

Ordinance 02-01
Town of LeRoy, Dodge County
Town of LeRoy Driveway Ordinance
Relating to the Construction of Private Driveways

Article 1. Title Purpose

This ordinance is entitled the Town of LeRoy Driveway Ordinance. The purpose of the Ordinance is as follows:

To establish standards for driveways in the Town of LeRoy that will provide for safe and adequate access from private development to public right-of-way. The primary reasons for the ordinance include but are not limited to the following:

- ❖ Provide safe vehicle access to public roadway (ingress/egress).
- ❖ Provide adequate access for emergency vehicles to service and protect life and property.
- ❖ Protect public investment in town roads by preventing costly road maintenance.
- ❖ Prevent water drainage and siltation from private driveways onto public roadways.
- ❖ Protect graded ditches and roadsides, and prevent erosion into the Town's waterways.

In this Ordinance the term "driveway" is defined to mean private driveway, road, field road, field entrance or other means of travel through any part of a private parcel of land which connects or will connect with any public roadway. The following regulations apply to the construction or modification of private driveways on lands in the Town of LeRoy.

Article 2. Authority

The Town, having adopted village powers on or about November 23, 1957 pursuant to Wis. Stat., sec 60.10, adopts this ordinance pursuant to Wis. Stat., secs. 60.22(3), 61.34 and 82.03.

Article 3. Adoption of Ordinance

The Town Board of the Town of LeRoy has, by adoption of this Ordinance confirmed the specific statutory authority, powers and duties noted in the specific Articles of this Ordinance, and has established by these Articles and this Ordinance the ability to regulate and control certain uses, activities, businesses, and operations in the Town of LeRoy.

Article 4. Application

- A. Any private driveway, road, field road or other means of travel through any part of a private parcel of land which connects or will connect with any Town roadway is subject to the terms of this Ordinance. Existing driveway surface maintenance does not require a driveway permit.
- B. No driveway subject to this Ordinance shall be installed, altered, changed, replaced, or extended until an application for such installation, alteration, change, replacement, or extension has been completed and filed, the applicable fee paid and such application approved by the Town Board. The alteration, replacement, extension or other alteration of a driveway culvert is deemed an alteration of the driveway and requires Town Board approval of and application for such alteration.

C. Procedures:

1. Application: Applications may be obtained from the Town Clerk. The Application shall include a sketch of the proposed driveway or proposed alteration to an existing driveway.
2. Filing: The completed Application shall be filed with the Town Clerk. The deadline for filing an Application is the first day of the month in which the applicant desires the Town Board to consider the Application.
3. Fee: The application fee shall be paid at the time the Application is filed. The fee shall be set by the Town Board.
4. Consideration: The Town Board shall consider an Application based on its conformance to this Ordinance. The Board may also take into consideration the conformance to the standards of other ordinances when deciding whether to approve or deny an Application. The Board may approve or reject an Application in whole or in part. If the Board approves of the Application in whole or in part it shall issue a Permit so stating and further stating any terms or conditions of its approval. The Board reserves the right to table action on an Application pending the production of additional information or further investigations.
5. Notification: The applicant shall notify the Town Clerk within 10 days of completion of the driveway to allow inspection of the driveway to verify its conformance to the terms of the approved Permit.

Article 5. Driveway Standards

All driveways installed, altered, changed, replaced or extended after the effective date of this Chapter shall meet the following requirements.

- A. One driveway per parcel.
- B. Specification:

Minimum driveway surface width	12 feet at right-of-way
Minimum culvert length	30 feet
Minimum culvert diameter	18 inches
Apron end walls	Required
Maximum Driveway length	500 feet
Curves in the driveway shall have an inside radius of no less than	36 feet
Minimum side yard setback	10 feet
Angle of Entry	90 Degrees
- C. The surface of the driveway connecting a town highway shall slope down and away from the road shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flowing onto the roadbed.
- D. The surface of the driveway in the road right-of-way can be a flexible bituminous asphalt type pavement or gravel type. There will not be any Portland cement surfaces accepted within the right-of-way unless the Town road has been laid with Portland cement.
- E. The driveway shall not obstruct or impair drainage in roadside ditches or roadside areas.
- F. Construction of a new residential driveway or new field entrance in accordance with this ordinance shall have at least four inches (4") of two-inch (2") rock on the

roadbed, covered with two inches (2") of three-quarter inch ((3/4") gravel.
Substitution for suitable material can be agreed upon by the Town Board.

- G. An existing field entrance may not be used for a residential driveway, unless it meets driveway standards established in Article 5 of this ordinance.
- H. An Applicant may apply for a variance from the standards set forth in this Article 5. A majority vote of the Town Board shall be required to grant any variance from the standards of this Article 5 and such action shall be entered into the minutes of the Town Board meeting setting forth the reasons for the request and the reasons, in judgments of the Board, which justify the variance. The Board may grant such variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in practical difficulty or unnecessary hardship.

Article 6. Permit Fee

A driveway permit application, as established by the LeRoy Town Board, shall be paid to the Town prior to the start of any construction. The cost of a permit required under this ordinance shall be \$30.00.

Article 7. Noncompliance

Any landowner that installs, alters, replaces, removes or extends a driveway without first obtaining Town Board approval, fails to comply with the conditions of his or her permit or the standards set forth in Article 5 hereof or violates any other provision of this ordinance shall be subject to a forfeiture of \$75.00 together with any and all costs of repairs, correction, or restoration. Each day of the continuation of a violation shall constitute a separate offense subject to separate forfeiture. In addition, the Town reserves other remedies, including but not limited to the right to obtain an injunction against further violation of the ordinance, Fees due under this Ordinance and costs incurred by the Town in the administration and enforcement of this ordinance may also be placed on the tax bill payable for lands where or in connection with which such costs have been incurred or fees are due.

Article 8. Severability

In the event that any provision(s) hereof are determined to be contrary to any existing or future law or otherwise unenforceable, such determination shall not affect or impair the operation or enforcement of those provisions that are valid.

Article 9. Effective Date

This ordinance shall take effect one day after its passage and publication as provided by law. This ordinance was passed by vote of the LeRoy Town Board of Supervisors, Dodge County, Wisconsin, held at the Town Hall, on the 9th day of October, 2002

Linda Schraufnagel

Town Chairman, Linda Schraufnagel

Raymond Collien

Supervisor, Raymond Collien

Linus Schraufnagel

Supervisor, Linus Schraufnagel

Attested: Erma Franke

Clerk, Erma Franke