

## **Private Driveway Private Roadway Ordinance**

**1. Purpose:** The purpose of this ordinance is to promote public safety by establishing minimum construction and maintenance standards for driveway and private roads in the Town of La Pointe which serve a primary building or an improved lot so that in the event of an emergency, such premises can be accessed by fire truck, ambulance or other emergency vehicles.

**2. Definitions:** When used in this ordinance the following terms are defined as follow:

- a) **Improved lot or Improved Parcel** – refers to a lot or parcel of land which is served by or has available electrical service or another utility or which is otherwise physically improved so that it is intended for, available for or capable as a site for the location, erection or construction of a principal building or of being used or occupied by one or more persons.
- b) **Person** – Shall mean and refer to an individual person as well as a partnership, corporation, limit liability company, as well as other entity.
- c) **Principal Building** – Shall mean and refer to any building which is intended for or capable of being used for habitation and occupancy.
- d) **Private Driveway** – Shall mean and refer to an improved or unimproved path, road, driveway or ground surface extending from a public street, highway, road or private road, which provides vehicular ingress and egress for one to three improved lots, parcels or a principal building.
- e) **Private Roadway** – Shall mean and refer to a privately owned and maintained road, street, driveway or other improved or unimproved surface, not dedicated as a public road, street or highway, which provides the primary means of vehicular ingress and egress to four (4) or more improved lots, parcels or principal buildings.
- f) **Subdivisions** – Are subject to the terms and conditions outlined in Technical Memorandum # 3.

**3. Standards:** Minimum construction and maintenance standards shall apply to private driveways and private roads in the Town of La Pointe:

- a) **Minimum drivable surface** - 12 feet for driveways (14 feet recommended) and 16 feet for roads (20 feet recommended).
- b) **Minimum width clearance** - 20 feet (24 feet recommended).
- c) **Minimum height clearance** – (area free from branches, wire and other obstruction) 18 feet. (Recommended no overhead obstruction).
- d) **Minimum carrying capacity for bridges** – 40,000 lbs. (20 tons)
- e) **Maximum grade** – 6% Designs over this maximum shall be reviewed by the Town Plan Commission with input from the Town Foreman, prior to approval.
- f) **Turn out** - One at least 30 feet in length by 18 feet minimum (recommended 20 feet) in width shall be provided of a private driveway or roadway that exceeds 400 feet in length.

This turn out shall be located as close to mid-point of the driveway or roadway as possible to provide safe passage of motor vehicles which meet traveling in opposite directions.

This applicable width includes the minimum width required for the driveway standards.

*(This item may be modified should topography, wetlands, or other issues prove to be an encumbrance. In which event the applicant will develop a feasible alternate plan for the provision of safe passage.)*

- g) Where a private driveway or roadway intersects a public right-of-way, the portion of the private driveway or roadway which is in the public right of way shall be constructed in a way to prevent or minimize erosion.
- h) A private driveway or roadway shall have a base consisting of suitable gravel or other material to support a 20-ton vehicle.
- i) The private driveway or roadway shall have such culverts as specified by the Town. (see **Section 8 Culvert Construction Standards**)
- j) **Turn around** - The dead end of each private driveway or roadway longer than 200 feet, shall have a turn around with a radius minimum of at least 25 feet (30 feet recommended) or another physical arrangement acceptable to the Town Plan Commission which permits a vehicle similar to a 20-ton truck to turn around.
- k) At the location where a public driveway or roadway intersects a public highway, public road or public street, there shall be visibility in accordance with Ashland County Highway Department Standards "Stopping Sight Distance" from each direction as follows:
  - a. Design speed of approaching traffic up to 25 MPH = 155 feet
  - b. Design speed of approaching traffic at 30 MPH = 200 feet
  - c. Design speed of approaching traffic at 35 MPH = 250 feet
  - d. Design speed of approaching traffic at 40 MPH = 305 feet
- l) When a private driveway or roadway intersects a public highway, public road or public street it shall meet in a perpendicular fashion. *(Upon approval of the Town Plan Commission, this item may be modified should topography, wetlands, or other issues prove to be an encumbrance upon approval of the TPC)*
- m) A private driveway or roadway shall be designed and constructed in a fashion to allow adequate ingress/egress and maneuverability for a 20-ton truck.
- n) Any private driveway or access from and onto a County Trunk requires a Driveway Access Permit through the County of Ashland.
- o) Any private driveway or roadway requires a permit **from** the Town of La Pointe.
- p) **Maintenance:** The general condition of private driveways or roadways shall be maintained by the property owner(s). This includes but is not limited to washouts, potholes, soft areas, vegetation encroachment and clearance. This maintenance is required for emergency vehicle and sanitation ingress and egress.

#### **4. Private Driveway or Private Roadway Required:**

- a) No person shall erect, construct, place or allow the construction or placement of a principal building on any lot or parcel in the Town of La Pointe unless such principal building is served by a private driveway or roadway which complies with the requirements of this ordinance.
- b) No building permit shall be issued for the erection, construction, or placement of a principal building on any lot or parcel in the Town of La Pointe unless such lot or parcel of land is served by a private driveway or roadway which complies with the requirements of this ordinance.
- c) No person shall improve a lot or parcel for construction or erection or upgrading a principal building in the Town of La Pointe unless such is served by a private driveway or private roadway which complies with this ordinance.
- d) Unless a property owner is applying for a new building permit or is expanding or enlarging the use of a lot or parcel or a structure thereon, are exempt from Provision 4.a, 4.b and 4.c of this Ordinance:
  - 1. Those served by a private driveway or private road for which a permit was issued, and
  - 2. Those served by a private driveway or private road which was in existence prior to 1972.

**5. Application for a Permit:** A person who desires to construct a private driveway or roadway in the Town of La Pointe shall:

- a) File with the Zoning Administrator a *properly* completed and signed application Land Use Permit for the installation/construction of the private driveway/roadway. This includes an applicable Ashland County Access Permit if the ingress/egress to County Trunk H.
- b) Provide a detailed map of the proposed roadway, identifying property lines, route, turn out, curves and turn around areas.
- c) Following its receipt of a completed application, the Zoning Department will either approve it, deny it or request the applicant to supplement it.
- d) Prior to issuance of a permit the Zoning Administrator, Town Foreman or a designee of one of them will conduct a site inspection.
- e) The reasons for any denial by the Zoning Department will be provided to the applicant in writing with measures needed to become in compliance with this ordinance, and/or identifying other corrective measures. This denial may also be based on an incomplete or insufficient application.
- f) Upon approval of the application and receipt of required fees to the Town of La Pointe and the County of Ashland (if applicable) the permit shall be issued within accordance of Standard Operating Procedures, Town of La Pointe, Zoning Department.
- g) The applicant agrees to comply with maintaining the private driveway/roadway to the standards identified in the permit.

- h) Holder of a permit for a private driveway or private roadway shall maintain such driveway or roadway in accordance with the standards set forth in the permit and this Ordinance.

**6. The Zoning Administrator or designee may:**

- a) Order a person to apply for a permit if a private driveway/roadway has been constructed (following the adoption of this ordinance), or it appears one is being constructed without the required permit.
- b) Order a person to cease and desist construction of the private driveway or private roadway which is not being constructed in accordance with the terms of the permit, or this Ordinance.
- c) Order a person in violation to comply with this ordinance.

**7. Prohibited Driveways:**

- a) No person, shall place, construct, erect or cause placement, construction or erection of any structure or obstruction within the limits of any public roadway, highway or street in the Town, except as permitted by this Ordinance.
- b) The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
- c) All driveway entrances and approaches shall be constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way.

**8. Culvert construction Standards:**

- a) Size. Culverts shall be installed prior to construction work being commenced on the property served. As a rule, no pipe smaller than 12 inches in diameter (or equivalent elliptical or arch pipe) and shall be a minimum of 30 feet in length. All culverts shall be constructed of galvanized steel, aluminum, double walled HDPE or reinforced concrete, and shall be of new manufacture, unless specifically accepted by the Town Foreman.
- b) Gauge. The minimum wall thickness for the pipe culverts shall be in accordance with the following:

<b>Pipe Diameter</b>	
<b>(inches)</b>	<b>Gauge</b>
<b>8 to 24</b>	<b>16</b>
<b>30 to 36</b>	<b>14</b>
<b>42 to 54</b>	<b>12</b>
<b>60 -72</b>	<b>10</b>
<b>78 – 96</b>	<b>8</b>

- c) **Drainage.** The culverts shall be placed in the ditch line at elevations that will assure proper drainage.
- d) **Backfill material.** Material used for backfill shall be of a quality acceptable to the Town Foreman and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be 12 inches.
- e) **Erosion control.** Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Zoning Administrator or designee.
- f) **Cost.** The property owner shall install new culverts and be responsible for the cost thereof.
- g) **Street work.** When the Town reconstructs a street and culvert installation or replacement is deemed necessary, the Town will install the culvert; the cost of the culvert shall be paid by the property owner. The Town Foreman shall determine if the culvert is necessary.
- h) **Maintenance.** The property owner shall be responsible for the maintenance of the culvert.
- i) **Appeal.** Persons may request a variance from the culvert requirements of this section by filing a written appeals request with the Zoning Administrator, who shall place the matter as an agenda item for the Town Plan Commission's next meeting. The Town Plan Commission may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render an opinion on the request.

## **9. Payment of costs by owner.**

All costs incurred by the Town relating to the enforcement of this chapter or in making the determinations or inspections necessary hereunder shall be paid by the property owner, including but not limited to, Town administrative costs and engineer's and attorney's fees. If a property owner refuses to comply with the Chapter, the Town may install the culverts and charge back the cost or additional cost thereof as a special charge pursuant to § 66.0627, Wis. Stats.