

**Town of Somerset**  
**St. Croix Co., Wisconsin**  
**Ordinance #2020-02**

**Chapter 30 Driveway Access Standards**

**Section I: Statement of Purpose**

The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification, or the reworking of a driveway or field driveway that changes the existing topography of the land to:

- A. Assure that the site, method of construction and conservation practices to be used will promote the public health, safety and general welfare of the community;
- B. Preserve agricultural land and productivity;
- C. Provide safe entrance onto public roadways by avoiding dangerous driveway locations;
- D. Prevent damage to public roads, graded ditches, roadsides and other driveways by controlling drainage;
- E. Maintain safe travel on public roads;
- F. Provide uniform, consistent design standards for the construction and improvement of town roads; supplement St. Croix County road standards;
- G. Promote the orderly layout of Town roads and mapping of same for continuation in and connection with the Town road system; and
- H. Implement the goals, objectives and policies set forth in the Town of Somerset Comprehensive Plan.

**Section II: Effective Date, Authority, Jurisdiction**

- A. This ordinance shall be effective upon its passage and publication as provided by law.
- B. These regulations are adopted under the general police powers authority granted pursuant to sec. 60.10(2)(c), 60.22(3) and 61.34(1) of the Wisconsin Statutes.
- C. Any amendments, repeals or recreations of the statutes relating to this ordinance are incorporated into this ordinance by reference as of the effective date of the amendment, repeal or recreation.
- D. This ordinance applies to all driveways and field driveways accessing town roads, which occur or are proposed to occur in the Town of Somerset, St. Croix County, Wisconsin.
- E. Driveways accessing onto County, State or Federal highways must obtain approval of the proper regulating authority for those roads for a driveway permit and are exempt from obtaining a driveway permit from the Town of Somerset.

- F. Specific standards set forth by this ordinance apply only to those segments of driveways located within a town road right-of-way.
- G. This ordinance shall be in addition to and a supplement of the St. Croix County Ordinances as they apply to road and driveway standards and installation within the Town of Somerset. Where the provisions of this Ordinance and the County ordinance conflict, the more restrictive provisions shall control. Designs and standards not addressed in this section but addressed in the County ordinances shall be applied by the Town Board.

### **Section III: Definition of Terms**

- A. Driveway: A private driveway or other avenue of travel that runs through any part of a private parcel of land or that connects or will connect to any public highway/town road.
- B. Field Driveway: A type of driveway used solely for agricultural purposes.
- C. Temporary Driveway: A driveway that may be placed for a specific purpose, such as logging, but which must be removed at the end of the allocated timeframe.
- D. Commercial Driveway: A driveway that is used for commercial purposes.

### **Section IV: Permit Required**

- A. All new driveways proposed to be installed or modification of any driveway alleged to be existing shall require a permit and inspection by a representative(s) designated by the Town Board. A driveway permit application shall be completed and the site shall be flagged by the applicant for inspection
- B. All driveway permit applications shall include a copy of the Certified Survey Map or Plat Map of the Lot.
- C. All applicants shall pay a non-refundable permit review fee of an amount set by the Town Board.
- D. The driveway permit shall be valid for one year from the date of issuance.

### **Section V: Driveway Standards**

- A. All driveways shall be designed and maintained by the owners to allow reasonable access by emergency vehicles.
- B. All driveways shall meet the standards found in the St. Croix County Ordinance and the following standards:
  - 1. A maximum grade of 12 percent at any point along the driveway.
  - 2. A maximum grade of 2 percent within 50 feet of the centerline of the intersecting road; sloping away from the town road.
  - 3. All driveways should intersect the public road at approximately a 90 degree or right angle to the highway pavement.
  - 4. A minimum driveway surface/mat of 12 feet.
  - 5. Minimum separation of 200 feet measured centerline to centerline.
  - 6. Minimum site distance of 400 feet along the intersecting road.

7. Where deemed necessary, a minimum of a 15-inch diameter, 24 feet in length culvert that meets the WIS DOT minimum standards and apron end walls shall be installed and maintained by the property owner to provide proper drainage under the driveway entrance along the road.
8. The side slope of the driveway access at the intersecting road shall be vegetated and graded to match the apron and end walls.
9. Town road surfaces, slopes, shoulders, ditches and vegetation disturbed by construction shall be restored by the property owner.
10. The driveway must have at least 6 inches of  $\frac{3}{4}$  inch rock on the roadbed within 33 feet of the centerline of the intersecting road.
11. If the applicant can clearly demonstrate that one or more unique conditions affecting the driveway location make the literal application of one or more of the design standards impracticable or unduly burdensome, the Town Board may waive such standards as may be reasonable, provided that the waiver is not contrary to the general intent and purposes of this ordinance and the health, safety, and general welfare of the public.
  - a. Any request by an applicant for a waiver of any standard in this section must accompany the initial application and must state the reason for the request.
  - b. A waiver may not be based on mere inconvenience or financial hardship to the applicant or a self-created hardship of the applicant.
  - c. A waiver shall provide only the minimum relief necessary to overcome the unique condition(s).
12. Retaining walls, embankments of any kind, rocks, timbers and other similar driveway marking treatments are prohibited in the right-of-way.
13. The Town of Somerset does not assume any responsibility for repair or maintenance of any driveway along a town road, including repair, maintenance or replacement of culverts in the town road right-of-way. Repair, maintenance or replacement is the responsibility of the property owner.

#### **Section VI: Joint Driveway Standards**

- A. Joint or shared driveways may be allowed where beneficial, but the shared amount shall be the least amount necessary and shall not provide access to more than two lots or parcels.
- B. Joint driveways shall be approved by the Town Board.
- C. In addition to the driveway standards in Section V, joint or shared driveways shall have a minimum width of 20 feet and a maximum width of 24 feet at the right-of-way line.
- D. A shared driveway maintenance agreement, addressing the repair and maintenance, is required for all shared driveways and shall be approved by the Town Board. The shared driveway agreement shall be recorded with each property's deed in the St. Croix County Register of Deeds Office.

## **Section VII: Temporary Driveway Standards**

- A. A temporary driveway may be allowed to accommodate short-term events or activities, such as logging. It shall not be used to access a residential building site or property.
- B. A temporary driveway shall be approved by the Town Board or representative.
- C. A temporary driveway permit shall be issued for a maximum of 6 months.
- D. The applicant shall provide a removal and repair cash deposit to be held by the Town of Somerset. The deposit shall be an amount set by the Town Board to cover the cost of driveway removal, regrading, seeding, vegetation and associated administrative costs, such as advertising or bidding.
- E. Within 30 days of the expiration of the temporary driveway permit, the driveway and any culvert shall be immediately removed and the ditch and right-of-way graded and seeded to match the grade and cover prior to installation.
- F. In the event the temporary driveway is not removed at the expiration of the permit, the Town Board shall exercise its right to retain the removal and repair deposit and use those funds to remove the driveway, repair the site and reestablish vegetation.

## **Section VIII: Commercial Driveway Standards**

- A. A commercial driveway shall meet all of the standards of St. Croix County's Code Chapter 15 and WI DOT standards of accessing a State Highway. Any commercial driveway accessing a State or County Highway shall obtain a permit and must be approved by State or County before construction and must meet all State and County standards.
- B. A commercial driveway shall meet or exceed all of the driveway standards for Town of Somerset, such as a 15" diameter, 24' length culvert that meets WI DOT minimum standards and apron end walls installed.
- C. A maximum grade of 2 percent within 50 feet of the centerline of the intersecting road; sloping away from the road.
- D. The side slope of the driveway accessing at the intersection road shall be vegetated and graded to match the apron end walls.
- E. The commercial driveway must have at least 10" of ¾ inch rock on the roadbed within 33 feet of the centerline of the intersection road.
- F. All commercial driveways shall intersect the road at a 90 degree or right angle to the highway pavement.
- G. All commercial driveways must be paved/blacktopped.

## **Section IX: Enforcement and Penalties**

- A. Any person who constructs or modifies any driveway without a permit, as required by this ordinance, shall forfeit \$100.00 plus all applicable assessments, surcharges and court costs. Any person who constructs or modifies a driveway in violation of any

other provisions of this Ordinance, unless the violation is corrected within 30 days of date of written notice from the Town Board or representative, shall forfeit \$100 plus all applicable surcharges and court costs for each violation. Each day that any violation continues shall constitute a separate offense. An unlawful driveway constitutes a public nuisance and may be subject to abatement by any applicable procedure.

**Section X: Severability**

A. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**Section XI: Effective Date:** This ordinance shall be effective upon its passage and publication, as provided by law.

Adopted this 5<sup>th</sup> day of February, 2020

Ed Schachtner, Ed Schachtner, Town Chair

Shane Demulling, Shane Demulling, Town Supervisor

\_\_\_\_\_, Lenny Germain, Town Supervisor

Douglas Plourde, Douglas Plourde, Town Supervisor

Tim Witzmann, Tim Witzmann, Town Supervisor

Attest: Jeri Koester, Jeri Koester, Town Clerk/Treasurer

Adopted: February 5<sup>th</sup>, 2020

Published: February 13<sup>th</sup>, 2020