

**ORDINANCE NO. 2021-22
TOWN OF MILTON
DRIVEWAY PERMIT REQUIREMENTS AND
APPLICATION PROCEDURES**

WHEREAS, the Town Board of the Town of Milton believes it necessary to establish a Driveway Ordinance establishing driveway standards and driveway permit application requirements and procedures;

NOW THEREFORE, the Town Board of the Town of Milton does hereby ordain as follows:

Section I: Purpose. The purpose of this Ordinance is to regulate the location, design and construction of driveways within the Town of Milton, Buffalo County, Wisconsin.

Section II: Compliance. This Ordinance shall apply to all new driveways, and all driveways hereafter altered, which are intended to serve a land parcel. Alteration of a driveway includes the laying or replacement of culverts or bridges, and the widening and lengthening of the driveway. At any such time as the use of the property is changed, a new driveway permit will be required to be obtained.

Section III: Driveway Permit Required. No person or entity shall establish, construct, reroute, or alter a driveway or the existing slope of any driveway connecting to a Town Road without first obtaining a Driveway Construction Permit from the Town of Milton. The person(s) or entity seeking a permit must own or have a legal interest in current access to the land to which the permit will apply. No driveway permit shall be issued until a completed application has been approved by the Town of Milton. Driveways which exit onto County or State roads need County or State approval and do not require a town permit. However, the driveways exiting onto County or State roads still must comply with the requirements of this Ordinance.

Section IV: Permit Fee. The fee for a driveway permit shall be such fee as is established from time to time by Resolution of the Town Board.

Section V: Specifications.

A. Driveways shall be constructed so that the width of the driveway within the right of way complies with the following table:

TABLE - DRIVEWAY WIDTH		
Use of Property to be Served by Driveway	Minimum Width Of Driveway	Maximum Width Of Driveway
Residential	16 feet	26 feet
Shared Driveway	20 feet	26 feet
Agricultural	20 feet	40 feet
Commercial	20 feet	40 feet
Industrial	24 feet	40 feet

B. The Driveway Inspector shall determine whether a culvert is required. Any required culvert shall be installed entirely at the applicant's expense. The Driveway Inspector may require that a registered professional, at the applicant's expense, submit a culvert design. Be constructed with a minimum diameter culvert pipe of 15 inches. The culvert pipe shall be corrugated metal pipe meeting the Wisconsin Department of Transportation specifications for class III culvert pipe. Any culvert type proposed by the applicant that is not corrugated metal pipe is subject to approval by the Driveway Inspector and shall be certified by a registered professional as appropriate for the construction of said driveway.

C. The following specifications to driveway construction shall apply:

1. Minimum Driveway Surface. The minimum driveway surface shall consist of 6" of crushed aggregate base course. Additional stone may be required based on actual soil conditions.
2. Side Slopes. Driveway side slopes shall be no steeper than 1' vertical in 2' horizontal (25%).
3. Ditch Back Slopes. Ditch back slopes shall be no steeper than 1' vertical in 2' horizontal (50%).
4. Maximum Finished Grade. The maximum finished driveway grade shall be 12%.
5. Clear Slope. A clear space 14 feet high and 20 feet wide for a single residence and 14 feet high and 26 feet wide for a shared driveway shall be always maintained for emergency vehicle access.

6. **Turnaround**. Each driveway shall have a turnaround within 75 feet of the house, as shown in the Town of Milton Applications Guide for Driveway Construction Permits.
7. **Curves**. Driveway curves shall have a minimum radius of 36 feet.
8. **Emergency Service Access Signage**. Appropriate signage shall be placed at the entrance to a driveway servicing a residence to provide accurate and expedient driveway location by emergency service personnel. The sign shall conform to current Buffalo County Zoning regulations.

D. Other Miscellaneous Driveway Construction Provisions:

1. All costs of installing the new driveway shall be the responsibility of the applicant.
2. All necessary erosion control measures shall be installed and maintained so as to eliminate sediment discharge to the roadway or the highway right of way.
3. There shall be no sediment, brush, or other debris in the highway right-of-way as a result of the construction of the driveway.
4. All work shall be performed in such a manner as to preclude any danger to, or interference with traffic flow.
5. Concrete approaches or aprons shall not extend into highway right-of-way.

Section VI: Definitions.

- A. **Agricultural Land**. Any land within the Town of Milton that is currently being farmed, including cropland and pastureland, or land that is included in a government set-aside program.
- B. **Driveway**. A private driveway, road, or other avenue of travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide service to a residence, business, recreational site, or other similarly appropriate uses.
- C. **Field Road**. A road used only for agricultural or recreational purposes that does not connect with a public highway through an improved access point.
- D. **Town**. The Town of Milton.

- E. Driveway Inspector. The individual(s) or agent(s) hired by the Town Board to act in this capacity.

Section VII: Application Procedure. Any person or entity desiring to establish, construct, reroute or alter a driveway shall complete a Driveway Construction Permit Application and file same together with the appropriate fee as then established by the Town Board. The filing shall be with the Town Clerk. In addition to any attachments required by the Driveway Construction Permit Application, the Driveway Inspector may require one or more of the following items:

- A. Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions. The sketch map may be submitted to the Driveway Inspector prior to the preparation or submission of the other supporting documents for the Driveway Inspector to provide initial comments and review of the proposal. However, formal approval for a Driveway Construction Permit will not be granted without the submission of a complete supporting documents package.
- B. Map. Indicating the location and dimensions of the desired driveway, as well as the parcels immediately adjacent to the applicant's property. The applicant shall initially submit a sketch map. After the Driveway Inspector has reviewed the sketch map, the applicant may be asked to submit an additional map or a preliminary and/or final plat map where the driveway is serving a subdivision. In the case of a platted subdivision all road construction must conform to Town Road Construction standards.
- C. Aerial Photo/Site Analysis.
- D. Soil/Slope Analysis.
- E. Driveway Construction Plan.
- F. Driveway Location Plan.

Section VIII: Application Review.

- A. Permit Application Denial. The Driveway Inspector shall review the application and approve or deny the application within a reasonable time following the submission of a complete application to the Town Clerk. In the event of a denial of the proposed Driveway Construction Permit, the Town shall recite, in writing, the particular facts upon which it bases its denial of the permit. The Driveway Inspector shall also afford the applicant an opportunity to review the decision and present evidence refuting the determination, if so desired. Thereafter, the Town Board may affirm or modify the decision. The Town Board shall recite,

in writing, findings for any decision to modify or override its initial determination. The reason or reasons for permit denial may include nonconformance with the Town Driveway Ordinance, with the comprehensive plan/master plan/land use plan, with Town laws, ordinances, rules, regulations, or plans, with applicable County, State, or Federal laws, ordinances, rules, regulations, or plans.

- B. **Re-application.** If the Town Board denies two consecutive applications for a Driveway Construction Permit on the same parcel, no subsequent re-application for a Driveway Permit for that parcel will be considered within 3 months of the second denial.
- C. **Permit Period.** The Driveway Construction Permit is effective for 12 months from the date of issuance. The Permit shall expire after 12 months unless renewed.
- D. **Renewal.** The Permit may be renewed for an additional period of 6 months. If the driveway has not been constructed by the end of this period, a new application must be submitted and approved.
- E. **Driveway Inspection.** The applicant shall notify the Driveway Inspector within 30 days of completion of the construction or modification. Within 30 days of notification, the Driveway Inspector will conduct an inspection of the driveway to ensure full compliance with all the provisions of this Ordinance.
- F. **Driveway Construction Plan.** The Town Board may require a Driveway Construction Plan prior to any proposed driveway construction or modification. In addition to any Driveway Construction Plan required by the Driveway Inspector under Section VII, or the Town Board, a Driveway Construction Plan shall be required for any of the following, unless the requirement is waived by the Town Board, in writing:
 - 1. For construction of a driveway or segment of a driveway that requires the disturbance of land with a slope of more than 12%.
 - 2. For a driveway or segment of a driveway that requires a retaining wall or other special erosion control measure as determined by the Town Board or Town Driveway Inspector.
- G. **Driveway Location Plan.** A Location Plan is required for all segments of the proposed driveway not covered by a Driveway Construction Plan. The Location Plan shall be drawn to scale and show the exact location of the driveway on the lot.

Section IX: Relation of Driveway Construction Permit to Issuance of Building Permit.

No building permit shall be issued for the construction of any building on any private property until a Driveway Construction Permit has been issued under this Ordinance, or an existing driveway has been approved by the Driveway Inspector.

Section X: Components of Driveway Construction Plans. Where a Driveway Construction Plan is required it shall include a scale plan showing the following:

- A. Location. The precise location of the driveway or the segment of driveway that requires a Driveway Construction Plan.
- B. Slope. A profile of the driveway route before and after construction showing a maximum finished driveway slope of 13%.
- C. Retaining Walls. The location and structure of any retaining walls.
- D. Bridges. The location, size, and design calculation of any bridges.
- E. Culverts. The location, size, and design calculations of any culverts.
- F. Cross-section. Typical cross sections of the driveway in cut and in fill.
- G. Erosion Control. The required mulching, matting, or other erosion control.
- H. Storm Water Management. Drainage methods engineered for the surface type, including location and dimensions of ditches, proper grading technique, projected water handling capability, and water loads at the point of access to the public highway.

Section XI: Driveway Construction Commencement and Approval.

- A. Conditions. No construction of a driveway may commence until:
 - 1. The Driveway Construction Plan, if required, is approved by the Town, and
 - 2. Until a Driveway Construction Permit is issued by the Town, and
 - 3. When applicable, any necessary approvals are obtained from Buffalo County or the State of Wisconsin.

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

- B. Inspection. After the driveway has been completed, the Driveway Inspector may inspect the driveway to determine whether it was

constructed according to the plan(s) and is consistent with the requirements of this Ordinance.

- C. **Emergency Access.** As a condition of the Driveway Construction Permit, the driveway shall be constructed and maintained by the owner or occupant to ensure access by emergency vehicles.

- D. **Disclaimer.** The Town's approval of a Driveway Permit Application does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for the public, or that public access is authorized. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose. Approval of the Driveway Permit Application does not establish future approval of the driveway as a public road.

Section XII: Existing Driveways.

- A. **Hazardous Conditions.** When washing, blockage of water flow, or other conditions created by an existing driveway that does not meet the specifications in this Ordinance obstruct or become a potential hazard to a public highway, or unreasonably 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.

- B. **Field Roads.** No field road may be used as a driveway to acquire access to a residential or commercial property unless the field road has been approved as a driveway according to the provisions of this Ordinance.

Section XIII: Variance. Where, because of practical necessity or impossibility, it appears the owner of an existing driveway cannot improve his/her driveway to meet the conditions of this Ordinance, the Town Board may in its discretion grant a variance to allow the alterations and/or improvements with such modifications or improvements to the existing driveway, culverts or bridges as the Town Board may direct.

Section XIV: Violation/Penalty. No person, corporation or organization shall construct or install or use any driveway which violates any provision of this Ordinance. Any person, corporation or organization who fails to comply with the provisions of this Ordinance shall forfeit not less than \$500.00 nor more than \$1,000.00 for each violation, plus the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a

separate offense. The Town may institute appropriate action or proceedings to enjoin a violation of this Ordinance, or to require any person, corporation or organization to comply with this Ordinance.

Section XV: Validity. Should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

Section XVI: Effective Date. This Ordinance shall take effect after passage and posting as required by law.

TOWN BOARD, TOWN OF MILTON

Passed and Adopted: 11/09/2021

By: 
Benjamin Adank, Town Chair

ATTEST: 
Kalene Engel, Town Clerk

I, the undersigned Village Clerk, hereby certify the foregoing Ordinance was posted in the following three public places in the Town of Milton on November 9, 2021.

W823 Engel Rd _____

S2838 Fern Cir _____

S2794 State Rd 88 _____

ATTEST: 
Kalene Engel, Town Clerk