

DRIVEWAY ACCESS TO MEDARY TOWN ROADS.

It is hereby ordained by the Town Board of the Town of Medary, La Crosse County, Wisconsin, as follows:

(1) **APPLICABILITY.** This section applies to all design, layout and construction of private driveways in the Town of Medary which join with a public roadway.

(2) **INTERPRETATION AND PURPOSE.**

(a) The Town Board has determined that improper design, layout and or construction of driveway access onto town roads impairs the ability of said road system to efficiently and safely serve as a part of an integrated intermodal transportation system. This section specifies the Town's minimum standards for the design, layout and construction of private driveways abutting on a town road. These minimum design standards have been adopted in order to provide for the safety of entrance upon and departure from those highways, to preserve the public interest and investment in those highways, to help maintain speed limits, and to provide for the development and implementation of an intermodal transportation system to serve the mobility needs of people and freight and foster economic growth and development, while minimizing transportation related fuel-consumption, air pollution, and adverse effects on the environment and on landowners and users.

(b) It is not intended by this section to repeal, abrogate, annul, impair or interfere with any regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this section imposes a greater restriction upon the design and construction of driveways the provisions of this section shall govern.

(3) **DEFINITIONS.**

(a) "Town" means the Town of Medary, including any agency, department or committee thereof.

(b) "Town Planning Committee" means the "Town of Medary Plan Commission"

(c) "Town Building Inspection Department" means town Building Inspector or his /or her designee approved by the Town Board.

(d) "Driveway" means a private road giving access from a public roadway to a building or other land use on abutting grounds.

(e) "Grade" means the slope of a road, street, alley, foot path, lot or block, specified in percent.

(f) "Pavement" means a material installed to formulate a semi-permanent surface onto the roadway width.

(g) "Permit" means the written authority granted by the Town Building Inspection Department to conduct activities regulated by this section.

(h) "Reconstruct" means to remove a driveway, or any of the structural portions of a driveway and construct again or replace the driveway with new or additional structural portions.

(i) "Registered Professional" means an Engineer, Surveyor, or Landscape Architect registered and certified to practice within the State of Wisconsin.

(j) "Roadway" means any public road, street, highway, alley, or portion thereof.

(k) "Sight Distance" means the distance from the entry point onto the highway to the point at which safe visual contact with oncoming traffic ceases to exist.

(l) "Tracking" means the detachment and movement of soil, sediment, or rock fragments by vehicle tires.

(m) "Urban Section" means a roadway cross section which is typical to urban areas, including curb and gutter, sidewalk, underground storm sewer and etc.

(4) PERMITS.

(a) No owner of real estate, owner of an easement of ingress and egress or tenant of real estate in the town which abuts a town road or within 200 feet of an intersection to a town road on another roadway, shall open, construct, reconstruct, or change the principle use of a driveway or roadway onto that town road, without obtaining a permit under this section.

(b) All permits applied for under this section shall be filed with the Town of Medary and shall include an application fee that shall be determined from time to time by the Town Board. Applicants shall be notified in writing of the town’s decision on their application within 30 days of receipt of completed application. The Town Building Inspection Department shall issue a permit under this section for driveways which meet the following standards:

(5) LOCATION. All driveways shall:

- (a) Be located at a point deemed most appropriate using the following standards:
 1. That point which maximizes sight distance at the driveway location from both directions.
 2. That point which maximizes sight distance at an intersection, curve or other adjacent traffic use.
 3. That point which maximizes distance between adjacent driveways.

(6) DESIGN. All driveways shall:

- (a) Be constructed at a 90° angle (perpendicular) to the roadway that it abuts, for at least 20 feet from the edge of the Pavement of the roadway.
- (b) Be constructed at a maximum slope of 5% for at least 20 feet from the edge of the pavement of the roadway, and a slight depression shall be constructed across the drive so as to insure that drainage and debris not be discharged to the town roadway.
- (c) Be constructed so as to support typical vehicle traffic during all weather conditions.
- (d) Be constructed so as to eliminate the tracking of material off of the driveway onto the roadway.
- (e) Be constructed so that the width of a driveway at the right of way line complies with the following table:

TABLE – DRIVEWAY

Use of Property to be Served by Driveway	Minimum Width Of Driveway	Maximum Width Of Driveway
Residential	12 feet	22 feet
Shared Driveway	20 feet	24 feet
Agricultural	20 feet	26 feet
Commercial	20 feet	32 feet
Industrial	24 feet	40 feet

(f) The Town Building Inspection Department is authorized to determine if a culvert is required. Any required culvert shall be installed entirely at the applicant’s expense. Any culvert in the town Right-of-Way must be designed to carry a minimum of a 25 year storm event, which is 2.9” of rainfall within a 24 hour period, unless otherwise directed by the town board. The Town Building Inspection Department may require that a culvert design be submitted by a registered professional at the applicant’s expense.

(g) The culvert shall be a minimum of 12” corrugated metal pipe. Any culvert that

is not Corrugated Metal Pipe (CMP) or Reinforced Concrete Pipe (RCP) shall be certified by a registered professional as appropriate for the construction of said driveway.

(h) All culverts shall be designed with adequate length and appropriate apron ends, unless otherwise directed by the Town Building Inspection Department.

(i) The Town Inspection Department may impose additional conditions or requirements than those provided herein in order to carry out the purpose and expressed intent of this section for efficiency and safety of access to town roadways.

(7) CONSTRUCTION.

(a) All construction shall be completed within 6 months of the town's issuance of the driveway permit. If the driveway is not completed within this deadline, the permit shall be null and void and construction must stop on the driveway until a new permit has been issued by the town.

(b) All costs of installing the new driveway shall be the responsibility of the applicant.

(c) All necessary erosion control measures shall be installed and maintained so as to eliminate sediment discharge to the roadway.

(d) There shall be no sediment, brush or other debris in the Roadway right-of-way as a result of the construction of the driveway.

(e) All work shall be performed in such a manner as to preclude any danger to, or interference with traffic flow.

(f) Concrete shall not extend into Roadway right-of-way unless Urban Section standards apply.

(g) Where driveways are to be installed in urban section the following construction standards apply:

1. When curb and gutter is removed, the new connections shall be of equivalent acceptable material and curb returns provided or restored in a neat manner. The driveway surface shall connect with the highway pavement and sidewalk, if applicable, in a neat manner. The driveway construction shall include the replacement of sidewalk areas which are inadequate or become damaged.

2. All curb flares shall be tangent to the curb line, and within the right-of way.

3. A curb length of not less than 3 feet shall be left undisturbed adjacent to each property line to serve as an island area should the adjoining owner request a permit for an entrance.

(h) All driveways existing as of the effective date of this section shall be deemed to be permitted driveways and no permit shall be required.

(8) VIOLATIONS AND PENALTIES. Any person, firm or corporation; including, but not limited to the landowner, contractor, or excavator; who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this section, shall be subject to legal proceedings as deemed appropriate by the town board, including but not limited to injunctive relief and/or Forfeiture of not less than \$100.00 nor more than \$250.00 or the maximum established by Wisconsin Statutes, which ever is lesser for each violation. Each day after having received notice of non-compliance with this section shall be deemed as an activity in violation of this section and shall be deemed a separate and continuing offense.

(9) APPEALS.

(a) Any person aggrieved by an objection to a driveway permit or failure to approve a driveway permit or a condition imposed thereon may appeal to the Town Board. The Town Board after hearing said appeal shall make its determination as to whether the denial or a condition imposed by the Town building Inspection Department shall be affirmed, modified or denied. Upon good

cause shown at such appeal hearing the Town Board may waive any requirements imposed by this section or the Town Building Inspection Department provided said waiver does not violate any Federal, State or County Statute, rule or regulation. "Good cause shown", as defined herein, without intending to be all inclusive shall include impossibility of performance where said

impossibility does not materially affect the enforcement of the intent of this section, material hardship if granting a waiver does not defeat the intent of this section, and conditions or requirements being imposed when the same serve no material purpose in carrying out the intent of this section under the circumstance of the case appealed.

(b) Appeals shall be in writing, and shall be addressed to the town clerk. Who shall schedule the same for hearing by the Town Board.

(10) VALIDITY. Should any, clause or provision of this section, be declared invalid, the same shall not affect the validity of the section or any part thereof, other than the part so declared invalid.

(11) This section shall be approved by the Town Planning Committee. In addition said Town Planning Committee after review and public hearing may make recommendations to the Town Board for amendments to this section and/or additional conditions or requirements to be imposed for the issue of driveway permits.

(12) EFFICTIVE DATE. Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by law, pursuant to sec.60.80, Wis. Stats.

ADOPTED this _____ day of _____, 2010

Voted For: _____ Vote Against: _____ Not Voting _____

Signed by: _____ (Medary Town Chairperson)
Linda J Seidel

Attest: _____ (Medary Town Clerk)
Terry J Houlihan