

TOWN OF RICHLAND  
DRIVEWAY ORDINANCE 2021-2

**Sec. 1-1 Purpose and Authorization.**

A) *Authorization.* This ordinance is adopted pursuant to S.s 60.555, 60.627, 144.266, Wis. Stats.

B) *Purpose.* The purpose of this ordinance is to promote public health, safety and general welfare and to protect natural resources. The Town of Richland does enact this ordinance to regulate the construction of driveways within the Town of Richland to ensure access to all properties by emergency vehicles and to regulate construction site erosion and storm water management.

C) *Severability.* Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

D) *Permit fee.* The permit fee shall be established by resolution by the Town Board of the Town of Richland.

E) *Effective date.* The provisions of this ordinance shall take effect immediately upon adoption.

**Sec. 1-2 Definitions.**

A) *Field Access Driveways.* Those driveways used on a seasonal basis expressly related to agriculture or driveways not accessing any structure, permanent or temporary.

B) *Structure.* Any building, well, well head, septic field or otherwise requiring a permit under the Richland county zoning ordinance, or the Town of Richland uniform dwelling ordinance.

C) *Un-necessary Hardship.* A condition proven by the owner that the owner has no reasonable use of the property.

D) *Multiple User Driveway.* Serves more than one residence.

**Sec. 1-3 Exemptions.**

A) Field access driveways are exempt from Sec. 1-5 (M).

**Sec. 1-4 Application and Permit.**

The application and permit shall designate the area over which the driveway shall be constructed and where access shall be required to a public highway on a form to be designated by the Town Board of the Town of Richland. The form shall require a driveway plan showing specification including grade, slope, width and length of the driveway and erosion control procedures. The permit shall be issued prior to any person beginning construction of a driveway within the Town of Richland. All permits are valid for one-year after issuance with a one-year automatic extension if requested by the applicant. This request must be made in writing before the expiration of the original permit.

## **Sec. 1-5      Applicability and Specifications.**

The following specifications and requirements shall apply to all new driveways proposed to be constructed to serve one or more structures and to all existing driveways, which currently serve open land but are proposed to be converted to a driveway serving one or more structures. Any change to an existing structure or construction of a new structure requiring a Wisconsin Uniform Building Permit shall be subject to this ordinance if said structure is accessed by an existing non-conforming driveway.

- A) Driveways shall be designed and laid out for the least adverse impact to agricultural crop lands and to facilitate emergency vehicles.
- B) Driveways shall contain a minimum roadway base of 6 inches of 4" breaker rock and 6 inches of crushed gravel. Shared driveways shall be 8" of breaker rock and 8" of crushed gravel.
- C) The maximum grade slope of any part of the driveway shall not exceed ten percent (10%). The town may require, at the applicants' expense, verification of slope and a signed affidavit confirming slope compliance.
- D) The minimum horizontal curve radius of any part of the driveway shall not be less than forty feet (40'), see Diagram #1.
- E) Grading shall be required to fit the natural contours of the site. The alignment shall follow natural terrain and shall attempt to retain existing trees and other natural vegetation to stabilize hillside cuts. No lands with a slope of greater than forty-five percent (45%) shall be disturbed for a driveway installation. The Town may require, at the applicant's expense, verification of slope and a signed affidavit confirming slope compliance.
- F) Each structure or parcel served requires a minimum twelve-foot (12') roadway width with a minimum 6'x25' pull off lane for every three hundred feet (300'), see Diagram #2.
- G) Parcels served by a shared driveway require a minimum eighteen-foot (18') roadway width the entire length of the shared portion of the driveway.
- H) There shall be no more than one (1) residential structure on any private driveway. The Town Board, at its option, may approve an access easement for no more than three (3) residential structures. Any driveway proposed for joint use shall be required to have recorded an access easement, which shall provide for the following:
  - (1) a 66' width.
  - (2) a minimum of 66 feet of frontage for each parcel serviced by the shared driveway,
  - (3) 66 feet of frontage along a Public Right-of-Way,
  - (4) enough area for a cul-de-sac having a minimum radius of 66 feet.

Designation of an access easement, subject to Town approval, shall be recorded as an official document with the Richland County Register of Deeds in the form of a Certified Survey Map, Subdivision Plat. The easement shall include a maintenance/repair agreement.

I) The portion of the driveway which abuts the public highway shall have a minimum width of twenty feet (20'), a maximum width of thirty feet (30') and a minimum of twenty feet (20') of length perpendicular to the public right of way. See Diagram #2.

The first 12 feet of the driveway from the intersection of the driveway with the public roadway shall have a maximum of 5 percent grade. A slight dip across the drive shall be placed just before the culvert at the entrance to a public roadway to prevent debris from washing onto the public roadway if the driveway descends to the public roadway

J) A minimum width clearance of twenty-four feet (24') and a minimum height clearance of eighteen feet (18') shall be required for all driveways constructed under this ordinance. This includes the minimum driveway width plus a two-foot (2') shoulder on each side and a two-foot (2') ditch for drainage. Tree and brush removal may be required to comply with width requirements.

K) The minimum spacing between driveways accessing a Town road shall be 100 FEET.

L) The portion of driveway which crosses the public right-of-way of the highway shall slope away from the public highway at a minimum of one percent (1%) and a maximum of five percent (5%).

M) All gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The Town may request an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems. The Town of Richland may require a bond to enforce erosion control measures.

N) At the dead end of all driveways, a turn around with a minimum radius of twenty-five feet (25') or shall be provided. as an alternate, a circle with a traveled way eighteen (18) feet wide with a horizontal curve radius of 20 feet measured to the edge of the traveled way nearest the center radius point or a "t" may be constructed with a minimum width of twelve (12) feet and a perpendicular length of twenty-five (25) feet measured from the center of the driveway. See Diagram #3.

O) For all driveways accessing Town roads, culvert, ditch and bank specifications, location and depth shall be provided by the Town Board of the Town of Richland and this information shall be made a part of the applicant's permit. For all driveways accessing County or State roads, a written access approval statement must be acquired from the appropriate highway authority and this statement shall be a part of the applicant's permit.

P) The Town Board reserves the right to require additional specifications for shared driveways and single user driveways that serve residential and non-residential parcels.

Q) Multi-user driveways may be allowed in subdivisions upon approval of the Town Board.

R) Any portion of a driveway which causes safety issues (such as light reflection from running parallel) on a Town road may require barriers such as natural vegetation, fencing, earth mound, etc.

S) Side slopes – side slopes may be required to be sloped to prevent rollovers in the event a vehicle slides off the driveway. A 2 to 1 slope is recommended wherever possible.

T) Culverts and culvert replacements at private driveways abutting Town Roads shall be the responsibility of the owner of the property. When the Town of Richland determines that a culvert is in need of replacement at a private driveway abutting Town Roads the Town of Richland will notify the landowner via a letter requesting a new culvert be installed. The landowner has fourteen days to respond to the letter with the timeframe in which the project will be completed. If the Town of Richland doesn't receive a response within the specified timeframe the Town of Richland will install the culvert and bill the landowner for time and materials. If this invoice is unpaid as of November 1st, it will be assessed as a special charge on the property tax bill in which the services were received per State Statute s 66.0627.

#### **Sec. 1-6 Driveway Inspector.**

A Town Board Member shall serve as Driveway Inspector and shall administer and enforce this ordinance. The inspector shall be knowledgeable of all aspects of this ordinance and possess an understanding of the aspects of driveway construction.

#### **Sec. 1-7 Approval Process.**

All driveway applications shall be filed with the Town of Richland Clerk with the appropriate filing fee. The proposed location of the driveway shall be clearly marked with appropriate material and the nature of that marking shall be indicated on the application. For all accesses onto Town roads, the Town Driveway Inspector shall inspect the location of the driveway as indicated on the application, specifying the location and depth of required culvert(s) and ditch line with the road right-of-way, and if approved, a permit to construct a driveway shall be issued by the Town Clerk or Town Chair. For all accesses onto County or State roads, a written statement from the appropriate highway authority shall be required approving the location of the driveway and a permit to construct a driveway shall be issued by the Town Chair or Town Clerk.

Compliance with the Town Comprehensive Plan and Town Ordinance's must be met prior to driveway approval.

After the driveway is constructed according to the requirements of the permit, the Town Office shall be notified. Within four (4) working days, the Town Driveway Inspector shall inspect the driveway for final approval. The Richland County Zoning Office and the applicant will be notified of this approval. The signed permit releases the County to issue the zoning (building permit) and the aforementioned standards must be met in construction of the driveway. The certificate of compliance required to occupy and or use the structure shall not be issued by the County until a Town driveway approval is issued upon final inspection of the completed driveway.

#### **Sec. 1-8 Variances.**

Where the Town Board finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done; provided that public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of these regulations.

**Sec. 1-9 Appeals.**

Persons aggrieved by the decisions or determinations of the Town Driveway Inspector may appeal the decision or determination to the Town following guidelines ~~set forth~~ in Chapter 68, Wis. Stats.

**Sec. 1-10 Enforcement and Penalties.**

The enforcement of this ordinance shall be by means of withholding building permits, imposition of forfeitures and injunctive action. No permit for building shall be issued until the approval of the driveway has been received from the Town Clerk of the Town of Richland, as notified by the Town Driveway Inspector. Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance.

As a condition of application, the applicant grants permission for access to the affected property by the Town Board or their designee for the purpose of making driveway inspections.

Any driveway over which this ordinance has jurisdiction which is not constructed according to the specification of this ordinance shall be considered a non-conforming driveway. Emergency vehicles shall not be expected to utilize any non-conforming driveway.

Adopted this 20<sup>th</sup> day of April, 2021  
By the Town Board of the Town of Richland, Richland County WI

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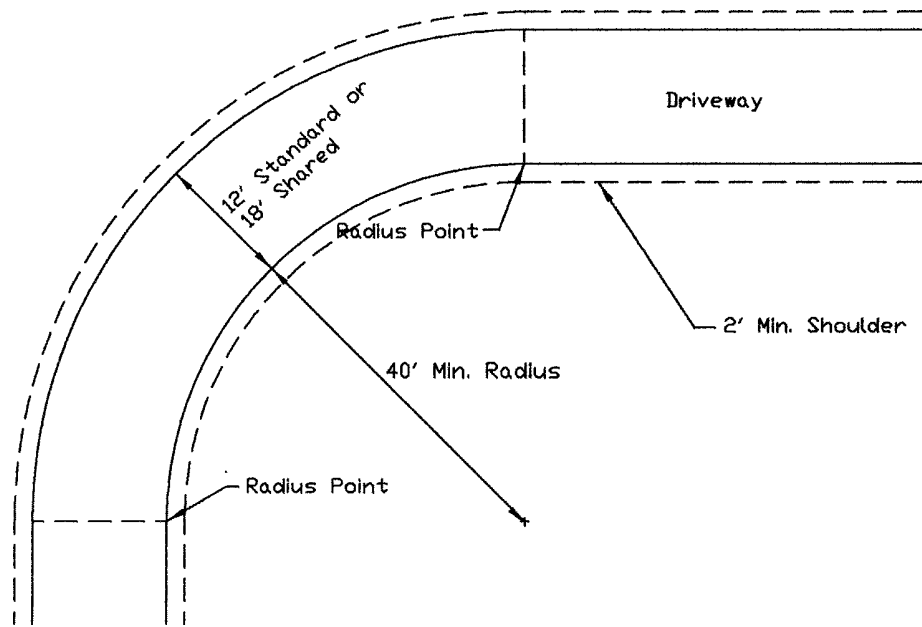
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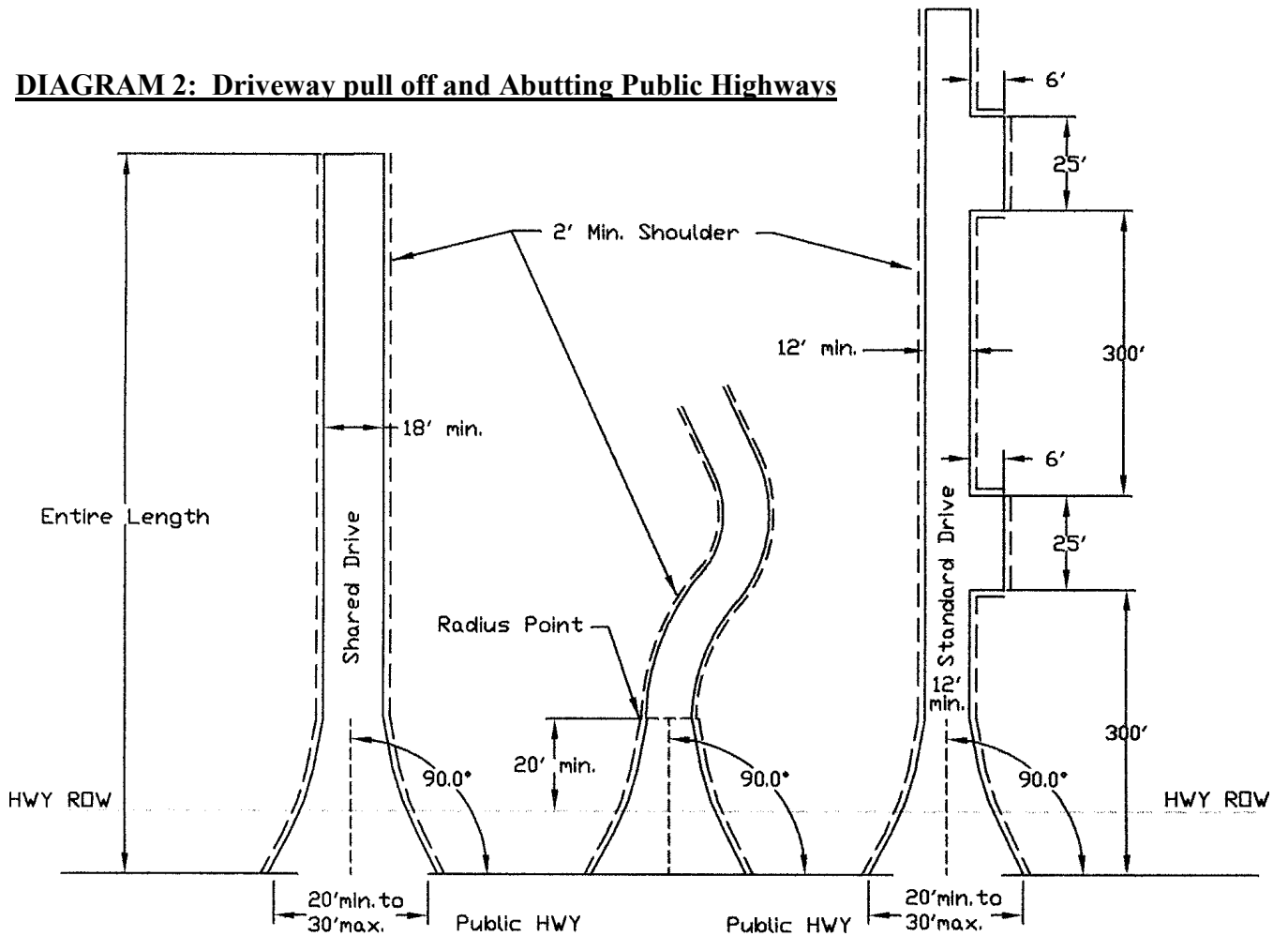
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Town of Richland Clerk

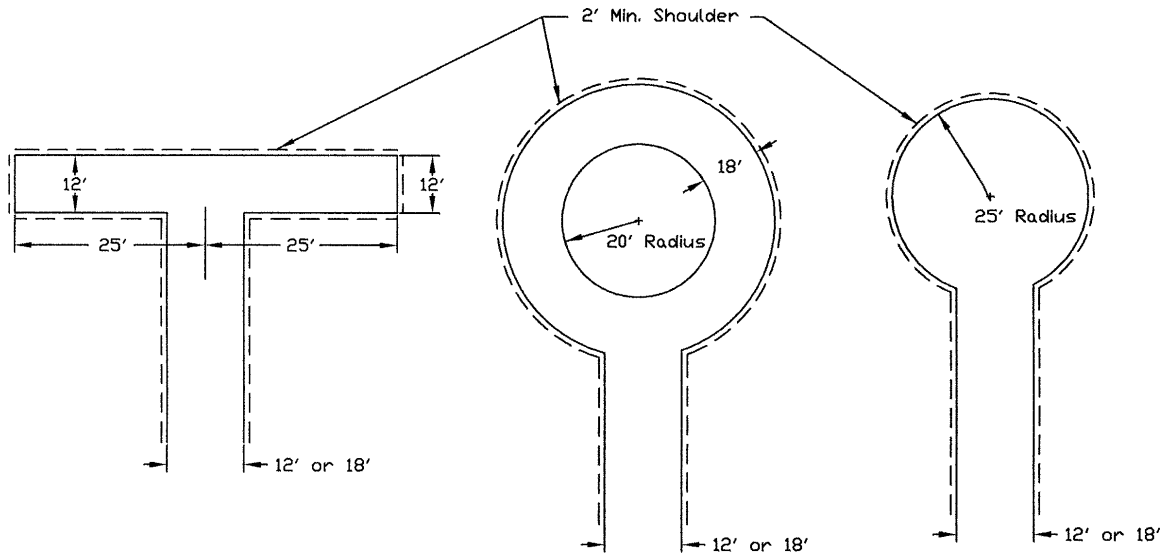
**DIAGRAM 1: Horizontal Curve Radius**



**DIAGRAM 2: Driveway pull off and Abutting Public Highways**



**DIAGRAM #3: Minimum Driveway Turn Around Options**



**DIAGRAM #4: Typical Cross Section of a Driveway**

