

Chapter 12.14

Driveway Ordinance for the Town of Burlington

Purpose

- A. Establish the minimum standards for the construction or rebuilding of driveways, private roads, or private lanes connecting to any public roadways in the Town of Burlington to enable safe ingress and egress of Emergency vehicles, and for the purpose of public safety.
- B. Regulate the construction or rebuilding of driveways, private roads, or private lanes abutting public roadways in the Town of Burlington

Jurisdiction

The jurisdiction of these regulations shall include all driveways, private roads, or private lanes within the Town of Burlington.

Authority

This ordinance is enacted to provide general specifications for Town roads, driveways, private roads, or private lanes in the Town of Burlington. Pursuant to sections 60.10(2)(c), 60.22(3), 61.34(1) of Wisconsin State Statutes, and under the controlled access highway power granted pursuant to sections 83.027(10) and 84.25(10) of the Wisconsin State Statutes.

Applicability

Routine maintenance for a driveway that is performed to maintain the original line and grade or original purpose of the driveway is not subject to the requirements set forth in this Chapter. Note: adding gravel to an existing driveway, re-paving an existing driveway, and crack sealing an existing driveway are all examples of routine maintenance. Full depth pavement replacement involving exposure of bare soils is not routine maintenance.

Driveways/Private Roads/Private Lanes Abutting Public Roads

1. The following provisions apply to private driveways, private roads, and private lanes abutting public roads. All work shall be

performed without danger to or interference with traffic using town road or street.

- A. The Town allows only one driveway per parcel unless a variance is approved by the Town Board.
- B. Unless otherwise stated, a minimum of a twelve (12) inch diameter by twenty-four (24) foot long culvert shall be installed and maintained by the property owner under the proposed private driveway, road, or lane to provide proper drainage under the entrance and along the public roadway. The diameter of the culvert shall not be less than the diameter of the adjacent uphill and/or downhill culvert(s). Fill shall be made over culverts so that the ends are free, and the ends shall be ripped or sodded to prevent fill material from spilling into the ditch and clogging culvert. The work of placing culverts and placing riprap and/or sod shall proceed diligently and be completed promptly after it is begun and shall present a neat appearance when completed. A minimum of 12" of cover from the top of the culvert to the subgrade shall be provided. Subgrade is defined as the interface between the bottom of the proposed gravel driveway base and the existing soil.
- C. Effective November 14, 2002, private driveways constructed of concrete are prohibited in any town road right-of-way. No concrete shall be poured over the driveway culvert. Private driveways extending into the town road right-of-way shall be constructed of asphalt, gravel, or other nonprohibited material a foot (1) past the driveway culvert.
- D. The maximum allowable geometric change in grade between the slope of the driveway and the cross slope of the abutting public road is 10%. Entryways shall provide rounding at the intersection with the public road to prevent rear-end or mid-wheel dragging to emergency vehicles entering and leaving the property. Driveways shall align with the public roadway at right angles

to facilitate turning moves from both directions.

- E. Unless otherwise documented, the town road right of way at the place of construction is assumed to extend thirty-three (33) feet from the centerline of the town road.
- F. Town road surfaces, slopes, shoulders, ditches, and vegetation disturbed by construction shall be restored by the landowner.
- G. All costs of installation and maintenance of culverts under private driveways, private roads, and private lanes, as well as any public roadway or right of way restoration shall be the sole responsibility of the property owner.
- H. The edge of all private driveways, roads, and lanes shall be located at least fifteen (15) feet from the nearest side lot line except in the case of a driveway abutting a public road and providing access to two adjacent parcels. Said driveway can be on a lot line or split between both parcels. A maintenance agreement and easement agreement must be recorded.
- I. All permits required for private driveways, roads, or lanes must be acquired from the Town of Burlington prior to the start of any construction. Permits for temporary driveways or roadways shall also require the permit holder to return the affected area to its natural state within six months after use is halted.
- J. All work shall be carried out to the satisfaction of the Highway Superintendent as the compliance with any permits.
- K. No portion of the driveway shall be closer than 60 feet from the nearest edge of the right-of-way of an intersecting public road.
- L. Design controls for the location of the driveway access point with the public road shall be as determined by the Wisconsin Department of Transportation (WisDOT) Facilities Development Manual (FDM), latest edition.

- M. The edge of the driveway, at the point of connection with the public road, shall NOT be closer than 30 feet from the edge of another driveway at the point of connection with the public road.
- N. No concrete, stone, timber, or any other material that could constitute a hazard or danger to the traveling public will be permitted to be used as end walls to the driveway pavement and/or culvert. Only standard manufactured apron endwall sections shall be used. The ground surrounding the end of the driveway shall be sloped in a gradual manner, back to the highway ditch.

Private Driveways

- A. A roadbed of twelve (12) feet in width with an overhead clearance of fifteen (15) feet clear for ingress and egress of emergency vehicles
- B. Require any structures. (ex. Bridge)
 - a. Must be inspected and rated to pass a 30-ton fire apparatus safely.
 - b. Must be a minimum of ten (10) feet wide.

Agricultural Access Driveways

- A. The Highway Superintendent may allow on town roads more than one agricultural access driveway for any given parcel for the purpose of attaining necessary access to agricultural buildings, fields, and other agricultural uses.

Private Lane Serving up to three (3) fire numbers

- A. A roadbed of twelve (12) feet in width with an overhead clearance of fifteen (15) feet.
- B. Requires a thirty (30) foot easement width, fifteen (15) feet in each direction from the center of the road.
- C. Require any structures. (ex. Bridge)
 - a. Must be inspected and rated to pass a 30-ton fire apparatus safely.
 - b. Must be a minimum of ten (10) feet wide.

Private Road Serving more than three (3) fire numbers

- A. A sixty-six (66) foot easement width, thirty-three (33) feet in each direction from the center of the road
- B. A private lane with a thirty (30) foot easement may not be extended to serve more than three (3) fire numbers unless easement width is extended to sixty-six (66) feet.
- C. Require any structures. (ex. Bridge)
 - a. Must be inspected and rated to pass a 30-ton fire apparatus safely.
 - b. Must be a minimum of ten (10) feet wide.
- D. A roadbed of twelve (12) feet in width with an overhead clearance of fifteen (15) feet.
- E. All private roads serving more than three (3) fire numbers shall record a maintenance agreement acceptable to the Town of Burlington at the time of a land division.

notification. Upon noncompliance with such written order, the town may proceed to remove the offending portion of the driveway, and charge the property owner for the expense of the same. The town shall not be liable for damages to the driveway or property in the event town removal becomes necessary. In the event of nonpayment to the town, the charge may be placed on the property owner's property tax bill as a special assessment.

Transfer of Private Roads or Lanes to the Town of Burlington

Prior to the transfer of a private road or lane to the Town of Burlington, the road or lane must meet all of the requirements of the Town Burlington design standards for a street. Specifications are listed in chapter 16.28 of the Town of Burlington ordinances.

Violation - Penalty

- A. Any person who constructs a driveway contrary to this ordinance shall, upon conviction, pay a forfeiture of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Each day the offense continues shall be a separate violation.
- B. As a further remedy, the town may order any property owner of a driveway constructed contrary to the ordinance to remove the offending portion of the driveway at the property owner's sole expense within thirty (30) days after written