

## **Town of Winfield**

### **Draft - Driveway Ordinance #2024-1**

**PURPOSE:** The purpose of this ordinance is to regulate the establishment or modification 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 Winfield Comprehensive Plan.

**JURISDICTION:** Jurisdiction of these regulations shall include all driveways on land within the Town of Winfield. Existing driveways that undergo repairs involving changes are subject to the provisions of this ordinance.

Changes do not include blacktopping or sealcoating an existing driveway, or adding gravel to an existing driveway.

**AUTHORITY:** These regulations are adopted under authority granted in the Wisconsin state statutes.

#### **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 Winfield that has been, is, or could be farmed, including cropland

and pastureland, or land that is included in a government set-aside program.

3. Driveway: A private driveway, road, or other avenue of travel that runs through any part of a private parcel of a land and connects with any public roadway, and will provide service to a residence or business, except agricultural access driveways.

#### APPLICATION REQUIREMENTS AND PROCEDURES:

1. Who Must Apply: Any person or entity wishing to establish or modify a driveway on a town road must first obtain a driveway permit from the Town Board.
  - a. Driveway access to a county road shall be determined by the Sauk County Highway Department.
  - b. Driveway access to a state road shall be determined by the State of Wisconsin Department of Transportation.
2. Application Forms: The Town Board shall approve an application form for driveways. Application forms shall be available from the town clerk.
3. Application and Supporting Documents Package: The person or entity shall submit a completed driveway permit application to the town clerk 15 days before the town's Plan Commission and Town Board meets. The town clerk shall submit paperwork to the Plan Commission at least 10 days before the meeting.
4. Application Review: The town clerk shall forward the application to the Town of Winfield Plan Commission who

shall conduct an investigation regarding the application in accordance with this ordinance. The Plan Commission shall make a recommendation to the Town Board.

5. Permit Period: The driveway permit will be effective for two years from the date of issuance.
6. Driveway Inspection: The applicant shall notify the town board chairman about the completion of the driveway. The chairman will inspect the driveway to ensure full compliance with all the provisions in this ordinance.
7. Building Permits: No building permit for new construction will be issued until the driveway permit has been issued. Roadway access for all vehicles, including during the construction phase, will only be allowed by use of the permitted driveway.
8. Sauk County Land Resources and Environment Department may require the town's permit to be completed if applying for a land use permit.
9. The permit applies to the first 33 feet of the driveway through the town road right of way.
10. The permit will be discussed at the town's Plan Commission and Town Board meetings.
11. Approved permits shall be submitted to Sauk County Land Resources and Environment Department by the applicant if applicable.

12. The applicant will review the Wisconsin State Statute 86.04 regarding highway encroachments and the mailbox safety regulations.

#### PLAN REQUIREMENTS:

1. The first 33 feet shall be a solid surface to support emergency vehicles of at least 40,000 pounds; this may be a gravel surface.
2. The minimum driveway width shall be 20 feet.
3. Minimum width clearance shall be 24 feet and minimum height clearance shall be 18 feet for emergency vehicle access.
4. The maximum grade shall be 10 percent.
5. Driveways with a grade exceeding 10 percent may be allowed if approved by emergency service providers.
6. If the maximum grade exceeds 10 percent, applicant shall place a deed restriction on the property noting emergency service providers may not be able to provide emergency services due to driveway conditions.
7. The driveway within the town's right of way area shall slope away from the town road at a minimum of 1 percent and a maximum of 5 percent to prevent erosion onto the town road.
8. If a culvert is determined necessary by the Town Board, the culvert shall be a minimum of 20 feet with end walls. It is recommended to be no smaller than 18 inches in diameter unless a smaller culvert is approved by the Town Board.

Larger culverts may be required where needed to accommodate the area's water drainage.

9. The angle between the centerline of the driveway and the centerline of the town road shall be no less than 70 degrees.
10. Driveways shall be so located as to not create a safety hazard for vehicles traveling on the road or exiting and entering the property. A line of sight between 200 feet and 500 feet shall be adhered to, using good engineering practices to allow for the road's condition, topography, and speed limit; the distance required is at the discretion of the Plan Commission and Town Board members.
11. The near edge of a driveway shall be at least 150 feet from the stop sign at an intersection.
12. If the property abuts more than 1 public road, the driveway should access the public road with the least traffic volume.
13. The driveway and ditches shall be constructed so surface water does not create problems for the town road.
14. Any item that impairs visibility will not be allowed. The only allowed items in the town road right of way shall be a mailbox receptacle, emergency fire sign, and utility company items.
15. The proposed driveway shall be accessible to emergency vehicles.
16. If a retaining wall is required, it shall be located 33 feet from the center of the town road.

- 17. Shared driveways are discouraged. However, if approved, shared access shall be limited to no more than 3 single-family residences. Any driveway proposed for joint use shall be required to have recorded multi-party access easements and maintenance agreements.
- 18. A sketch of the location of the proposed driveway shall be attached to the application which includes the grade, slope, width, and length.
- 19. The proposed driveway shall be staked out for review by Plan Commission and Town Board members 10 days before the meeting date.
- 20. Members of the town’s Plan Commission and Town Board will tour the proposed driveway site.

FEE: A fee of \$75 per driveway permit shall be paid to the Town of Winfield before the Plan Commission and Town Board review the application. Fee shall be paid before the agenda item is accepted.

**STATE STATUTE REQUIEMENTS AND DEPARTMENT OF TRANSPORTATION SAFETY:**

Wisconsin State Statute, 2023 Note: This statute has been summarized by the Town of Winfield to the sections that apply to the Town.

**86.04 Highway encroachments.**

**(1) ORDER FOR REMOVAL.** If any highway right-of-way shall be encroached upon, under or over by any fence, stand, building or any other structure or object, and including

encroachments caused by acquisition by the public of new or increased widths of highway right-of-way, the Town Board may order the occupant or owner of the land through or by which the highway runs, and to which the encroachment shall be appurtenant, to remove the encroachment beyond the limits of the highway within 30 days. The order shall specify the extent and location of the encroachment with reasonable certainty, and shall be served upon the occupant or owner of the land through or by which the highway runs, and to which the encroachment shall be appurtenant.

**(2) NONREMOVAL.** If the occupant or owner upon whom the order is served shall not deny such encroachment, under sub. (3), and the encroachment is not removed within 30 days after the service of such order, the occupant or owner shall forfeit \$1 for every day after the expiration of that time during which the encroachment continues. An action to recover such a penalty may be brought in any court of record in the county. In all cases where a judgment is rendered, the judgment shall order that the occupant or owner remove the encroachment within the time fixed by the judgment, and upon failure to obey the order, the Town Board may remove the encroachment and recover from the occupant or owner the cost thereof.

**(3) DENIAL OF ENCROACHMENT, PROCEDURE.** If, within 30 days after being served with the order issued under sub. (1), the owner or occupant delivers a denial in writing of the alleged encroachment to the ordering body, or fails to make a denial, the ordering body may commence an action to remove the encroachment in a court of record in the county where the property is located.

The Wisconsin Department of Transportation provides the following information:

**Mailbox Safety:** There are millions of rural mailboxes in this country. These mailboxes must accommodate both the owner and the mail carrier. However, safety considerations are often overlooked. This bulletin describes improper and unsafe mailbox installation and discusses proper installation and siting.

Although crash reports related to mailboxes are sketchy, the limited data available suggests that 70 to 100 highway deaths in the U.S. each year could be attributed to mailboxes. This data relates the construction of the mailbox system, and especially its support, to the severity of the accident.

The Department of Transportation Division of Highways surveyed mailbox-related crashes in Wisconsin. In 1987 alone, there were over 1,700 crashes involving mailboxes that resulted in 144 injuries and 2 deaths. Improper support systems, such as milk canisters or barrels filled with concrete, were most significant in crashes where there were injuries. Improper placement was most significant in non-injury crashes. Weak attachments between box and post are another hazard. These may permit the box to penetrate the car's passenger compartment. Multiple mailboxes on a single support, or placed too close together, can also be hazards.

### Hazardous mailbox installations

Most roadside mailboxes are simple and unlikely to pose a serious crash threat to vehicles. These are lightly constructed on supports which will easily break off, causing little harm to the



vehicle. What threat they may pose is from the box parting from the post and entering the passenger compartment.

The U.S. Postal Service has some requirements for the mailbox and its height, but does not regulate installation. It approves only certain types of boxes and requires that they be installed with the box bottom 42 inches to 48 inches above the ground. Local postal representatives will review the box location for carrier access and safety and will make verbal recommendations. They have not become involved in the structure and installation of the box.

It is the heavy, ornamental, or multiple installations that can be lethal roadside obstacles. Masonry installations, large receptacles filled with sand or concrete, metal posts larger than 1.5 inches inside diameter, and wood posts larger than a nominal 4 inches square or 4 inches diameter, are a hazard. Such ornamental mailboxes as old plows, wagon wheels, and comic installations such as "air mail delivery" (a non-functional box on an extra high post) are hazards or obstacles. More than 2 boxes mounted on a single support, or installed too close together, can be hazardous even if supports are lightweight. Crash tests show that when more than 2 mailboxes are mounted together, some of the boxes can penetrate the passenger compartment. The use of a plank to mount several mailboxes is especially hazardous.

### Guidelines for safe installation

It is best to keep the entire mailbox installation as light weight as possible. This permits a vehicle crashing into it to break off the mailbox with less damage to the vehicle. The heavier the installation, the less likely it will move instantaneously, causing

more damage to the vehicle and injury to its occupants. For safer mailboxes, follow 4 basic guidelines:

- Use support posts which will easily break off or move out of the way.
- Mount no more than 2 mailboxes on a support post.
- Attach the mailbox firmly to the support post using adequately strong bolts and plates.
- Consider roadside conditions in selecting a site.

## Supports

- The Postal Service requires that the bottom of the box be 42 to 48 inches above ground level. The following are recommended standards for supports which ensure that they will break away on impact:

- Pipes should be 1.5 inches inside diameter or less.
- Square wood supports should not be larger than 4 inches by 4 inches nominal. Round wood posts should not be larger than 4 inches in diameter.
- Metal channel posts should not weigh more than 2 pounds per foot.
- Imbed supports no more than 24 inches into the ground and do not imbed them in concrete.
- Do not use anchor plates with metal posts. Anti-twist flanges are acceptable if they do not project more than 10 inches into the ground. These should be attached to the metal post or pipe with 2-3/8 inch (nominal) muffler clamps. The Federal Highway Administration has published Accepted Safety Hardware. For more information contact the State Division Office of the Federal Highway Administration.

## Multiple installations

Mount no more than two mailboxes on a single support. Separate the supports a distance apart which equals three-quarters of the height of the post above ground. Thus, boxes mounted 4 feet above ground should be at least 3 feet apart (post center to post center).

## Support construction

Use U.S. Postal Service approved mailboxes. The AASHTO (American Association of State Highway and Transportation Officials) publication, A Guide for Erecting Mailboxes on Highways, contains detailed plans for mailbox assemblies and location. Ensuring a firm mailbox-to-post attachment is the most important safety consideration.

## PENALTIES:

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, the owner(s) of the land through which the driveway passes shall pay a forfeiture of not less than \$100 nor more \$200 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.

The landowner 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. If the owner(s) of the land through which the driveway passes do(es) not make required corrections ordered by the Town Board that affect a public roadway or right-of-way within the specified time period, the Town Board shall cause the required correction 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 Wis. Statutes 66.60.

**SEVERABILITY:**

The provisions of this ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provision 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.

**EFFECTIVE DATE:**

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this \_\_\_\_ day of \_\_\_\_\_.

By the Town Board of the Town of Winfield.

Kurt Mead, Chairman
Jerry Moll, Supervisor I
Jeremy Schyvinck, Supervisor II
Attested by: Teresa Bass, Clerk

History:

- 11/16/99 - Town informed they have option of requiring driveway permits before construction of new driveway.
- 4/18/00 - Annual Meeting discussed need for driveway permit.
- 4/16/02 - County requires town to approve driveway permit before submitting permit to county.
- 2002 – 2011 - County driveway permit form used. No specifications listed.
- 2/16/11 - Rough draft of driveway permit reviewed with town board (Paul Rasmussen, Linda Schommer, Pauline Brown). Referred to Plan Commission (Judy Bass, Brad Schyvinck, Harley Judd, Dave Retzlaff).
- 3/15/11 - Driveway permit checklist approved by town board. Given to Sauk County Planning & Zoning, and Highway Department for approval.
- 4/19/11 - Both county departments approved form. The new town board members will review checklist again (Ron Churchill, Kurt Mead, Jason Dorow).
- 5/17/11 - New town board approved checklist.
- 10/15/13 - Plan Commission wants to review checklist (Jerry Dorow, Harley Judd, Brad Schyvinck, Mike Wilson).
- 11/19/13 - Plan Commission still reviewing checklist.
- 3/18/14 - Rough draft of revised checklist reviewed and finalized.
- 3/19/19 - Sauk County Highway Department will approve access to a county road. Sauk County Conservation, Planning, and Zoning will notify clerk if the town's approval is needed.