

Town of Sumner
Highway Access and Driveway
Ordinance 2018-9010

STATE OF WISCONSIN
Town of Sumner
Jefferson County

SECTION I – TITLE AND PURPOSE: The title of this ordinance is the Town of Sumner Highway Access and Driveway Ordinance and rescinds Ordinance D-2013-1007 sections I-VIII and X-XIII; and Amendment D-2013-1007. The purpose of this ordinance is to protect the public health and safety of residents, emergency responders, and the public in the Town of Sumner by establishing permits for town highway access and driveway reconstruction and installations.

A. The Highway Access Permit regulates highway access to any town highway after consideration of placement to ensure safe ingress and egress by motor vehicles including agricultural, commercial and emergency vehicles.

B. The Driveway Permit regulates the establishment, construction, improvement, modification, and reconstruction of private driveways, including approaches, to assure that the driveway design, methods of installation, and materials used conform to this ordinance and standard construction practice. As applicable, Applicants shall secure highway access permits from the State DOT and Jefferson County Highway Department. Additionally, as applicable, permits must also be obtained from the Jefferson County Zoning Department to assure Floodplain and Shoreland provisions are met.

SECTION II – AUTHORITY: The town board has the general and specific authority under sects. 60.22(1) and 60.22(3) Wis. Stats. to enact this ordinance, and authority under sects. 66.0425 and 86.07 (2)(a) Wis. Stats. to require a town highway access permit by ordinance.

SECTION III – JURISDICTION: Jurisdiction of this ordinance includes all Town highway access approaches and all existing and proposed driveways located within the Town of Sumner.

SECTION IV – ADOPTION OF ORDINANCE: This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting, with proper notice having been given does ordain as follows.

SECTION V - HIGHWAY ACCESS PERMIT REQUIRED: A Highway Access Permit shall be obtained to establish access to a Town Highway for any residential, commercial, recreational, agricultural, or other driveway. A Highway Access Permit shall also be required to reconstruct, reroute or alter an existing access approach to a town highway. The Applicant for a permit must own or have a legal interest in and current legal access to the land to which the permit will apply. Access onto a County or State highway requires approval and/or permits from the applicable governing body and is not regulated under this ordinance. If the property has frontage on both a Town and a County highway, the property shall have access from the Town highway only. The number of driveways permitted to serve property frontage along a Town highway shall be the minimum deemed necessary by the Town Board or its Designee for reasonable service to the property without undue impairment of safety, convenience, and utility to the highway.

SECTION VI – DRIVEWAY PERMITS REQUIRED: A Driveway Permit shall be obtained to establish or construct a new driveway that provides ingress and egress from a town, county, or state highway to a residential or commercial structure. A Driveway Permit shall be obtained when the proposed driveway exceeds ten feet from the property side edge of the road right-of-way to a recreational property. A Driveway Permit is also required to reconstruct; reroute; alter the existing slope, grade elevation, permeability, surface material, or other original specifications of any existing driveway in the Town of Sumner. When driveway access is from a County or State highway, additional and more restrictive right-of way construction specifications may apply. The Town permit must be obtained in advance of the aforementioned activities. The Applicant for a permit must own or have a legal interest in and current legal access to the land to which the permit will apply.

SECTION VII DEFINITIONS : In this ordinance:

- A. **"Applicant"** means the person or entity that owns or has a legal interest in and current legal access to the land to which the permit(s) will apply.
- B. **"Agricultural land"** means any land within the town that is currently being farmed or kept in forestry, including cropland and pastureland, land that is included in a government sponsored agricultural or forestry program, or land zoned by Jefferson County as agricultural in use. Access approaches and driveways serving residences or commercial structures located on agricultural land are not considered an agricultural access
- C. **"Designee"** is the person or office that is designated by the Sumner Town Board to provide service to this ordinance, including enforcement.
- D. **"Driveway"** means any private way, private road, or other avenue of private travel that serves 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, farm, recreational land, or other similarly appropriate use.
- E. **"Emergency Vehicle"** means any fire, police, ambulance, or response vehicle used to respond to emergency or hazard activities in the town.
- F. **"Highway"** means any town, county or state highway, road, street, or other defined vehicular right-of-way.
- G. **"Highway Access"** means the location of the private ingress or egress onto any public highway.
- H. **"Maintenance"** means seal-coating, crack patching, and adding gravel, any of which does not change slope, grade elevation, width, or other original specifications.
- I. **"Reconstruction"** means any alterations from the original state, except maintenance.
- J. **"Town"** means the Town of Sumner, Jefferson County, Wisconsin.
- K. **"Town Board"** means the board of supervisors for the Town of Sumner, Jefferson County, Wisconsin; and, its authority extends to the Designee of the Board for the administration and enforcement of this ordinance.
- L. **"Town Clerk"** means the clerk of the Town of Sumner, Jefferson County, Wisconsin.
- M. **"Wis. Stats."** means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION VIII – SPECIFICATIONS: To provide unobstructed access to conventional vehicles, farm vehicles, and emergency vehicles for the length of a private driveway, the driveway must conform to the minimum **Specifications** made a part of this ordinance and as enumerated on the Highway Access and Driveway Permit. Additionally, as applicable, Sect. I,B. provisions related to State and Jefferson County regulations and specifications shall be met in the design, construction, repair, or reconstruction of driveways and approaches; and, as necessary, other extraordinary specifications that may become necessary to protect town highways and public and private structures.

SECTION IX – PERMIT PROVISIONS:

- A. **HIGHWAY ACCESS PERMIT:** A property owner seeking to obtain a permit granting privileges for installation of a driveway approach within a town right-of-way to a private parcel shall:
 - 1. Submit a current Highway Access Permit Application with the applicable fee.
 - 2. Provide as part of the application a plat map with driveway and approach location, dimensions, slopes, culverts, location of structure(s), sectional drawings, indications of materials, erosion control plan, and other informational materials requested on the permit application for the type of driveway proposed.
 - 3. Submit approved Jefferson County or State of Wisconsin approvals or permits applicable to the proposed highway access.

- B. **DRIVEWAY PERMIT:** A property owner seeking to install a new driveway or approach or to reconstruct, overlay, alter grade, surface, location or other elements of an existing driveway or approach shall:
 - 1. Submit a current Town Driveway Permit Application with the applicable fee.

2. Provide as part of the application a plat map with driveway and approach location, dimensions, slopes, culverts, location of structure(s), sectional drawings, indications of materials, erosion control plan, and other informational materials requested on the permit application for the type of driveway proposed.
3. Submit approved Jefferson County or State of Wisconsin approvals or permits applicable to the proposed driveway.

C. **OVERWEIGHT PERMIT:** When required, an Overweight Permit per Ordinance 2012-0910 shall be obtained from the Town Clerk for the trucking of equipment and materials during the construction of the driveway and its approach. Construction on the approach or driveway may not begin until an Overweight Permit has been obtained from the Town after payment of estimated fees and submittal of deposits and bonds.

SECTION X - APPLICATION PROVISIONS:

- A. Applications for Highway Access and Driveway Permits with supporting materials described in Section IX, A.2.3. and B.2.3., shall be submitted to the Town Clerk at least 30 days in advance of conducting any on-site installation activities.
- B. A nonrefundable fee to help defray the costs to the Town for administration and inspections in the amount of \$50 for a Highway Access Permit and/or a fee in the amount of \$200 for a residential, commercial, recreational, or other Driveway Permit shall be submitted with the completed application 30 days in advance of the proposed installation or reconstruction. The fee may be adjusted by a Resolution of the Town Board and will be made current with the application at such time.
- C. The Town Building Inspector, in coordination with the Designee, will approve, deny, or set conditions for the permit(s) when the driveway is installed in conjunction with a permitted building project. Driveway permits issued for a new residence expire at 24 months from the date of approval and issuance.
- D. The Designee of the Town Board or Building Inspector will review the application and may approve, deny, or set conditions for the approval of the permit(s).
- E. In lieu of a denial, the Designee or Building Inspector may refer the applicant or their agent to the Town Plan Commission and/or the Town Board meeting to describe their proposed highway access or driveway project if circumstances to the proposed access or driveway installation are determined by the Board Designee or Building Inspector to deviate from this ordinance, permit specifications, or the reasons listed under Sect. X, H.
- F. When required by Ordinance W2012-0910, overweight permits shall be secured in advance of starting the project.
- G. When a property is located in any portion of a floodplain, the applicant will be referred to the Jefferson County Zoning Department for their review related to additional permits or approvals.
- H. Reasons for denial of a permit application include but are not limited to the following.
 1. The inconsistency or nonconformance of the proposed driveway or highway access installation with any of the following: The Town of Sumner Driveway Ordinance and Highway Access Ordinance; any existing town comprehensive plan, master plan, or land use plan; town ordinances, rules, regulations, or plans, any applicable county, state, or federal laws, ordinances, rules, regulations, or plans.
 2. The driveway, bridge, culvert, or highway access, or any combination, when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for use by persons in the town.
 3. The application as filed and submitted is incomplete or contains false material as determined by the Town Board or the Designee.
 4. Alternative driveway locations, bridges, culverts, and highway access locations will be safer for persons to ingress or egress from the driveway and access point by motor vehicle or for persons traveling on the adjacent highway by motor vehicle.
 5. Alternative driveway locations or alternative highway access locations will preserve or better protect more prime or productive agricultural or forestry land in the town.
 6. Alternative driveway locations or alternative access highway locations will have less negative land use impact on historically, archaeologically, community,

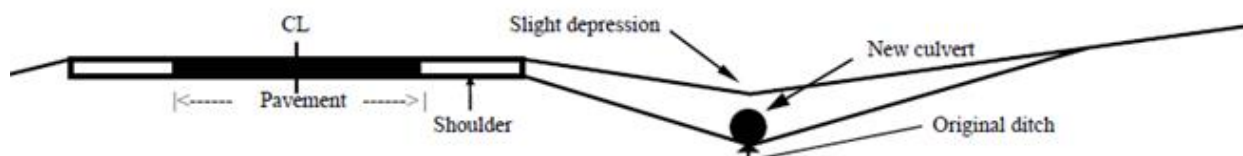
public, or culturally significant or environmentally sensitive parcels of land or facilities in the town, including land adjacent to or near the proposed driveway.

7. The driveway will not provide timely, safe, and adequate ingress and egress for emergency vehicles.
- I. Denial of a permit or permits by the Town Board Designee or Building Inspector may be brought by the Applicant to the Town Plan Commission for review and recommendation to the Town Board whose decision shall be final. It will be incumbent upon the applicant to provide convincing evidence that (1), no other practical alternative exists, (2), the proposed alternative is in the best interest of the Town of Sumner, and (3), the proposed alternative serves the purpose of this ordinance as well or better than a strict interpretation of the rules and standards of this ordinance. The current Plan Commission hearing fees will be applied and shall be submitted in advance of the applicant's hearing.
- J. The permit application fee will be doubled if the application is submitted "after-the-fact", i.e. after construction or reconstruction activities have commenced.
- K. The applicant shall notify the Town Building Inspector within 30 days after completion of the construction, reconstruction, rerouting, or alteration of the driveway or highway access. Within 30 days of notification, the town shall conduct an inspection of the driveway or highway access to ensure full compliance with all of the permit conditions and provisions of this ordinance. Upon a determination of completeness and compliance, the Building Inspector will certify on the permit application that the driveway or access has been completed and inspected and a determination made that the installation meets the required minimum standards and the plans and specifications made part of the permit application.
- L. Certification of the access and driveway does not establish or commit the Town to future approval of any driveway as a public road or highway.

SECTION XI – SPECIFICATIONS:

Approaches to Town Highway:

1. The driveway and approach shall not obstruct or impair drainage in highway side ditches or roadside areas. The size (diameter and length) and the location of the culvert shall be as specified by the Town Board, its Designee, or the Building Inspector.
2. No concrete, stone, timber, or any other material that could constitute a menace or danger to the traveling public will be permitted to be used as end-walls to the driveway approach in the right-of-way. Only standard manufactured apron end-sections shall be used.
3. The ground surrounding the end of the driveway and approach shall be sloped in a gradual manner, back to the highway ditch.
4. When the driveway and approach are in an area sloping UP from the highway, the following general design must conform to the following specification:



- A. **Base at Access:** The driveway base must be put in place and compacted for a distance of 10 feet from the Town highway frontage before construction of the driveway begins. The property owner will be responsible for damage to Town road edges caused by construction.
- B. **Right of Way Concrete Setback:** The driveway shall NOT be constructed of concrete within the established right-of way and for a minimum of 10 feet from the edge of the highway when the right-of-way is less than 10 feet.
- C. **Location:**
 1. No portion of the driveway or approach shall be closer than 150 feet from the nearest edge of the right-of-way of an intersecting public road.
 2. The edge of the driveway, or the end of the culvert, shall NOT be closer than 5 feet from an adjacent property line.
 3. The edge of the driveway, at the center of the highway ditch, shall NOT be closer than 30 feet from the edge of another driveway at the center of the highway ditch.
- D. **Sight Distance:** Design controls for the minimum stopping sight distance shall conform to Wisconsin Department of Transportation Sight Distance Values.

- E. **Agricultural Entrances:** Agricultural entrances to a Town Highway will require a Highway Access Permit, with the specifications used to protect Town highway shoulders and pavement to be determined based upon the proposed use of farm equipment and vehicles.
- F. **Turning Radius:** Driveway approaches at the highway shall have a 40' minimum turning radius measured to the center line of the driveway. The centerline of that part of the driveway lying on the Town right-of-way shall always be at right angles to the highway pavement.
- G. **Gate Entrances:** Gates, not including the support structure, shall be at least 4 feet wider than the width of the traffic lane(s) serving the gate.
 - 1. All gates providing access from a road to a driveway shall be located at least 30 feet from the right-of-way and shall open to allow a vehicle to stop without obstruction to traffic on the access road.
 - 2. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40 feet turning radius shall be used. Entry onto the driveway may use the entire access road width in determining the radius.
- H. **Culverts:** Culverts, when required, shall be galvanized steel, a minimum of 12" round; and generally 18" arch or 15" round for a length of 16 to 30 feet -residential, 16 to 40 feet-commercial. PVC pipe is not allowed.
- I. **Surface Permeability:** It may be determined that driveway surface materials in the Koshkonong Lake District, floodplain areas, and other areas of the Town must be gravel to maintain permeability for absorption of rain or flood waters.
- J. **Surface:** Surface materials may consist of concrete, (see J.), asphalt, or gravel and shall be capable of supporting a 25-ton load as evidenced by:
 - 1. A written statement of a licensed engineering contractor indicating the prepared driveway is an all-weather surface capable of supporting a 25-ton load; or
 - 2. A written statement indicating not less than six (6) inches of aggregate base, 90% compacted.
- K. **Width:**
 - 1. *Non-commercial driveways* shall NOT have a width of less than 16 feet, nor greater than 30 feet, measured at right angles to the centerline of the driveway, except as increased by permissible or required radii for curves or turns.
 - 2. *Commercial driveways* shall NOT have a width of less than 16 feet, nor greater than 40 feet, as measured at right angles to the centerline of the driveway, except as increased by permissible or required radii for curves or turns.
- L. **Length:**
 - 1. No driveway shall exceed 800 feet in length measured from the access point to its terminus.
 - 2. Driveways exceeding 400 feet in length, but less than 800 feet in length, shall provide a turnout or hammerhead near the midpoint of the driveway. A turnaround shall be provided at all building sites on driveways over 400 feet in length and shall be within 50 feet of the building it serves.
 - 3. Turnarounds or hammerheads shall have an 8% maximum grade. The turnaround terminus bulb shall have a minimum 40' radius to centerline.
- M. **Grade:** All private lanes and driveways shall not exceed 12% grade. Steeper grades may be permitted but only after the responsible Fire Department has approved mitigation measures for the access of their emergency vehicles. The driveway grade shall not increase, obstruct, or impair drainage in Town highways or ditches.
- N. **Curves:**
 - 1. Turns and curves in a driveway shall allow for a 40' radius to accommodate emergency vehicles such as fire engines and tankers.
 - 2. In steep terrains where a switchback driveway is used, the equivalent for a terminus bulb or hammerhead will be permitted, in lieu of a 40' centerline radius, to allow a fire truck to negotiate the turns.
 - 3. Vertical curves on driveways may use a radius determined by a licensed engineering contractor that will not cause a fire truck to "bottom out".
 - 4. Curves which cannot be made to conform to the above will be handled on a case by case basis in consultation with the Town and the responsible Fire Department.
- O. **Unobstructed Vertical Clearance:** A minimum of 15 feet of overhead clearance is required along the entire length of driveway, including turnarounds, by-passes, and hammerhead/Ts.
- P. **Turnarounds:** Turnarounds are required at the end of driveway and termini and dead-end drives. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.
- Q. **Driveway Bridges:** Bridges are required to be designed by a licensed professional designer for a minimum load of 50,000 pounds (25 tons) using recognized engineering criteria. Culverts used in lieu of bridges over year-round streams or water-bodies must be designed as for bridges. A licensed engineering contractor may size other culverts.

SECTION XII – ENFORCEMENT:

- A. The Town Board or the Town Board Designee is authorized and directed to make investigations, make notice to property owner(s) of alleged violations of this ordinance and to issue penalties under Section XII and Ordinance 2017-1014D.
- B. The Town Board and its Designee reserves its right of inspection of proposed and existing driveways, and when necessary, shall pursue a warrant issued under Wis. Stats. 66.0119 to inspect existing driveways to determine if they allow for safe and timely travel of emergency vehicles and the general public.
- C. The Town Board, the Designee, and the Building Inspector will practice due diligence in applying this ordinance and shall be held harmless in any disputes arising from the decisions made related to the Highway Access Permit and the Driveway Permit.

SECTION XIII – PENALTY PROVISION: Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall pay a forfeiture of not less than \$50 nor more than \$500 plus the applicable surcharges, assessments, and costs for mitigating the violation in accordance with Wis. Stats.86.07(2)(a) and Town Ordinance 2017-1014-D. 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.

SECTION XIV - COLLECTION OF PENALTIES: The Town of Sumner, or its designated agent, will pursue appropriate legal action allowed by law to recover forfeitures, penalties, costs, and damages from persons who violate this ordinance.

SECTION XV – SEVERABILITY: 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.

SECTION XVI – EFFECTIVE DATE: This ordinance shall take effect after passage and adoption by the Town Board and publication and posting as required under s. 60.80, Wis. Stats.

Adopted this 10th day of September, 2018.

_____ John Dohner, Jr., Chairman

_____ Randall Burdick, Supervisor I

_____ Rosemary Olson, Supervisor II

Attest: _____ Glendan Rewoldt, Clerk

Ayes: _____ Noes: _____ Absent: _____ Abstain: _____

Published: _____

Posted: _____

