mt. Pleasant that provide access to buildings constructed or to be constructed and to substantial modification of a driveway or field driveway after the effective date of this ordinance.

3. DEFINITIONS

Driveway is defined as a road giving access from a public highway or private road to one or more dwelling units or agricultural or commercial buildings located or to be constructed on adjacent lands. Driveway does not include field driveways.

Field driveway is defined as an entrance to a field with no access to buildings or structures (buildings or structures include homes, garages, sheds, barns, bins, silos, etc.) If a field driveway is converted to a driveway to serve one or more structures it shall be treated as a new driveway subject to the provisions of this ordinance related to driveways.

4. GENERAL PROVISIONS

- a) This ordinance applies to all driveways off of state, county, town, or private roads in the Town of Mt. Pleasant
- b) No building permit for new construction shall be issued by the Town of Mt. Pleasant until the driveway is constructed according to the specifications of this ordinance and inspected by the Town Board of the Town of Mt. Pleasant (excepting only the placement of two inches of $\frac{3}{4}$ inch gravel in accordance with section 5.k hereof)
- c) No person shall construct, improve or rework a driveway or field driveway which changes the existing topography of the land without first obtaining a driveway permit from the Chair of the Town Board of the Town of Mt. Pleasant. Relocating a previously established driveway or field driveway is subject to a new permit from the Chair of the Town Board. Re-graveling a previously constructed driveway or field driveway does not constitute a change in the existing topography of the land. All new driveways proposed to be installed and 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 the inspection fee established by this ordinance for a driveway to be paid to the Town prior to the start of any construction and prior to issuance of a building permit. Permit and fee may be waived for minor improvements to existing driveways at the discretion of the Town Board.

- (i) Prior to consideration of an application for construction of a driveway by the Town Board, the applicant (agent, owner, contractor) shall obtain from the Town Chairman and submit to the Town Chairman an "Application for Driveway Construction Permit" and a driveway construction plan that shall accurately describe the location of the proposed driveway and the specifications for the driveway's construction (grade, slope, width, length, and erosion control procedures, etc) as required by Section 5 of this ordinance, together with the fee and deposit provided in Section 4.f. The applicant shall also submit a signed Code of Country Living form which must be signed by the land owner. When the Town Chair receives the completed Town application, they will schedule preliminary approval of the driveway at a Town Board meeting, after notifying the other members of the Town Board of the application and location of the driveway. The Town Board will review the application and either approve, deny, or postpone approval of the permit if further study is required. If the permit is approved, the Town Board signs the driveway permit and returns one copy to the applicant.
- (ii) When driveway construction is completed (excepting only the placement of two inches of $\frac{3}{4}$ inch gravel in accordance with Section 5.k hereof), the applicant will notify the Town Building Inspector (contact information on the Town website, www.townofmontpeliervt.com) who will inspect the driveway. If the driveway complies with this ordinance, the Building Inspector will give notice thereof to the applicant and to the Town Board chair. The Building Inspector shall identify any failure of the driveway to comply with this ordinance at the time of this inspection and shall give written notice of such noncompliance to the applicant, with a copy to the Town Board Chair, within five days after the completion of the inspection.
- (iii) Following addition of the final two inch layer of $\frac{3}{4}$ inch gravel, the applicant will notify the Town Building Inspector, who will perform the final inspection of the driveway. No final approval of building construction nor issuance of a certificate of occupancy by the Town Building Inspector may occur until satisfactory completion of the final inspection of the driveway. The Town Building Inspector will notify the Town Board Chair and the applicant of the results of the final inspection. The deposit will be refunded after such final inspection and approval. Expenses for Building Inspector inspections, damages, plan evaluation, expert assistance to the Town Board,

special meeting costs, or other expenses incurred by the Town will be deducted from the security deposit, or if the security deposit is not sufficient, will be charged to the applicant.

(iv) Prior to consideration of an applicant for construction of a field driveway by the Town Board, the applicant (agent, owner, contractor) shall submit to the Town Board Chair an application to construct a field driveway so that it may be checked by the Town Board.

d) A proposed driveway construction or modification shall be accompanied by an erosion control plan presented to the Town Board prior to issuance of a driveway permit. An erosion control plan shall include the driveway owners intentions and timetable to reseed, mulch, ditch, place culverts, and carry out other erosion control measures, all of which shall be completed within 90 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 that are not mentioned or required in the engineer's plan.

e) Driveway and field driveway permits are valid for one year from date of issue. Another application shall be required for any improvements not completed during the one year permit period.

f) A fee of \$1000.00 plus \$1.00 per running foot of driveway in excess of 100 feet to the building site shall be required for the issuance of a driveway permit. The fee is payable as follows:

(i) \$500.00 (not refundable) payable when the "Application for Driveway Permit is submitted to the Town Board. This portion of the fee shall be waived for land owners wishing to improve an existing driveway to meet current specifications.

(ii) \$500.00 plus \$1.00 for each running foot of driveway in excess of 100 feet to the building site, payable when the Driveway Permit is issued by the Town Board. Refund will be made following final inspection and approval of the driveway by the Town Board in accordance with Section 4.c.(iii)(after the final placement of two inches of $\frac{3}{4}$ gravel in accordance with Section 5.k). If construction is not completed within the one year period provided in Section 4.e, the deposit shall not be refunded.

g) A refundable fee of \$500.00 shall be required for issuance of a field driveway permit. Fee will be refunded upon completion with final inspection and approval by the Town Board.

5. SPECIFICATIONS FOR CONSTRUCTION OF DRIVEWAYS

a) An engineer's plan showing adequate erosion control measures is required for any segment of the proposed driveway that disturbs land with a slope of more than 10% unless waived by the Town Board.

b) The driveway shall be constructed with a minimum roadway of 15 feet in width and a minimum shoulder of three feet on each side having a slope of one foot of vertical rise per each six feet of horizontal distance. To provide for safe passage of meeting vehicles a segment of the roadway shall be 50 feet in length and 25 feet in width at each 1000 foot segment of the roadway.

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 of 18 inches in diameter and 30 feet in length.

d) A driveway that is at least 24 feet in length shall have a maximum slope of 5% at the point where the driveway enters onto the public right of way. If the driveway slopes downward to the public road, the driveway surface, culvert and ditch at the point of entry into the public road shall be constructed so that washing from the driveway does not flow onto the public road. The owner shall be responsible for keeping this erosion control surface in compliance with this subsection throughout the life of the driveway, and for removing any debris or driveway surface that washes onto the public road or into the ditch.

e) Ditches, roadway crowning and culverts that provide acceptable drainage are required.

f) The driveway's side banks shall be graded to a slope of no more than one foot of vertical rise for each three feet of horizontal distance, except when 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 days after initial construction of the driveway to control erosion.

h) Curves in the driveway shall have an inside radius of not less than 36 feet.

i) The maximum grade of the entire driveway or any given segment of the driveway shall not exceed 10%.

j) After construction of the driveway has begun, all specified erosion control measures, including retaining wall, ditching, culverts, erosion control dip surfaces, crowning, seeding, mulching and matting shall be completed within 90 days.

k) The driveway must have at least 6 inches of two inch rock on the roadbed at the time of initial inspection by the Town Building Inspector for issuance of a building permit. The driveway must have at least two inches of $\frac{3}{4}$ inch gravel over the two inch rock layer at the time of final inspection and approval of driveway by the Town Building Inspector prior to return of the driveway deposit.

l) All costs of construction of the driveway, including the cost of the engineer's plan, if required, and culverts, shall be paid by the property owner requesting the driveway. Maintenance of the driveway in accordance with this ordinance is the responsibility of the owner.

m) An area of 25 feet in width and 20 feet in height shall be cleared along the driveway in order to permit safe passage of emergency vehicles. This area shall be free of all trees, branches, wires, or other possible obstruction. This area must be maintained with the designated clearance. The Town Board may waive clearance in particular locations if such clearing would be environmentally damaging and if such failure to clear would not unreasonably interfere with emergency service or create a safety hazard.

n) Structures must be clearly marked with fire numbers at the point the driveway enters the public road.

o) The driveway must have a back out with a radius of at least 90 degrees or a 50 foot turning radius and the slope of such features shall not exceed 10%.

p) The driveway must have an approach at the place where it intersects with the public road of at least 30 feet in width and an unobstructed view of at least 300 feet in each direction, unless waived by the Town Board after considering the safety of passing motorists and persons entering the public road from the driveway. Longer sight distances may be required by the Town Board for driveways entering state or county highways.

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 driveway agreement shall be prepared in the form of a permanent easement over both parcels affected by the driveway, running with the land and in recordable form, and a copy of the recorded easement, certified by the Register of Deeds, shall be provided to the Town Board prior to approval of the joint driveway. No modifications to the joint driveway shall be permitted without an amendment of the easement satisfying the foregoing requirements.

r) Prior approval of the Town Board is required for private roads that serve two or more driveways. The Town Board shall determine whether such private roads are to be constructed to driveway or town road specifications.

6. REQUIREMENTS FOR AN ENGINEER'S PLAN

a) The Town Board 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:

- (i) For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of 25% or greater, unless waived by the Town Board.
- (ii) For a driveway or segment of a driveway whose construction requires a retaining wall or other special erosion control measures as determined by the Town Board; or
- (iii) For such reasonable cause as determined by the Town Board.

b) The engineer's plan shall include the following:

- (i) The precise location of the driveway.
- (ii) Slope of the driveway showing no segments exceeding 10%
- (iii) Location and structure of any retaining walls
- (iv) Location and size of any culverts.
- (v) Cross section of the driveway.
- (vi) 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 and a Driveway Permit issued, and when applicable, any necessary approvals are obtained from Green County under Wis. Stat 86.07.

d) The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

e) It is the responsibility of the property owner to contact the local school district regarding rules for school bus pickup on private drives.

7. SPECIFICATIONS FOR FIELD DRIVEWAYS

a) Each field 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 have a minimum diameter of 18 inches and a length of 30 feet. The cost of the culvert, gravel, installation and maintenance are the responsibility of the landowner.

b) The field driveway shall have an unobstructed view of at least 300 feet in each direction unless waived by the Town Board after considering the safety of passing motorists and persons entering the public road from the driveway. Field driveways entering county and state highways may require longer sight distances.

c) Field driveways shall be constructed so that the driveway surface and debris do not wash from the field driveway onto the surface of the public road. The owner of the field driveway shall be responsible for removing any driveway surface materials that wash onto the public road or into the ditch.

8. EXISTING DRIVEWAYS OR FIELD DRIVEWAYS

When washing or other conditions created by an existing driveway or field driveway becomes a potential hazard to a public road, the Town Board shall notify the owners of the land through which the driveway passes of such conditions. Any property owner failing to correct such conditions after 90 days after written notice by the Town Board shall be subject to the penalties of this ordinance and shall be responsible for triple damages incurred by the Town of Mt. Pleasant to eliminate the hazard as provided in Wis. Stat. 86.02

9. PENALTIES

a) Should a driveway or field driveway be constructed or modified in a way that violates the provisions of this ordinance, the owners of the land through which the driveway passes shall pay a fine equal to three times the fee charged by the permit application, whether or not a fee has been paid. The owners of the land shall make the corrections required in writing by the Town Board within a reasonable period of time determined by the Town Board.


b) If the owners of the land through which the driveway or field driveway passes do not make the required corrections within the time specified, the Town Board shall determine the cost of correcting the violations of this ordinance including when necessary returning the 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.

c) The Town shall also be entitled to an injunction of the Circuit Court to enforce compliance with the provisions of this ordinance. If an injunction is obtained, the owner shall be responsible for paying the Town Board's legal and court costs of enforcement and the owner shall also forfeit the owner's deposit made under this ordinance. Failure of a contractor or subcontractor to complete work shall not be a defense to the owner's timely complying with all of the requirements of this ordinance.

10. EFFECTIVE DATE

This ordinance was effective as originally adopted October 1, 1998 and was amended by adding provisions for field driveways effective February 1, 2001, and further amended in June 2013, May 2016, and August 2018. This amended version of this ordinance shall be effective the day after its adoption by the Town Board of the Town of Mount Pleasant and its publication or posting as provided by law.

Dated: -17 September 2018-



Ken Christen, Chairman



Bryon Feller, Supervisor

Attest:



Joni Waelchli-Buehl, Clerk

Published/Posted:

Effective Date: