

Chapter 36

DRIVEWAYS

[**HISTORY: Adopted by the Town Board of the Town of New Glarus 9-11-1995 by Ord. No. 94-2, as amended 6-9-1997. Subsequent amendments noted where applicable.**]

GENERAL REFERENCES

Building construction — See Ch. 15.

Fees — See Ch. 55.

Road excavations and obstructions — See Ch. 181.

§ 36-1 Statutory authority.

This chapter is adopted pursuant to the general police powers granted under § 61.34(1), Wis. Stats., and with specific authority under § 236.45, Wis. Stats.

§ 36-2 Purpose and applicability.

- A. The purpose of this chapter is to promote the public health, safety, and general welfare of the community and to enforce the goals and policies of the Town Board of the Town of New Glarus. These standards are designed to lessen erosion and drainage problems common to the terrain within the Town and allow efficient provision of emergency services, including fire prevention or protection and ambulance services.
- B. This chapter applies to construction or modification of private driveways located in the Town of New Glarus which provide access to buildings constructed or substantially modified after the effective date of this chapter.
- C. Within the Village of New Glarus ETZ area, applicable provisions of the Village's Zoning ordinance also apply, with the more restrictive provisions applying in the event of a difference between the Town's Driveway Ordinance and the Village's Zoning Ordinance. [Added 5-2-2012]

§ 36-3 Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

DRIVEWAY

A road permitting vehicular access from a public highway to one or more dwelling units or commercial buildings located or to be constructed on adjacent lands.

§ 36-4 Permit required; erosion control plan.

- A. No person shall construct, improve or rework a driveway which changes the existing topography of the land without first obtaining a driveway or driveway access permit from the New Glarus Town of New Glarus Patrolperson or Town Board designee. Re-graveling of a previously constructed driveway does not constitute a change in the existing topography of the land. Prior to consideration of the application by the Town Board, the applicant shall submit to the Town of New Glarus Patrolperson or Town Board designee, an application and a driveway construction plan which shall accurately describe the location of the proposed driveway and the specifications required by § 36-5 of this chapter for the driveway's construction. [Amended 5-11-2022]
- B. Any proposed driveway construction or modification shall be accompanied by an erosion control plan

presented to the Town Patrolperson or Town Board designee prior to the issuance of a driveway permit. An erosion control plan shall include the driveway owner's intentions and timetable to reseed, mulch, ditch, place culvert(s), and carry out other erosion control measures, all of which shall be completed within 90 days after beginning driveway construction or modification. If an engineer's plan of the driveway is prepared according to the requirements of § 36-6 of this chapter, an erosion control plan shall specify only those measures which are not mentioned or required in the engineer's plan. **[Amended 5-11-2022]**

- C. Driveway permits will be valid for one year from date of issue. Reapplication for a permit will be required for any improvements not completed during the permit period. Reapplication permits will not be denied without reasonable cause.
- D. No building permit for new residential construction will be issued until the driveway is constructed according to the specifications of this chapter.
- E. All new driveways proposed to be installed or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more structures shall be subject to an inspection fee as established by the Town Board to be paid to the Town prior to the start of any construction on a new driveway and prior to the issuance of a building permit. An approved driveway shall be in place before a building permit can be issued. If the Town Patrolperson or Town Board designee determines that any part of the driveway may not comply to the standards of this chapter, the property owner must provide a certificate from a registered land surveyor or a professional engineer stating that the driveway does indeed meet the necessary requirements. **[Amended 12-4-2007 and 5-11-2022]**
- F. A refundable fee as established by the Town Board must be submitted with each driveway application. This fee may be in the form of personal check, surety bond, or cash bond. The fee or part thereof may not be refundable should there be damage to the Town road or other costs incurred by the Town of New Glarus by the construction of said driveway. **[Amended 12-4-2007]**
- G. A driveway access permit will be issued for the purpose of permitting vehicular access or other means of travel from a public highway to a private driveway, road, and field road for all persons seeking a building permit. All driveway specifications for construction in this chapter will apply. The applicant, who may be the owner, agent, or contractor, shall submit a location construction plan showing specifications, including grade, slope, width, and length of the driveway, and erosion control procedures. Said construction plan will specify completion dates for culvert placement, aggregate placement, erosion control procedures, and final application of a two-inch layer of gravel. If the aforementioned completion dates are not met, then a penalty as determined in § 36-8 will be assessed.

§ 36-5 Construction specifications.

- A. An engineer's plan showing adequate erosion control measures is required for any segment of the proposed driveway which disturbs land with a grade of more than 20%, unless waived by the Town after Town Engineer's recommendation. **[Amended 5-2-2012]**
- B. Width; emergency access; materials. **[Amended 8-11-2021]**
 - (1) All driveways 250 feet or less in length shall be at least 14 feet in width. All driveways in excess of 250 feet shall be at least 16 feet in width. Driveways in excess of 500 linear feet shall install emergency access provisions per one of the standards in Subsection **B(1)(a)** or **(b)** below.
 - (a) The driveway shall have one pull-off lane erected for each additional 500 linear feet of length. Each pull-off lane shall be eight feet wide and 50 feet long and comply with all the standards for driveways. Pull-off lanes shall be strategically placed (i.e., for a 900-foot driveway, one pull-off lane would be located at approximately 450 feet).

- (b) The driveway shall be constructed to a continuous uniform twenty-foot width. No pull-off lanes are required for driveways constructed to a continuous twenty-foot width.
- (2) Driveways can be any solid surface. However, they must satisfy the minimum requirement of six inches of aggregate and two inches of gravel. Driveways shall be crowned to provide adequate drainage of water from the road surface.
- C. Each driveway shall have a culvert at the ditch line where the driveway meets the public road, unless waived by the Town Board. The culvert shall be at least 15 inches in diameter or of sufficient size so as to permit adequate drainage of the affected area. The length shall be determined by the Town Board; however, the minimum width of the driveway approach shall be 24 feet. Apron end walls shall be used on all culverts. **[Amended 10-19-1999]**
- D. A driveway which is at least 24 feet in length shall have a maximum grade of 5% at the point where the driveway enters onto a public road. A slight dip across the driveway shall be placed just before the culvert at the entrance to the public road to prevent debris from washing onto the public road.
- E. Ditches, roadway crowning, and culverts which provide acceptable drainage are required.
- F. The driveway's side banks shall be graded to a slope of no more than one foot of vertical rise in each three feet of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in an engineer's plan approved by the Town Board.
- G. Curves in the driveway shall have an inside radius of not less than 36 feet.
- H. The maximum grade of the entire driveway or any given segment of the driveway shall not exceed 13%.
- I. The side banks shall be seeded promptly to control erosion.
- J. Once the construction of the driveway has begun, all specified erosion control measures, including retaining wall, ditching, culverts, crowning, and mulching and matting, shall be completed within 90 days.
- K. The driveway must have at least six inches of two-inch rock on the roadbed and covered with two inches of three-fourths-inch gravel unless the Town Board considers otherwise.
- L. All costs of the construction of the driveway, including the cost of the culverts and the engineer's plan, if required, shall be paid by the property owner requesting the driveway permit.
- M. A clear zone for emergency vehicles shall be maintained for the full length of all constructed driveways. Overhanging tree limbs, landscaping and other obstructions are not permitted within the clear zone. The clear zone shall be two feet wider than the constructed width of the driveway (one foot on each side of the driveway) with a minimum width of 18 feet. The clear zone shall be a minimum of 14 feet in height. The clear zone shall also be required for the full width of all pull-off areas constructed per § **36-5B(1)**. In cases where such a clearing would be environmentally damaging, the Town Board will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard. **[Amended 8-11-2021]**
- N. The driveway must have a back out with a radius of at least 90° or a fifty-foot turning radius.
- O. The driveway must have an approach at the place where it intersects with the public road of at least 24 feet in width and an unobstructed view of at least 250 feet in each direction at that place unless the Town Board allows otherwise.
- P. Joint driveways will not be permitted without a joint driveway agreement establishing the proposed joint

driveway and the manner of its construction, maintenance, and use.

- Q. The maximum length of driveways for developments located immediately adjacent to the Village boundary shall be 2,600 feet and construction shall comply with § **36-5B**. Driveway length and construction in the balance of the ETZ area shall be in accordance with § **36-5B**. [**Added 5-2-2012**]
- R. Driveway locations within the ETZ areas shall be consistent with all applicable Town ordinances and with the Village of New Glarus' official map for planned roads within the ETZ. [**Added 5-2-2012**]

§ 36-6 Engineer's plan.

- A. The Town Board may require the applicant to obtain a plan prepared by a professional engineer licensed by the State of Wisconsin prior to the construction or modification of any proposed driveway. An engineer's plan is required:
 - (1) For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of 25% or greater, unless waived by the Town Board;
 - (2) For a driveway or segment of a driveway whose construction requires a retaining wall or other special erosion control measures as determined by the Town Board or its authorized representative; or
 - (3) When the Town Board requests a plan for reasonable cause.
- B. The engineer's plan will include the following:
 - (1) The precise location of the driveway or segment(s) of the driveway which requires an engineer's plan.
 - (2) Grade of the driveway showing no segments exceeding 13%.
 - (3) Location and structure of any retaining walls.
 - (4) Location and size of any culverts.
 - (5) Cross section of the driveway.
 - (6) Mulching, matting or other erosion control measures.
- C. When an engineer's plan is required, no construction of a driveway may commence until the engineer's plan is approved by the Town Board and a driveway permit is issued and, when applicable, any necessary approvals are obtained from Green County or the State of Wisconsin per § 86.07, Wis. Stats.
- D. The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

§ 36-7 Existing driveways and field roads.

When washing or other conditions created by existing driveways or field roads become a potential hazard to a public road, the Town Board shall notify the owner(s) of the land through which the driveway passes of such condition(s). Any property owner failing to correct a hazardous situation immediately (within 24 hours or less) upon notification shall be subject to the penalties of this chapter and shall be liable for any costs incurred by the Town of New Glarus to eliminate such hazard as provided in §§ 66.0627 and 66.0703, Wis. Stats. Problems of a nonemergency nature shall be corrected in 30 days.

§ 36-8 Violations and penalties.

- A. Should a driveway be constructed or modified in a way which violates the provisions of this chapter, the owner(s) of the land through which the driveway passes shall pay a forfeiture equal to three times the fee charged for the permit application, whether or not that fee has been paid. The owner(s) of the land shall also make the corrections indicated by the Town Board within a reasonable period of time

determined by the Town Board.

- B. If the owner(s) of the land through which the driveway passes does not make the required corrections within the time specified, the Town Board shall determine the cost of correcting violations of the provisions of this chapter, including, when necessary, the return of disturbed land to its original condition. The cost shall be paid to the Town by the owner(s) of the property through which the driveway passes, as provided in §§ 66.0627 and 66.0703, Wis. Stats.

§ 36-9 Variances.

- A. The Town Board shall have the discretion to impose higher standards where in the opinion of the Town Board local conditions require higher standards or anticipated traffic in quantity or quality will require higher standards.
- B. The Town Board may grant variances from the minimum standards of § **36-5** in situations where strict application of the minimum standards will result in practical difficulty or unnecessary hardship, provided that such a variance shall not be contrary to the public interest, health or safety.
- C. Application for such variance shall be in writing by the landowner(s) stating fully all facts and shall be supplemented with maps, plans or other additional data which may aid the Town Board in the analysis of the proposed variance. The conditions upon which the request for a variance is based shall be unique to the property and not applicable generally to other property. The conditions shall not be mere inconvenience, financial hardship or self-imposed hardship.
- D. Any costs incurred by the Town in the approval or denial of a proposed variance shall be reimbursed to the Town by the applicant(s) seeking the variance. This shall include but not be limited to additional engineering studies, attorney fees and/or per diems by Town Board members.
- E. The Town Board, if it approves a variance, shall do so by motion or resolution and by majority vote. The reasons for approval or denial of a variance shall be entered in the minutes of the Town Board, and the Town Clerk shall notify the applicant of the decision.
- F. Variances for driveways on lands within the ETZ areas may be granted if they do not impair the intent and purpose of this chapter, Town plans and the ETZ Ordinance. Variances may be granted if they are unique to the property, specific to the situation and not solely for economic basis. [**Amended 5-2-2012**]