

Town of Troy, Sauk County, Wisconsin  
**DRIVEWAY ORDINANCE (Amended)**  
**ORDINANCE NO. 8-11**

**1.01 PURPOSE**

The purpose of this ordinance is to regulate the establishment, construction, improvement, modification or reworking of a driveway to assure that the site, method of construction, and conservation practices used will promote the public health, safety, and general welfare of the community, and to enforce the goals and policies set forth in the Town of Troy Comprehensive Plan.

**1.02 JURISDICTION**

Jurisdiction of these regulations shall include all driveways on land within the Town of Troy. Unless otherwise required in this ordinance, existing driveways that undergo repairs involving changes to the existing grade, re-routing or increased use (to serve an additional house, dwelling unit or material increase in business) are subject to the provisions of this ordinance. The provisions of this ordinance do not apply to field roads.

**1.03 AUTHORITY**

These regulations are adopted under the general police powers authority granted pursuant to section 60.10(2)(c), 60.22(3) and 61.34(1) of the Wisconsin Statutes and under the controlled access highway power granted pursuant to section 83.027(10) and 84.25(10) of the Wisconsin Statutes.

**1.04 DEFINITIONS**

1. Agricultural Access Driveway. A private driveway, road or other avenue of travel that runs through any part of a private parcel of land that connects with any public roadway which is used for the sole purpose of providing roadway access to agricultural buildings, fields or other agricultural areas.
2. Agricultural Land. Any land within the Town of Troy that has been, is or could be farmed, including cropland and pastureland, or land that is included in a government set-aside program or that is protected under the agriculture policies described in the Town of Troy Comprehensive Plan.
3. Driveway. A private driveway, road or other avenue of travel that runs through any part of a private parcel of land and connects with any public roadway, and will provide service to a residence or business and will include all areas from the public roadway to a garage or structures the driveway is servicing on which vehicles travel, except agricultural access driveways.
4. Field Road. A road that does not connect with a public roadway and lies outside the right-of-way of a public roadway.
5. Grade. The change on elevation over a distance of a minimum of 25 feet.
6. Town Building Inspector/Engineer. The individual(s) and/or agent(s) hired by the Town Board to act in these capacities.
7. Replacement Residence. A residence built to replace a preexisting residence.

**1.05 APPLICATION REQUIREMENTS AND PROCEDURES**

1. Who Must Apply. Any person or entity wishing to establish, construct, improve, modify or re-route a driveway that changes the existing grade of the land or any driveway, or increases the use for access to an additional dwelling, dwelling unit or significant increase in business, must first obtain a Driveway Construction Permit from the Town Building Inspector/Engineer appointed by the Town of Troy.

2. Application Forms. The Town Board shall approve an application form for Driveway Construction Permits. This is available from the Town Building Inspector/Engineer appointed by the Town of Troy.

3. Sketch Map. Applicants shall submit a rough sketch map of the conceptual idea of the project, approximate location and dimensions to the Plan Commission prior to preparing or submitting an application for the Plan Commission to provide initial comments. However, formal approval for a Driveway Construction Permit will not be granted without submitting a complete application and supporting documents package.

4. Application and Supporting Documents Package. See item 6 a-f in the Flow Chart.

5. Application Review. The Town UDC inspector shall conduct an investigation regarding the application in accordance with this ordinance. The Building Inspector shall prepare a written report summarizing his or her determination. The report shall indicate whether the application was approved, approved with conditions, or disapproved. If approved with conditions, the report shall disclose the conditions. If disapproved, the report shall include details that lead to the disapproval. The Building Inspector shall forward the written report to the Plan Commission Chairman and Town Clerk.

6. Permit Application Denial. If the Town Board denies two consecutive applications for a Driveway Construction Permit, the same applicant may not submit an application for a Driveway Construction Permit for the same parcel within three months of the last denial.

7. Permit Period. The Driveway Construction Permit is effective for 12 months from the date of issuance. The permit shall expire after these 12 months unless renewed by the Town Board.

8. Renewal. The permit may be renewed for one additional period of 6 months by the Town Board with an additional fee.

9. Driveway Inspection. The applicant shall notify the Town Building Inspector/ Engineer within 30 days of completing construction or modification. Within 30 days of this notice, the Town Building Inspector/Engineer will inspect the driveway to ensure full compliance with all of the provisions of this ordinance.

10. Building Permits. No Building Permit for new construction will be issued until the driveway is constructed according to the specifications of this ordinance. The only exception will be the final application of gravel or other approved surface that may occur after heavy equipment needed for building activities will no longer be used on the driveway. Roadway access for all vehicles, including during the construction phase, will only be allowed by use of the permitted driveway.

11. Occupancy Permit. No occupancy permit for new residential construction shall be issued until the driveway is constructed according to the specifications of this ordinance and the Town Building Inspector/Engineer approves the final inspection.

12. Application Fee. A non-refundable application fee of an amount determined by a resolution of the Town Board and specified in the Town's Fee Schedule shall be charged for each application.

13. Other Fees. At the time of applying for a driveway permit, the applicant shall enter into an agreement with the Town to reimburse the Town for any fees incurred for work by its engineer, building inspector, or attorney, or other administrative costs, related to the application for a driveway permit. The applicant will also reimburse the Town within 30 days for any damage caused to the Town road or road right-of-way for construction of the driveway.

14. Responsibility For Costs. All costs of construction of said driveway, including permit fees, cost of culverts and various erosion controls and surface water management measures, engineer's plan(s), inspection(s), if required, shall be paid by the property owner requesting the permit.

## **1.06 PLAN REQUIREMENTS**

1. Driveway Location Plan. A Location Plan is required for all segments of the proposed driveway. All applicants will need the Town Building Inspector/Engineer to view the driveway location to determine the grade and whether a Location of Construction Plan is needed. The plan shall show the exact location of the driveway on the lot. However, driveways that require a Driveway Construction Plan shall include the exact location of the driveway on the lot in the Construction Plan and do not need a separate Location Plan.

2. Driveway Construction Plan. A Driveway Construction Plan prepared by a licensed civil engineer other than the Town's Engineer is required for the entire driveway when:

- (a) Construction of a driveway or segment of a driveway requires disturbing land with an existing grade of 12% or more. (Also see page 5, 1.10 #8)
- (b) A driveway or segment of a driveway requires a retaining wall or other special erosion control measures as determined by the Town Board or Town Building Inspector/Engineer; or
- (b) A driveway crosses a waterway or has the potential to significantly alter existing drainage patterns and/or quantity of runoff.

## **1.07 SPECIFICATIONS FOR DRIVEWAY LOCATION PLANS**

A Driveway Location Plan will include:

- 1. Location. The precise location of the driveway on the lot.
- 2. Grade. A profile of the proposed driveway route before and after construction as prepared by Town Building Inspector/Engineer, including the grade of all land owned by the applicant.
- 3. Culvert. The location and size of any culverts as determined by the Town Building Inspector/Engineer to meet a minimum twenty-five year, twenty-four hour storm standard.

4. Erosion Control Plan. The proposal shall describe plans and dates to re-seed, mulch, ditch, place culverts and carry out other erosion control practices. With the exception of seeding and vegetation, all erosion controls shall be installed prior to land disturbance or at the appropriate state of construction and shall remain in place until permanent vegetation is sufficiently

established to effectively prevent erosion. Identify the type and location of erosion control measures including, but not limited to, flow diversion, silt fence, erosion bales, stone ditch checks and measures to prevent tracking soil onto public road ways.

**Preparing a Driveway Location Plan does not guarantee the Town's approval of the Driveway Construction Permit Application.**

## **1.08 SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION PLANS**

If required, a Driveway Construction Plan will include a scale plan showing the following:

- 1. Location. The precise location of the driveway on the lot.
- 2. Grade. A profile of the proposed driveway route before and after construction, including the grade of all land owned by the applicant.

3. Retaining Walls. The location and structure of any retaining walls.
4. Culverts. The location, size, and design calculations of any culverts.
5. Cross-section. Typical cross-sections of the driveway in cut and in fill.
6. Storm Water Management. Drainage methods for the driveway engineered for the particular surface type, including location and dimensions of ditches, proper grading techniques, project water handling capability, and water loads at the point of access to the public roadway.
7. Erosion Control Plan. The proposal shall describe plans and dates to re-seed, mulch, ditch, place culverts, and carry out other erosion control practices. With the exception of seeding and vegetation, all erosion controls shall be installed prior to land disturbance or at the appropriate stage of construction and shall remain in place until permanent vegetation is sufficiently established to effectively prevent erosion. Identify the type and location of erosion control measure including, but not limited to, flow diversion, silt fence, erosion bales, stone ditch checks and measure to prevent tracking soil onto public roadways.
8. Other Documents. The Town may require other documents with the Driveway Construction Plan. Contact the Town Building Inspector/Engineer to determine if other documents are needed.

**Preparing a Driveway Construction Plan does not guarantee the Town's approval of the Driveway Construction Permit Application.**

#### **1.09 APPROVAL FOR DRIVEWAY CONSTRUCTION PERMITS**

1. Conditions. No construction of a driveway may commence until:
  - (a) The Driveway Location or Construction Plan is approved by the Town Board; and
  - (b) The Driveway Construction Permit is issued by the Town; and
  - (c) When applicable, any necessary approvals are obtained from Sauk County or The State of Wisconsin (See section 86.07 of the Wisconsin Statutes).
2. Disclaimer. The Town's approval of a Driveway Construction Permit Application does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for the public. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose.

#### **1.10 SPECIFICATIONS FOR CONSTRUCTING DRIVEWAYS**

1. Dividing Agricultural Land. Driveway construction shall have the least substantial adverse impact on agricultural land. Applicants shall construct driveways that follow lot lines to preserve agricultural lands.
2. Forested Areas. Driveway construction shall minimize breaks in forest canopy.
3. Access Limits. There shall be no more than one access point to the public roadway for a driveway, for any given buildable parcel of land.
4. Agricultural Access Driveway. The Town Board may allow more than one agricultural access driveway for any given parcel for the purpose of attaining necessary access to agricultural

buildings, fields, and other agricultural uses. In addition to the ordinance, the agricultural access driveway is subject to the Sauk County or State of Wisconsin governing agency.

5. Agricultural Access Driveway Responsibility. All agricultural driveway construction shall be of such quality that prevents damage to town roads. Costs of repairs will be charged to the land owner. See Appendix C.

6. Minimum Distance Between Driveways. The minimum distance allowable between driveways on the same road side is 100 feet.

7. Shared Driveways. A shared driveway shall be limited to provide access to no more than three single-family residences. Any driveway proposed for joint use shall be required to have recorded with the Sauk County Register of Deeds a multi-party access easement and a maintenance agreement.

8. Grade. Proposed driveways on land with an existing grade between 12% and 15% shall be closely reviewed. No land with an existing grade of 15% or more shall be disturbed to construct, establish, improve, modify or re-work a driveway.

9. Maximum Finished Grade. The maximum finished driveway grade shall not be greater than 10%, except that the grade of the proposed driveway within 100 feet of the homestead or a structure shall not exceed 3%.

10. Radius of Curves. Driveway curves shall have an inside radius of no less than 36 feet.

11. Visibility From the Roadway. Driveways shall be so located as to not create a safety hazard for vehicles traveling on the roadway or exiting and entering the property. The Town Building Inspector/Engineer, using good engineering practice, shall determine the permitted location for driveways with consideration given to the roadway's classification, topography, and posted travel speed. The closest edge of a driveway shall be at least 100 feet from public roadway intersections measuring from the property line where the driveway intersect the road right-of-way. If the property abuts more than one roadway, the driveway should access the roadway with the least traffic volume. Vision triangles requirements set forth in Appendix A shall be met in all cases.

12. Juncture With Public Roadway. The angle between the centerline of the driveway and the center line of the roadway shall be no less than 70 degrees. A length of driveway of a minimum of 12 feet shall have a maximum of 5% grade at the point where the driveway enters onto a public roadway. 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. (See Appendix B.)

Any pavement in the right-of-way, whether new, resurfaced, or replacement may be required to be replaced at the owner's expense when it causes a safety or drainage problem.

Any portion of a hard surface driveway within the right-of-way shall be constructed of asphalt.

13. Culverts. Each driveway shall have installed a culvert at the ditch line where the driveway meets the public roadway, unless the Town Building Inspector/Engineer determines it is not necessary. Culverts shall be installed prior to construction work being commenced on the property. All culverts shall be constructed of material acceptable to the Town Building Inspector/Engineer. Culverts shall be sufficient gauge or schedule to provide adequate bearing capacity for vehicles expected to use the driveway as determine by the Town Building Inspector/Engineer.

- (a) Minimum Size. Culverts shall be a minimum of 24 feet in length, and the diameter shall be determined by the Town Building Inspector/Engineer, to meet a minimum 25-year, 24-hour storm standard. Larger culverts may be required by the Town Building Inspector/Engineer where needed to accommodate the area's water drainage.
- (b) Placement. Culverts shall be placed in the ditch line at elevations as set by the Town Building Inspector/Engineer so as to adequately convey water and assure proper drainage.
- (c) End Walls Optional. All culverts may have flare end wall sections so backfill and cover material will not erode the bottom of the ditch and reduce the capacity of the ditch and culvert. End walls or abutments constructed of timber or similar material are prohibited.
- (d) Backfill and Cover Material. Culverts shall be bedded and backfilled with granular material, compacted in place, or other material acceptable to the Town Building/Engineer. The minimum cover, measured from the top of the pipe to the top of the sub grade material, shall be 6 inches.
- (e) Gauge/Schedule. The minimum wall thickness for corrugated metal culverts or HDPE (high density polyethylene) plastic pipe shall be:

Metal Pipe Diameter Gauge

15 to 14 inch 16  
30 to 36 inch 14  
42 to 54 inch 12  
60 to 72 inch 10  
78 to 84 inch 8

HDPE Plastic Pipe Diameter Schedule

15 inch .035 inches  
18 inch and greater .050 inches

- 14. Drainage. Ditches along the right-of-way, roadway crowning and culverts shall be provided by the landowner for acceptable drainage. The driveway shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto a public roadway and/or the lands of other landowners.
- 15. Natural Drainage Patterns. Construction of driveways shall not interfere with the natural drainage patterns. Natural drainage crossings shall be rip-rapped or otherwise stabilized below drainage and culver discharge points for a distance sufficient to carry the discharge water without channel erosion.
- 16. Align Along Natural Terrain. Grading for driveway construction will be required to preserve or match the natural contours of the site. Driveway alignment should follow the natural terrain. Grading should attempt to retain existing trees and other natural vegetation to stabilize hillside cuts. The maximum grade of cut and fill slopes shall be 3 horizontal to 1 vertical. The top and toe of the slopes shall be rounded to avoid additional erosion.
- 17. Retaining Walls. Any cut and fill slopes greater than 3 to 1 will require constructing a retaining wall, rip-rapping, or similar soil stabilization technique. Erosion control measures must be planted promptly with permanent vegetation to reduce soil erosion.
- 18. Side Slopes. Driveway side slopes shall be a minimum of four feet on each side with a slope

no steeper than 1 foot vertical in 4 feet horizontal (25 percent).

19. Ditch Back Slopes. Ditch back slopes shall be no steeper than 1 foot vertical in feet horizontal (50 percent).
20. Driveway Length. Length not to exceed 1000 feet from an existing public road. The driveway length shall be measured from the edge of the pavement to the attached garage and/or dwelling door, neither of which shall exceed 1,000 feet.
21. Specifications For All Driveways Regardless of Length And Shared Driveways Of Any Length.
  - (a) Roadway surface width – 18 feet minimum – 20 feet maximum
  - (b) Roadway surface thickness – 6 inch breaker run plus finish coat
  - (c) Shoulder width – 2 feet each side
  - (d) Shoulder surface thickness – 4 inch aggregate or hard surface
  - (e) Maximum finished grade – 10%
  - (f) Minimum structure design loading – H 15
  - (g) Maximum shoulder side slope – 4:1
  - (h) Maximum ditch back slope – 2:1
  - (i) Clear roadway width – 12 feet from center
22. Clear Space. A clear space 14 feet high and 24 feet wide shall be maintained at all times for emergency vehicle access.
23. Turnarounds and Cul de Sacs. Turnaround areas or cul de sacs shall be provided for all driveways within 75 feet of the house, no matter the driveway length. Turnaround areas shall be tees with minimum dimensions of 30 feet long by 20 feet wide. Cul de sacs shall have a minimum radius of 60 feet. The Town Board may consult with emergency service providers and require additional specifications should conditions present additional safety concerns.
24. Emergency Service Access Signage. Appropriate signage shall be placed at the entrance to a Driveway servicing a residence so emergency service personnel can accurately and expediently locate the driveway. The sign shall conform to current Sauk County regulations.
25. Minimum Driveway Surface. Driveways shall have a firm surface capable of supporting cars and emergency vehicles under all weather conditions. Such surfaces may include asphalt, concrete, compacted gravel at least six inches in depth, unless specified otherwise in this ordinance, or other granular material approved by the Town Building Inspector/Engineer. The gravel or rock must be of a road construction surface grade. The driveway must be maintained in a condition that complies with these specifications.
26. Excavation For Fill. With the approval of the Town Board, the Driveway Construction Permit may allow excavation at the site to provide fill for the proposed driveway.
27. Restoring Roadways and Disturbed Surfaces. All public roadway surfaces and right-of-ways, shoulders, curbs, ditches, slopes, and vegetation disturbed during driveway construction shall be restored to original conditions within 30 days of completing the driveway before the town will issue an occupancy permit.
28. Waiver Of Specifications. The Town Board may waive or modify any of the above specification(s) if the specification(s) is unnecessary to fulfill the purpose of this ordinance.

any request by an applicant for a waiver or modification of any provision in this section must accompany the initial application and must state the reason for the request. The Town Board must submit a written and signed statement detailing the reasons for waiving the specification(s) and attach it to the permit.

### **1.11 DRIVEWAYS AND AGRICULTURAL ACCESS MAINTENANCE**

1. Hazardous Conditions. When washing or other conditions created by new or existing driveways or agricultural access driveways negatively affect health, safety, or general welfare, obstruct or become a potential hazard to a public roadway, or unreasonable hinder access to the property by emergency service personnel, the Town Board shall notify the property owner of the condition(s). Any property owner failing to correct such condition(s) within 30 days after notice by the Town Board shall be subject to the penalties described in the penalties section of this ordinance and shall also be liable for any costs the town incurs to eliminate the hazard as provided in Wisconsin Statutes 66.60 (16).
2. Change In Use. No field road or agricultural access driveway may be used as a driveway to acquire access to a residential or commercial property unless the field road or agricultural access driveway has been approved as a driveway according to the provisions of this ordinance.
3. Replacement Residence. A replacement residence driveway is subject to review by the Plan Commission and must be constructed as per the existing ordinance.
4. Conversion Of A Driveway To A Town Road. No new or existing driveway shall become a town road.

### **1.12 PENALTIES**

1. Forfeitures. Should a driveway be constructed or modified in violation of the provisions of this ordinance, or create a hazard that is not corrected within 30 days of notification or such other time as determined by the Town Board, the owner(s) of the land and/or the owner(s) of the easement through which the driveway passes shall pay a forfeiture of not less than \$100.00 nor more than \$200.00 plus applicable surcharges and court costs, for each violation. Each day the violation continues to exist shall constitute a separate offense and subject to another penalty, after expiration of the notice period. An unlawful driveway constitutes a public nuisance and may be enjoined.
2. Corrections. In addition, the landowner(s) and/or the owner(s) of the easement shall make the corrections ordered by the Town Board within a period of time determined by the Town Board, but not less than 10 days.
3. Special Charge For Correction By Town. If the owner(s) of the land through which the driveway passes do(es) not make required corrections ordered by the Board that affect a public roadway or right-of-way within the specified time period, the Town Board shall cause the required corrections to be made and charge the cost of correcting such violations, including, when necessary, the return of disturbed land to its original condition. The Town's direct and indirect costs of correcting the violation, including but not limited to engineering, legal, administrative, materials and construction expenses shall be imposed as a special charge against the property through which the driveway passes pursuant to Wisconsin Statutes 66.60. Any funds escrowed with the town shall be disbursed to the town in partial compensation for its above costs.



### **1.13 SEVERABILITY**

The provisions of this ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether one or more provisions may be declared invalid. If any provision of this ordinance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

**1.14 EFFECTIVE DATE**

This ordinance will replace Road Access Ordinance #1-07 and shall take effect the day after passage and publication as required by law.

1. Town Board Approval. This ordinance was adopted by the Town Board this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Approved: \_\_\_\_\_

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

\_\_\_\_\_  
Roger Mack, Chairman

\_\_\_\_\_  
Steve Sorg, Supervisor

\_\_\_\_\_  
Darrell D. Ott, Supervisor

Attest: \_\_\_\_\_  
Mary Zins, Clerk

2. Public Notice.

- (a) Posting and Public Review. This notice of Adoption of Ordinances relating to this ordinance was posted at three Town of Troy locations on July 26, 2011, and sent to the *Sauk-Prairie Star* to inform residents that a final draft of this Driveway Ordinance was on file with the Town Clerk for a two-week period commencing on July 26, 2011-August 9, 2011, in accordance with s66.010, Wis. Stats., during which it was available for inspection.
- (b) Publication. A Notice of Adoption of Ordinance relating to this ordinance was published in the *Sauk-Prairie Star*, the publication of record for the Town of Troy on August 17, 2011.

**TOWN OF TROY, SAUK COUNTY, WISCONSIN**

**Resolution No. 12-07**

**Establishing Fees For Driveway Construction Permits  
(Amended)**

**WHEREAS**, the Town of Troy has adopted an ordinance regulating driveways that requires permit fees be paid prior to issuance of a permit to construct or alter a driveway:

**AND WHEREAS**, the driveway ordinance requires that the amount of said fees and payments be determined by resolution of the Town Board.

**NOW THEREFORE**, be it resolved, by the Town of Troy Board that:

1. a) A non-refundable fee of **\$100.00** shall be charged for each access permit application. Said fee shall include two inspections by the Town Building Inspector/Engineer.
- b) A non-refundable fee of **\$200.00** shall be charged for each driveway permit application. Said fee shall include two inspections by the Town Building Inspector/Engineer.
- c) A non-refundable fee of **\$300.00** shall be charged for each combined permit application. Said fee shall include two inspections by the Town Building Inspector/Engineer.
2. If additional inspections and/or plan reviews are deemed necessary by the Town Building/Engineer, any additional fees shall be charged to the applicant which is payable to the Town Clerk.
3. This resolution shall take effect immediately upon an approval in the manner provided by law.

Approved: \_\_\_\_\_  
Mary Zins, Clerk

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

\_\_\_\_\_  
Roger Mack, Chairman

\_\_\_\_\_  
Edward Larsen, Jr., Supervisor

\_\_\_\_\_  
John F. Ederer, Supervisor