

Town of Apple River
Driveway /Field Ordinance # 2016-1

1. **Purpose:** This ordinance is adopted per pursuant to Wisconsin Statute Section 86.07(2) to regulate and control access to the Roads of the Town of Apple River in order to promote the public safety, convenience, general welfare and economic viability and protect public investment existing and proposed town roads.

2. Definitions:

Access: The connection of a field entrance, driveway or public road or public road to Town Road.

Agriculturally Related Residences: Housing units in which at least one resident earns at least 25% of his or her gross income from farm or agriculture operations on the same or adjoining parcel, or a parent or child of the operator of the farm on the same or adjoining parcel.

Driveway: A driveway is defined as a private roadway which serves no more than three parcels.

Field entrance: An access, the only use of which is an entrance or exit to an agricultural parcel land for field work purposes.

3. Driveway Field Road/Culvert Construction Application Required.

- A. No person, partnership, company nor corporation shall locate, establish or construct any driveway or install or replace any culvert without having first obtained a driveway field highway maintenance Department would show determine need size grade and collect the fee as determined by the Town Board.
- B. Prior to the time the use of a property served by the driveway changes the owner and or other necessary party show obtain a construction application in the town of Apple River before the use of a property can be undertaken.

The applicant shall be liable for the cost of all materials including culverts, labor, equipment and other incidentals connected with the construction of the access. The entire cost of installing and maintaining the access and culvert, including restoration, shall be at the financial responsibility of the applicant.

4. Driveway/Field Entrance Location: The Town (Highway Maintenance Department) shall approve the location of any driveway/field entrance which will intersect with any town highway located within the Town of Apple River. The Town (Highway Maintenance Department) will determine the need for culverts on all driveways. No more than three (3) driveways shall be permitted along an arc of a cul-de-sac.

The property owner/developer must obtain permission from the State of Wisconsin, Department of Transportation for access to state and federal highways, and from the Polk County Highway Department for any access to county highway.

5. General Requirements: The location, design and construction of driveways/field entrances shall be in accordance with the following:

a. General Design: All driveway approaches should be at least twenty (20) feet apart and there should be at least ten (10) feet from the edge of the driveway to the property line except by special permission from the Building Inspector. Driveways shall in all cases be placed wherever possible as to not interfere with utilities in place. The line of sight shall be one hundred fifty (150) feet unless determined otherwise by the town's driveway inspector.

In addition to those requirements listed above, private driveways one hundred fifty (150) feet and over in length measured from the edge of the travelled surface of the intersecting highway to the structure, must meet the following standards to permit access to principle buildings by the Town of Apple River Fire Department: a minimum twenty-four (24) feet right-of-way, minimum clear-cut width of twenty (20) feet, a minimum driving surface of twelve (12) feet, a minimum height clearance of fifteen (15) feet, and a minimum of twenty (20) feet for all aprons and approaches. Driveways one hundred fifty (150) feet and over accessing parcels on which there are no structural improvements are exempt from the requirements of his paragraph. However, if a structure is subsequently built, this will mandate upgrade the culvert and driveway to the standards of this ordinance.

The Highway Maintenance Department, based on the recommendations of the Town of Apple River Fire Department may request additional clear cut and driving surfaces width to alleviate concerns caused by sharp curves, steep incline or other situations which would interfere with emergency vehicles utilizing the driveway.

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b. Culverts: The Highway Maintenance Department will determine the need for culverts and all driveway/field roads. If culverts are needed the Highway Maintenance Department will determine the culvert diameter and length based on site location and drainage needs. In no case shall the culvert diameter be less than twelve (12) inches nor the culvert length less than thirty (30) feet in length

c. Drainage: The surface of the driveway connecting to with the highway cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary service water drainage flowing onto the highway roadbed. Under no circumstances shall such driveway field apron road apron extend above any highway payment.

Substantial changes in use to an existing access shall be deemed to constitute a new access. Substantial changes in use shall include but not be limited to using the field entrance to access a residence, converting a residential parcel into a commercial or industrial parcel; substantial modifications to an existing access including pavement replacement or repairing a culvert or other maintenance activities required event will not need to meet the spacer in crime it's in this ordinance

Retaining walls landscape timbers are prohibited within the town easement unless specified by the town.

6. Final Inspection/Approval. The final inspection and approval for the driveway field road shall be made by the town Highway Maintenance Department at completion of construction.

7. Prohibited Driveways and/or Filling. No person, firm or corporation shall place, construct, locate in, or cause to be placed any obstruction or structure within the right-of- way limits of any highway in the town of Apple River except as permitted by this ordinance. As used herein the word "structure" includes private driveways, a portion of which extends any highway, and which is nonconformance with this ordinance.

8. Mailboxes. Mailboxes shall be installed in accordance with the US Postal Service regulations, but as far from the town pavement of those regulations allow. Mailbox supports and attachments shall be strong enough to withstand the pressure and thrust of plowed wet snow, but shall not be so formidable and massive as the damaged vehicles and costs series injury to people who may accidentally strike them. The town suggests installing an AASHTO approved swinging arm mailbox.

9. Applicability. This ordinance shall apply to all driveways/field roads cult constructed or reconstructed within the Town of Apple River after the effective date of this ordinance

10. Appeal. Property owner/developer has the right to appeal to the town board any decision/recommendation made by the Town Building Inspector or Highway Maintenance Department.

11. Enforcement. No fire number or building permit for construction of any kind will be issued until such time as a Driveway/Field Road Culvert construction application has been approved

Any person, partnerships, company or corporation who violates any provision in this ordinance shall pay, when a permit fee is required, double the specified fee and shall remove, alter or correct the installation as ordered by the town Building Inspector or Superintendent of Highways. If the owner or occupant does not correct the installation as ordered by the town within the allotted time, the expense of correcting the installation shall be done by the town and the expense therefore should be charged to the property as a special charge pursuant to Section 66.0701, Wisconsin State statues after notice and hearing.

Persons commencing work prior to the issuance approvement are subject to denial of permit; In order for removal and restoration as provided by above and prosecution, fines and court costs as provided by Wisconsin State statute.

This ordinance replaces the driveway culvert ordinance number 2006-01, in its entirety, as adopted by the town board on October 9, 2006.

This ordinance shall be effective upon publication or posting by Town Clerk as required, pursuant to Section 60.08 Wisconsin Statutes. Adopted this 8th day of February, 2016 by the Town Board of Apple River, Polk County, Wisconsin.