

Town of Little Black, Taylor County, Wisconsin
Chapter 20: Roads

Section 24.01 DRIVEWAY AND CULVERT AND UTILITY PERMIT ORDINANCE

This ordinance rescinds Town of Little Black Board Policy 3-2003 and repeals and recreates
Section 24.01 ROAD, DRIVEWAY AND CULVERT ORDINANCE dated March 10th 2013.

1. **AUTHORITY AND PURPOSE.** This Ordinance is adopted under the general authority granted pursuant to §§ 60.10(2)(c), 60.22, 82.03, 86.07, and 86.16 of the Wisconsin Statutes; to promote the public safety, health and general welfare of the community, to further the safe and orderly layout of driveways that enter onto roads within the Town, and to ensure the safety of utility structures located within Town highways and rights of way.
2. **DEFINITIONS.** In this ordinance:
 - A. "Driveway" means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide vehicular access from the highway to a residence, business, recreational site, or other similarly appropriate use.
 - B. "Emergency vehicle" means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the town.
 - C. "Impacted landowner" means an owner of real estate that is provided vehicular access to a public highway by a driveway determined to be unsafe.
 - D. "Prime or productive agricultural or forestry land" means any land within the town that is currently being farmed or kept in forestry, including cropland and pastureland, or land that is included in a government sponsored agricultural or forestry program.
 - E. "Town" means the Town of Little Black, Taylor County, Wisconsin.
 - F. "Town board" means the board of supervisors for the Town of Little Black, Taylor County, Wisconsin, and includes any designee of the board authorized to act for the board."
 - G. "Town clerk" means the clerk of the Town of Little Black, Taylor County, Wisconsin.
 - H. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.
3. **DRIVEWAY PERMIT APPLICATION REQUIREMENTS AND PROCEDURES**
 - A. **Permit Required.** No person or entity shall establish, construct, improve, modify, relocate or rework a driveway from a private property line to a public roadway or within a public right of way, or install any culverts necessary therefor, without first obtaining a driveway permit from the Town Board. For purposes of this Section, a modification is defined to include, but is not limited to, any change in use of any driveway from residential use to another use.
 - A.1. This section does not apply to projects for which a utility permit is required in Section 5, below, or a privilege is required in Town of Little Black Ordinance § 23.02.
 - A.2. This section regulates non-subterranean manure hoses that are laid out or installed within or across the right-of-way of a highway under the Town's jurisdiction.
 - B. **Application Form.** Applications for driveway permits shall be made on a form approved by the Town Board and available from the Town Clerk. A completed "Driveway Permit Application" form shall be filed with the Town Clerk. The application shall be accompanied by the following attachments:

- B.1. Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions of the project.
- B.2. Plat Map. A plat map indicating the location and dimensions of the desired driveway and highway access locations, if any, as well as the parcels immediately adjacent to the applicant's property. The applicant may first submit only a sketch plat. Once the Town Board has reviewed the sketch plat, the applicant may be asked to submit an additional preliminary plat or final plat, or both.
- B.3. For any manure hose or pipe, an engineering report describing the hose or pipe materials, construction, operation, maintenance, and inspection schedule.
- B.4. Other Documents. The Town Board may require other documents to be attached to the Driveway Permit Application on a case-by-case basis, where necessary to assess the public safety and welfare impacts of the proposal.
- C. Application Review. The Town Board shall approve or deny every Town Driveway Permit Application and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the permittee.
 - C.1. Reasons for conditioning or denying a Town Driveway Permit Application shall be stated in writing and may include, but are not limited to the inconsistency or nonconformance of the proposed driveway or highway access with any of the following:
 - a. This ordinance.
 - b. Any existing town comprehensive plan, master plan, or land use plan.
 - c. Other town ordinances, rules, regulations, or plans.
 - d. Any applicable county, state, or federal laws, ordinances, rules, regulations, or plans,
 - e. Engineering standard or generally accepted engineering practices for the structure at issue.
 - f. Any other rule, regulation, or condition as the Town deems necessary and proper for the preservation of highways and for the safety of the public.
 - C.2. All driveway permits issued under this section must contain the statement and be subject to the condition that the work shall be constructed subject to such rules and regulations as the Town requires and must be completed to its satisfaction. In the case of temporary alterations, the highway or bridge shall be restored to its former condition, and the permittee shall be liable to the town for all damages which occur during the progress of any work authorized by the driveway permit or that occurs as a result thereof.
 - C.3. Permit Period. A Driveway Permit is effective for twelve (12) months from the date of approval by the Town Board. If the driveway has not been completed within that period, the permit is deemed expired and a new application must be submitted and approved. Within 60 days after the expiration of a permit without completion of construction, the applicant shall cause the property to be restored to the condition it was in immediately prior to commencement of the work authorized by the expired permit, unless a new permit is obtained during the 60 day period.
 - C.4. Driveway Inspection. The applicant shall notify the Town Clerk within five (5) working days after completion of construction or improvement of the driveway. The Town Board or its designee shall conduct an inspection of the driveway to ensure full compliance with all provisions of this Ordinance and any permit issued hereunder, and shall require the applicant to make such modifications as are necessary for full compliance. A date for completion of modifications shall be specified.

C.5. Fee and Penalties. The fees required in connection with each driveway permit application shall be determined as follows:

- a. Application Fee. The standard fee for driveway permit applications shall be set by the Town Board and may be amended from time to time by resolution.
- b. The Town Board may, at its discretion, set an individual application fee higher than the standard fee amount if extraordinary circumstances so dictate, such as the need for expert engineering or legal review due to site- or project-specific features. The fee shall be non-refundable unless the application is withdrawn prior to the commencement of processing of the application.
- c. Failure to obtain a driveway permit or to comply with the standards in this Ordinance is punishable by a fine of \$50 per violation, or by imprisonment not exceeding six months, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations or ensure repair of the affected facilities.

C.6. Town Authority Preserved. The Town of Little Black, notwithstanding the issuance of any permit under this Ordinance or construction of any driveway, pipe, or hose pursuant to such permit, reserves all of its rights and authority to cause any changes, additions, repairs, reconstruction or relocation of any part of a driveway located within dedicated right-of-way at any time, including but not limited to, modifications that maybe necessary or convenient in connection with the relocation, reconstruction, widening and/or maintaining the road or right-of-way, without compensating the owner of such private driveway for damage to, or the destruction of, such private roadway.

C.7. Receipt of a permit under this ordinance does not relieve the permit holder from obtaining any other permit that may be required by any state law or other local ordinance, or from following any applicable law or rule, nor does it relieve the applicant from any liability for damage caused to any Town facilities or private property, or from liability for causing a nuisance under applicable law..

4. DRIVEWAY AND CULVERT LOCATION, DESIGN AND CONSTRUCTION REQUIREMENTS.

A. General Driveway Requirements. The location, design and construction of driveways shall be in accordance with the following standards:

A.1. Design and location. A driveway shall be located a minimum of either 150 feet from the center of an intersection, or a maximum distance from the intersection to the driveway that can be practicably achieved to provide access to an existing property. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the road. Driveways shall, wherever possible, be located and constructed so as not to interfere with utilities in place. Driveways shall be placed no closer than 15 feet from the lot line as measured from the lot line to the nearest edge of the shoulder or the ditch, whichever is nearest, and except in the case of shared driveways.

A.2. Drainage. The surface of the driveway connecting with the road cross sections shall be sloped to prevent ordinary surface water drainage from flowing onto the roadbed. All driveway entrances and approaches shall be so constructed that they shall not interfere

with the drainage of the road, side ditches or roadside areas or with any existing structure in the right-of-way. All driveways and parking areas shall be graded in such a manner so that no storm water, silt, gravel, or other out-wash is discharged onto the roadway. The first 24 feet of the driveway can not exceed a 5% slope at the point where the driveway enters on to a public road.

- A.3. Relocation of Utilities. Any costs of relocating utility structures or facilities shall be the responsibility of the property owner or applicant. Approval by the Town Board shall be required prior the relocation or alteration of any utility structure or structure located within the right-of-way.
- A.4. Clearance: An area equal to driveway width and eighteen (18) feet in height shall be cleared along the driveway right-of-way in order to permit emergency vehicles a safe passage and must be maintained as such.
- A.5. No direct access shall be permitted to the existing or proposed right-of-way of: expressways, freeways or interstate highways; nor to any other road, street, or highway without permission of the authority maintaining the facility.
- A.6. Driveways must meet local fire department requirements for width, vehicle support, minimum turning radius and clearance for emergency vehicles.
- A.7. The driveway shall be designed and reinforced to prevent deterioration of the roadway in the area where the driveway intersects with the roadway, to prevent erosion into nearby ditches and other water ways, and signs or posts shall be placed to notify drivers of the location of the driveway to prevent use of the shoulder for entry and exit.
- A.8. Driveways must intersect with Town Roads at right angles, except inside cul-de-sacs where drives are to be oriented toward the cul-de-sac center.
- A.9. The driveway entrance to public roads will match the length of the culvert with slopes as shown in the Driveway Permit Application Form.
- B. Requirements for Field Roads, Agricultural, Commercial and Industrial Driveways
 - B.1. Such driveways cannot be used for residential purposes unless there is also compliance with this residential driveway permit requirements and a permit is obtained for such residential driveway construction and use.
 - B.2. Such driveways may serve more than one lot or parcel used solely for agricultural purposes.
 - B.3. The width required for Field Roads, Agricultural, Commercial, and Industrial Driveways shall be at least 40 feet. If a miter is cut into the culvert the uncut portion should be greater than 40 feet.
 - B.4. Entrances and exits to drive-in theaters, banks, and restaurants; motels, funeral homes, vehicular sales, service, washing and repair stations; garages, or parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or place of public assembly.
- C. Requirements for Residential Driveways.
 - C.1. Width of Driveway. A residential driveway shall be no less than twenty four (24) feet. The minimum width of the driving surface of the driveway shall be no less than fourteen (14) feet. If a miter is cut into the culvert the uncut portion should be greater than 24 feet.
 - C.2. Accessibility and Availability of Services. A residential driveway shall have a minimum height clearance and an unobstructed turnaround capability sufficient to

accommodate emergency services vehicles and snowplowing by Town vehicles (grader and dump truck). Establishment and maintenance of minimum standards as set forth in this ordinance and the specifications of any issued permit shall be the responsibility of the property owner. The Town of Little Black maintains the right of refusal of services where substandard entries or driveways exist.

- C.3. Angular Placement. The centerline of a residential driveway shall be either parallel to the property line of the parcel it serves or at a 90 degree angle to the edge of the surface of the roadway to which it connects. In no instance should the angle of placement be less than 70 degrees to the roadway to which it connects.
- C.4. The sight distance along the intersecting roadway must be a minimum of 200 feet in both directions. The Town Board may require a greater sight distance based upon peculiar topographical features, traffic density, speed zones and other like conditions.
- D. Construction Standards for Driveway Culverts.
 - D.1. General. Culverts shall be installed prior to commencement of driveway construction on the property. All culverts shall be constructed of galvanized steel, concrete or HDPE (“plastic”), and shall be of sufficient gauge to provide adequate bearing capacity for all vehicles expected to use the driveway.
 - D.2. Minimum Size. Culverts shall be a minimum of twenty four (24) feet in length and fifteen (15) inches in diameter. Final specification for each driveway application shall be determined by the Town Board.
 - D.3. Placement. Culverts shall be in the ditch line at elevations so as to adequately convey water and assure proper drainage. The exact location of the culvert shall be determined by the property owner following the guidelines of this ordinance.
 - D.4. End Walls. All culverts may have flare end wall sections or a mitered end so that backfill and cover material will not erode into the bottom of the ditch and reduce the capacity of the ditch and culvert. End walls shall be of manufactured material designed to be compatible with the design and material of the culvert. If a miter is cut into the culvert the uncut portion should be greater than the minimum length of culvert for the district.
 - D.5. Backfill and Cover Material. Culverts shall be covered with granular material compacted in place, or other material approved by the Town Board. The minimum cover, measured from the top of the culvert to the top of the sub grade material shall be six (6) inches. Variance of cover may be allowed by Town Board.
 - D.6. Maintenance Responsibility. The property owner is responsible for maintaining the driveway approaches, culvert and ditch in such a manner necessary to permit free and unobstructed flow of water. The Town of Little Black does not (but may at its discretion) assume responsibility for removal or clearance of snow or ice or the opening of windrows of such material upon any portion of the driveway within the right-of-way. The Town shall not be responsible for repair or replacement of concrete or decorative pavement or decorative end walls/head walls located within the right-of-way.
 - D.7. Existing Driveways. When erosion or other conditions created by an existing driveway that does not meet the specification established by this Ordinance, obstruct or become a potential hazard to a public road, the Town Board shall notify the property owner of the conditions. Any property owner failing to correct such conditions within thirty (30) days after receipt of notice from the Town Board shall be subject to the penalties provided herein, except when unsafe or unhealthful conditions require a quicker response.

- D.8. No hose or pipe containing manure shall be run through a culvert without obtaining a driveway permit under Section 3 or a Utility Permit under Section 4 of this Ordinance, as applicable.
- E. Standards for Non-Subterranean Manure Hoses and Pipes.
 - E.1. Pipes, hoses and joints shall not visibly leak. Any leaking equipment shall be prohibited.
 - E.2. Pipes and hose must be flushed with water with a device designed to separate the water and manure before disconnecting. The Town Board may make exception to any of the above requirements where the peculiar nature of the property or the design of the road makes the rigid adherence to the above standards impossible or impractical, while still preserving public safety.
- 5. UTILITY PERMIT APPLICATION REQUIREMENTS AND PROCEDURES
 - A. No person, firm, or corporation, including any foreign corporation authorized to transact business in this state, may construct and operate telegraph, telephone, or electric lines, or pipes or pipelines, for the purpose of transmitting messages, water, liquid manure, heat, light, or power along, across, or within the limits of any highway under the jurisdiction of the Town, without a utility permit as specified in this section.
 - A.1. This section applies to public utilities, cooperative associations, telecommunications utilities, and like entities described in Wis. Stat. § 196.01(5)(a) and (b) providing heat, light, water, sewer, power, phone, and data services to or for the public, or to members of cooperative organizations under Wis. Stat. ch. 185. Private businesses, individuals, and other non-utilities seeking to install telephone lines, electric lines, pipes, or pipelines within or across a the right-of-way of a town highway must obtain a privilege under Town of Little Black Ordinance 23.03.
 - A.2. This section only applies to subterranean pipes or pipelines transmitting liquid manure that otherwise comply with Section 5.A.1. Non-subterranean pipes, hoses, or other measures for transmitting liquid manure are regulated by driveway permits as specified in Section 3, above.
 - B. Application Form. Applications for utility permits shall be made on a form approved by the Town Board and available from the Town Clerk. A completed "Utility Permit Application" form shall be filed with the Town Clerk. The application shall be accompanied by the following attachments:
 - B.1. Sketch Map. A sketch showing the conceptual idea of the project and approximate location and dimensions of the utility project.
 - B.2. Plat Map. A plat map indicating the location and ownership of all parcels affected by the utility project. For properties not owned by the applicant, the application must also include copies of landowner consent to the project, as necessary.
 - B.3. For pipes or pipelines, an engineering report that describes pipeline construction, operation, and maintenance, including a description of project lifespan, depth to groundwater, and planned safeguards to prevent pipeline failure, flooding, and any other potential disruptions to traffic and other public uses of the Town right-of-way..
 - B.4. and that demonstrates compliance with NRCS Standard 634, Manure Transfer, as may be amended from time to time.
 - B.5. Other Documents. The Town Board may require other documents to be attached to the Utility Permit Application on a case-by-case basis, where necessary to assess the public safety and welfare impacts of the proposal.

- C. Application Review. The Town Board shall approve or deny every Town Utility Permit Application and may, as a condition of issuance, place specific restrictions or conditions on the permit necessary to protect public safety and/or prevent disruptions to traffic using the right-of-way, which shall require compliance by the permittee.
- C.1. Reasons for conditioning or denying a Town Utility Permit shall be stated in writing and may include, but are not limited to, the inconsistency or nonconformance of the proposed driveway or highway access with any of the following:
- a. This ordinance.
 - b. Any existing town comprehensive plan, master plan, or land use plan.
 - c. Other town ordinances, rules, regulations, or plans.
 - d. Any applicable county, state, or federal laws, ordinances, rules, regulations, or plans
 - e. Engineering standards or generally-accepted engineering practices for the structure at issue.
- C.2. Permit Period. A Utility Permit is effective for twelve (12) months from the date of approval by the Town Board. If the project has not been completed within that period, the permit is deemed expired and a new application must be submitted and approved. Within 60 days after the expiration of a permit without completion of construction, the applicant shall cause the property to be restored to the condition it was in immediately prior to commencement of the work authorized by the expired permit, unless a new permit is obtained during the 60 day period.
- C.3. Project Inspection. The applicant shall notify the Town Clerk within five (5) working days after completion of construction or improvement of the utility project. The Town Board or its designee shall conduct an inspection of the project to ensure full compliance with all provisions of this Ordinance and any permit issued hereunder, and shall require the applicant to make such modifications as are necessary for full compliance. A date for completion of modifications shall be specified.
- C.4. Fee and Penalties. The fees required in connection with each utility permit application shall be determined as follows:
- a. Application Fee. The standard fee for driveway permit applications shall be set by the Town Board and may be amended from time to time by resolution.
 - b. The Town Board may, at its discretion, set an individual application fee higher than the standard fee amount if extraordinary circumstances so dictate, such as the need for expert engineering or legal review due to site- or project-specific features. The fee shall be non-refundable unless the application is withdrawn prior to the commencement of processing of the application.
 - c. Failure to obtain a utility permit or comply with the standards in this Ordinance is punishable by forfeiture of \$50 per violation, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.
- C.5. Town Authority Preserved. The Town of Little Black, notwithstanding the issuance of any permit under this Ordinance or construction of any utility project pursuant to such permit, reserves all of its rights and authority to cause any changes, additions, repairs, reconstruction or relocation of any part of a utility project located within dedicated right-of-way at any time, including but not limited to, modifications that maybe necessary or convenient in connection with the relocation, reconstruction, widening

and/or maintaining the road or right-of-way, without compensating the owner of such private driveway for damage to, or the destruction of, such private roadway.

- C.6. Receipt of a permit under this ordinance does not relieve the permit holder from obtaining any other permit that may be required by any state law or other local ordinance, or from following any applicable law or rule, nor does it relieve the applicant from any liability for damage caused to any Town facilities or private property, or from liability for causing a nuisance under applicable law.

6. UTILITY LOCATION, DESIGN, AND CONSTRUCTION REQUIREMENTS

- A. All poles used in the construction of such lines shall be set in such a manner as not to interfere with the use of such highway by the public, nor with the use of the adjoining land by the owner thereof; and all pole lines shall hereafter be constructed so as to meet the requirements of the provisions of the state electrical code promulgated by the public service commission.
- B. No tree shall be cut, trimmed, or the branches thereof cut or broken in the construction or maintenance of any such line without the consent of the owner of the tree.

7. SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. [60.80](#), Wis. stats.

Adopted this 12th day of Feb., 2017 by the Town Board of Supervisors of
The Town of Little Black, Taylor County
Town Chairman Dan C. Hoffman
Town Supervisor Bryan J. Johnson
Town Supervisor Robert A. R.
Filed this 12th day of Feb., 2017
Attest: JoAnn Smith Town Clerk