

**Town of Calamus  
Dodge County, Wisconsin**

**Ordinance No. 99-2**

**The Town Board of the Town of Calamus pursuant to its authority under Sections, 60.10, 60.61, 60.62, and 62.23, Wis. Stats. does hereby amend the Town of Calamus, Ordinance No. 99-2 (Driveway Ordinance) and does ordain as follows:**

**Town of Calamus Ordinance No. 99-2 is hereby repealed, and recreated as follows:**

**99-2-1 - TITLE AND PURPOSE.**

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

Whereas interest has been expressed to establish standards for driveways in the Town of Calamus that will provide for safe and adequate access from private development to public right-of-way, the primary reasons for this ordinance include, but are not limited to, the following: to provide safe vehicle access to public roadways (ingress/egress); to provide adequate access for emergency vehicles to service improved property and life; and to prevent water drainage and siltation from private driveways onto public roadways.

**99-2-2 - AUTHORITY.**

The Town Board of the Town of Calamus has the specific authority, powers and duties pursuant to 60.61, 60.62, and 60.23 Wisconsin Statutes, pursuant to the specific statutory Articles noted in this Ordinance and/or by its adoption of village powers under section 60.10 to regulate and control certain uses, activities, businesses and operations in the Town of Calamus.

The Town Board of the Town of Calamus has been granted village powers pursuant to Section 60.10, Wisconsin Statutes, and at the town meeting dated August 31, 1998.

**99-2-3 - ADOPTION OF ORDINANCE.**

The Town Board of the Town of Calamus 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 Calamus.

**99-2-4 - DEFINITION.**

In this Ordinance the term “driveway” is defined to mean private driveway, road, field road or other means of travel through any part of a private parcel of land or which connects or will connect with any public roadway, and the following regulations apply to the construction or modification of private driveways and road right-of-way on lands in the Town of Calamus.

## **99-2-5 – APPLICABILITY.**

### **(A) General Conditions:**

- (1) 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 public roadway is subject to the terms of this Ordinance.
- (2) No person shall improve, modify or rework a driveway, without consulting the Calamus Town Board or driveway inspector to determine whether obtaining a driveway permit form is required. Ordinary maintenance limited to repairing or replacing the existing surface may not require a permit. Application forms can be obtained from the Town Clerk or driveway inspector if a permit is required.
- (3) Any proposed driveway construction, improvement or modification requiring a driveway permit shall be accompanied by an erosion control plan. An erosion control plan shall include a timeframe and the driveway owner's intention for reseeding, mulch, ditch, place culverts and carry out other erosion control practices which will be accomplished within 90 days after beginning driveway construction or modification.

### **(B) Numbering properties and principal buildings:**

- (1) A uniform system of numbering properties and principal buildings is done through an application at the Dodge County Land Resources and Parks Department. Upon notice of new number from Dodge County, the Town of Calamus will purchase the required flag style building number.
- (2) Placement of assigned number to a property with a principal building or building will be completed by a designee of the Town Board as follows:
  - (a) All signs and posts shall be a design approved by the Town Board.
  - (b) Placed between 5 and 10 feet from the edge of the right side of the driveway
  - (c) On the back edge of the road right-of-way line with the flag perpendicular towards the road.
  - (d) The sign plate shall be installed not more than 5 feet nor less than 4 feet from the ground level.
- (3) Alternate locations may be necessary due to foliage, lot line boundaries or other obstructions that would compromise the effectiveness of the sign if installed in the primary location. Installation on the left side of the driveway may be permitted.
- (4) The placement will be clearly visible to vehicular traffic in either direction of travel.

**(C) Existing Driveways** - Existing driveways shall be brought into compliance with the terms of this division to the extent determined practical by the town's inspector. Mandatory review criteria will include driveway width, height, clearance, ingress/egress angle, condition, and driveway surface.

- (1) Actions, which will trigger the need to obtain a driveway permit for existing driveways, include:
  - (a) Issuance of a land use building permit for structural improvements valued at \$25,000.00 or more. The Town Chairman or driveway inspector may, at the request of the landowner, waive this requirement if the driveway had been inspected within five years.
  - (b) Construction of a new residential, commercial, industrial or agricultural structure.
  - (c) Hazards as determined by the Town Board or driveway inspector.

**(D) Construction of New Driveways** - No person shall establish or construct a new driveway without first obtaining a driveway permit from the town driveway inspector. Application forms and information can be obtained from the town driveway inspector or Town Clerk.

**(E)** Where upon any town road, an agriculturally used field is accessed from the road without a driveway, the Town Board may, as determined upon inspection, require an adequate driveway be constructed for access to the field. If determined necessary, a Field Driveway Permit application will be required and is available from the Town Clerk or driveway inspector.

#### **99-2-6 - FEES.**

- (A)** An applicant shall be subject to payment of fees for the following types of permits:
  - (1) New Driveway Permit.
  - (2) Existing Driveway Permit.
  - (3) New Field Driveway Permit.
- (B)** The fee rates shall be established by the Town Board and listed in the Town Fee Schedule. Fees shall be paid to the town prior to the construction of any new or modified driveway. The applicant must obtain a driveway permit prior to receiving a County Land Use Permit.

#### **99-2-7 – APPLICABLE PROCEDURES.**

- (A)** The applicant must submit a completed driveway permit application and driveway location construction plan and submit it to the Town Clerk 15 days before a regularly scheduled Town Board meeting.
- (B)** The applicant, who may be the owner, agent, contractor, or designee, shall submit a location construction plan to scale; showing scale, north arrow, lot dimensions, existing and/or proposed buildings, driveway location, driveway specifications, including grade, slope, width, length of the driveway, culvert location/size, surface and base materials and erosion control procedures.
- (C)** The application and location plan shall be reviewed by the Town Board for conformance with this Ordinance and all ordinances, rules, regulations, and plans which affect it. The Town Board shall, within 45 days from the date of

submission of the application and location construction plan, approve or deny the issuance of a driveway permit.

- (D) With the approval of the Town Board, the driveway permit may allow for the excavation of the site to provide for site preparation and to provide fill for the proposed driveway.
- (E) The applicant shall notify the Town Board or driveway inspector within 7 days of completion of the driveway to allow inspection of the driveway per terms of the approved permit.

#### **99-2-8 - SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS.**

- (A) The following specifications shall apply:
  - (1) Maximum number of residential parcels served by a driveway is 1.
  - (2) Maximum driveway length, 1000 feet.
  - (3) Minimum driveway surface width, 12 feet.
  - (4) Maximum driveway surface width, 24 feet non-commercial, 35 feet commercial.
  - (5) Minimum width clearance 24 feet.
  - (6) Minimum height clearance 20 feet.
  - (7) Maximum grade 10% (Grades  $\geq$  10% will require an engineer's plan).
  - (8) Minimum side yard setback 15 feet.
  - (9) Sight distance to be consistent with Dodge County Standards.
  - (10) Angle of entry 90 degrees.
  - (11) Driveway spacing minimum between adjacent accessing points same side of road and intersections:
    - (a) 300 feet (County and Town Roads).
    - (b) 500 feet (State) ADT  $\leq$  5000 Vehicles.
    - (c) 1000 feet (State) ADT  $\geq$  5000 Vehicles.
  - (12) No land with a grade of more than 25% shall be disturbed for the construction, establishment, rework or improvement of a driveway.
  - (13) An engineer's plan showing adequate erosion control and stabilization measures is required for any segment of the proposed driveway which disturbs land with a grade of more than 10%.
  - (14) Each new driveway shall have a new (unused) culvert at least 15" in diameter at the ditch line where the driveway meets the public road unless determined unnecessary by the Town Inspector because the driveway location is on the crest of a hill or there is inadequate ditch depth. In the case of county or state highways, approval is necessary by the Dodge County Highway Department or district engineer of the Wisconsin Department of Transportation.
  - (15) The driveway area within public right-of-way shall slope away from the public road at a minimum of 1% and a maximum of 5% for a minimum of 20 feet from the edge of the pavement to minimize erosion onto the public road surface or a slight dip across the drive shall be placed just before the culvert at the entrance to a public road to prevent debris from washing onto the public road.

- (16) No structures or retaining walls, other than apron end walls, are permitted in the right-of-way.
- (17) New driveways shall have a 25-foot minimum radius turnaround, or some other method used to allow vehicles to turn around and shall be provided as determined by the town inspector and approved by the Town Board.
- (18) At least one 25 feet in length and 18 feet in width segment of road surface shall be provided for each 500 feet of driveway length to provide for safe passage of meeting vehicles.
- (19) Ditches, roadway crowning and culverts shall be provided for acceptable drainage.
- (20) The side banks shall be graded to a slope of no more than 1 foot of vertical rise in each 3 feet of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in an engineer's plan approved by the Town Board.
- (21) Curves in the driveway shall have an inside radius of no less than 36 feet.
- (22) Maximum grade of the driveway or any portion of the driveway shall be no more than 10%.
- (23) Banks shall be seeded promptly to control erosion.
- (24) Once the construction of the driveway has begun, all specified erosion controls, including retaining walls, ditching, culverts, crowning, mulching and matting shall be completed within 90 days.
- (25) The driveway must have a minimum of 4 inches of two-inch rock on the road bed, covered by two inches of  $\frac{3}{4}$  inch gravel, any substitution of material must be agreed upon by the Town Board or driveway inspector. A field road, which is a road used only for agricultural purposes and not leading to a structure, is exempt from this provision.
- (26) An area 24 feet in width and 20 feet in height shall be cleared along the driveway in order to permit the safe passage of emergency vehicles. In cases where such clearing would be environmentally damaging, the Town Board will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard. A field road is exempt from this requirement.

(B) All costs of construction of said driveway, including the cost of culverts and engineers plan shall be paid by the property owner requesting the permit.

#### **99-2-9 - REQUIREMENTS FOR AN ENGINEERING PLAN.**

- (A) The town may require a plan prepared by a licensed engineer prior to any proposed driveway construction or modification. An engineer's plan is required:
- (1) For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of more than 10%.
  - (2) For a driveway or segment of a driveway which requires a retaining wall or other special erosion control measure as determined by the town inspector.
  - (3) When the Town Board requests a plan.
- (B) The engineer's plan shall include the following:
- (1) The precise location of the driveway or segment of driveway.
  - (2) Grade of the driveway showing no segments exceeding 10%.

- (3) Location and structure of any retaining walls.
- (4) Location and size of any culverts.
- (5) Cross section of the driveway.
- (6) The required mulching, matting or other erosion control.
- (7) Existing and proposed buildings.

(C) Construction of a driveway shall not commence until the engineer's plan, if required, is approved by the Town Board and a Driveway Permit is issued and, when applicable, any necessary approvals are obtained from Dodge County or the State of Wisconsin (See Wis. Stats. § 86.07).

(D) The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

#### **99-2-10 - EXISTING DRIVEWAYS AND FIELD ROADS.**

When washing or other conditions created by existing driveways or field roads become a potential hazard to or on a public road, or obstructions deemed hazardous are placed in the road right-of-way the Town Board will notify the property owner of the conditions. Any property owner failing to correct such condition within 30 days after notice by the Town Board shall be subject to the penalties of this ordinance and shall also be liable for any costs incurred by the town to eliminate the hazard as provided in Wis. Stats. § 66.0627.

#### **99-2-11 - DEFECTIVE OR INADEQUATE CULVERTS.**

If after inspection the Town Board deems a culvert defective or inadequate, the board shall order the property owner to replace the existing defective or inadequate culvert at the cost of the property owner. If the property owner fails or neglects to replace the culvert within 30 days, the town will replace the culvert and bill the property owner as a special charge. If the special charge is not paid within 30 days, the it will be placed on the tax roll pursuant to Wis. Stats. § 66.0627, and collected pursuant to Chap. 74, Wis. Stat.

#### **99-2-12 - MAINTENANCE.**

The property owner of the driveway shall maintain said driveway and culverts in the town right-of-way to town specifications or standards keeping in good repair and free of accumulated debris. The flow line in the ditch shall be maintained per original permit with any filling or grade change affecting drainage prohibited. The matching of the elevation between the driveway and town road is the property owner's responsibility.

#### **99-2-13 – PENALTIES.**

(A). Should a driveway be constructed or modified, or if any other action is taken in violation of the provisions of this ordinance, the owner of the land of which the driveway accesses shall, upon conviction, be required to pay a forfeiture of not less than \$10.00 or more than \$100.00 plus any applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense.

- (B). Any person who constructs an unlawful driveway, which intersects a state or county highway on land in the Town of Calamus, will be subject to any penalties, forfeitures or conditions established by the State of Wisconsin and/or Dodge County. Any physical changes required by the Board of the Town of Calamus to an unlawful driveway to bring the driveway into compliance with the terms of this Ordinance and the terms of the Driveway Permit will be made at the private owner's expense.
- (C). If the owner(s) of the land(s) through which the driveway serves does not make required corrections ordered by the board under subsection (a) within the specified time period, the town board shall cause the required corrections to be made and charge the cost of correcting such violations, including, when necessary, the return of disturbed land to its original condition. The town's direct and indirect costs of correcting the violation, including, but not limited to, engineering, legal, administrative, materials and construction expenses shall be imposed as a special charge against the property through which the driveway passes pursuant to Wis. Stats. § 66.0627.

**99-2-14 - SEVERABILITY.**

The provisions of this Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this Ordinance is held invalid, the remainder of the Ordinance and the applications of such provisions to other persons or circumstances shall not be affected thereby.

**99-2-15 – EFFECTIVE DATE.**

This Ordinance shall take effect after passage and publication as provided by law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Town of Calamus:

\_\_\_\_\_  
John Kraus, Jr., Chairman

\_\_\_\_\_  
Thomas Stebbins. Supervisor

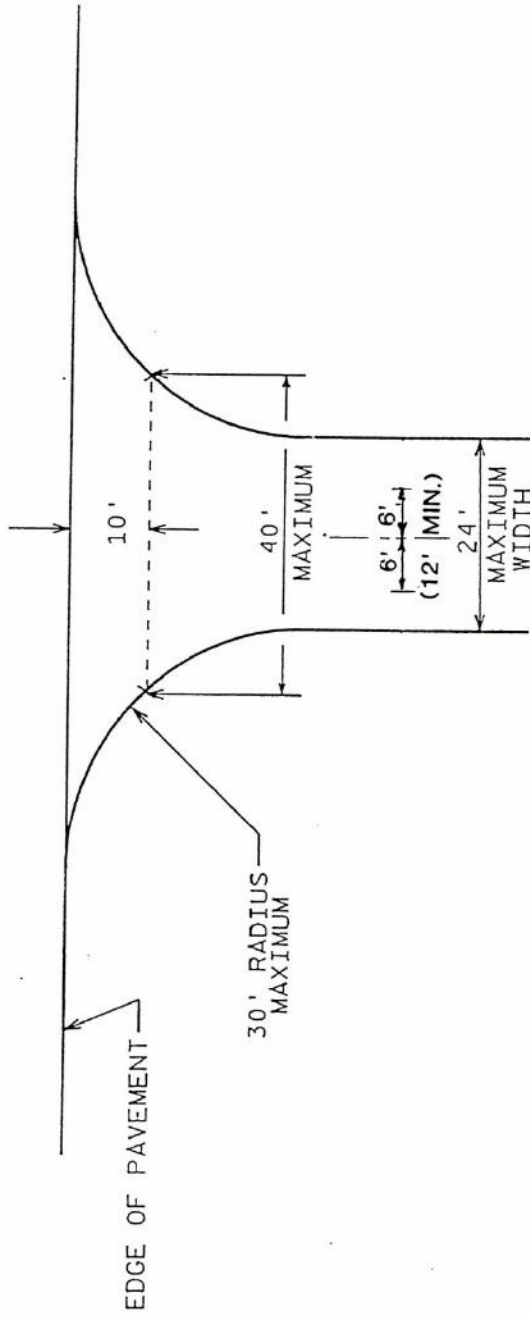
\_\_\_\_\_  
David Stange, Supervisor

Attest: \_\_\_\_\_  
Marjorie Beilke, Clerk



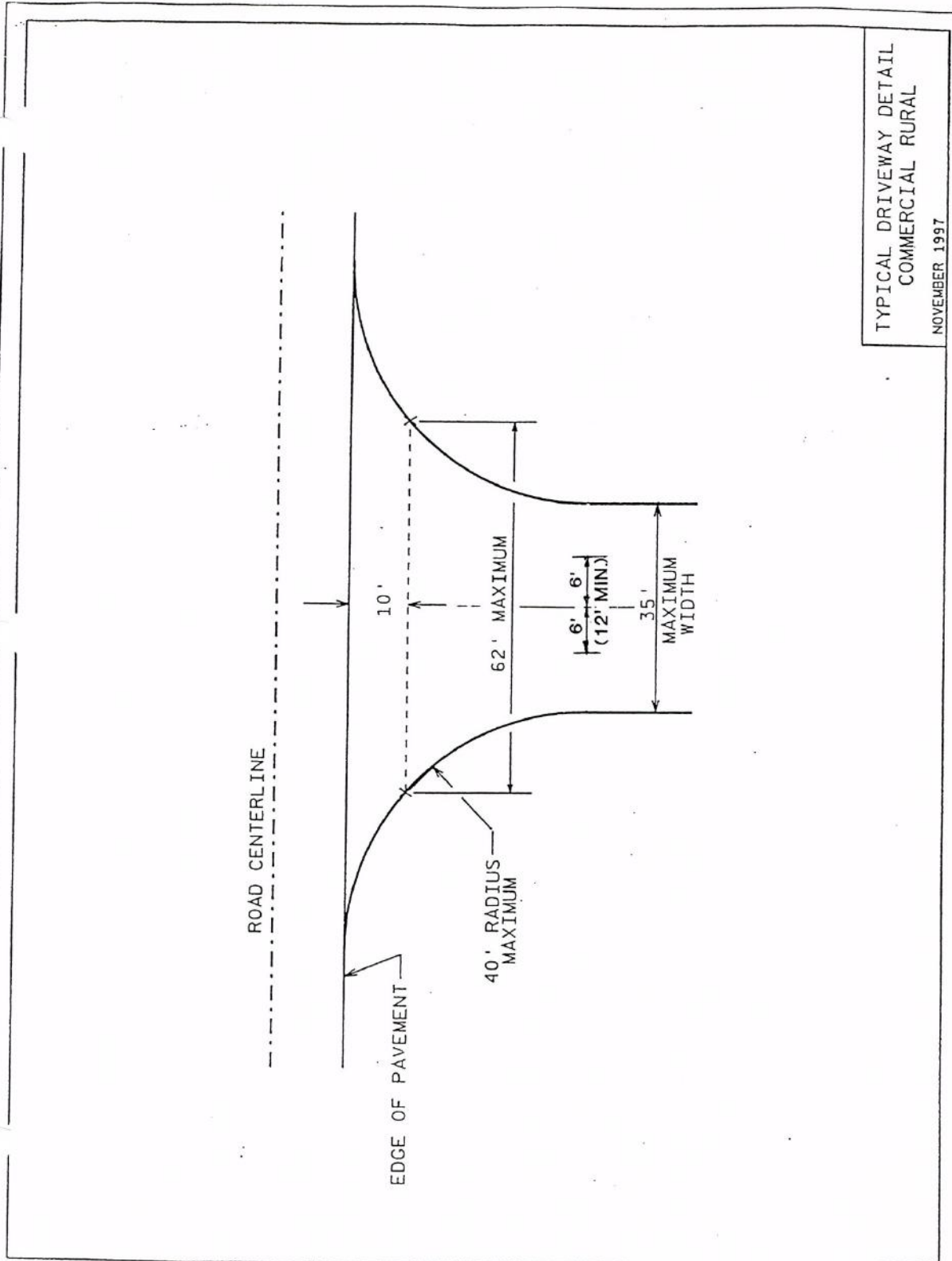


ROAD CENTERLINE



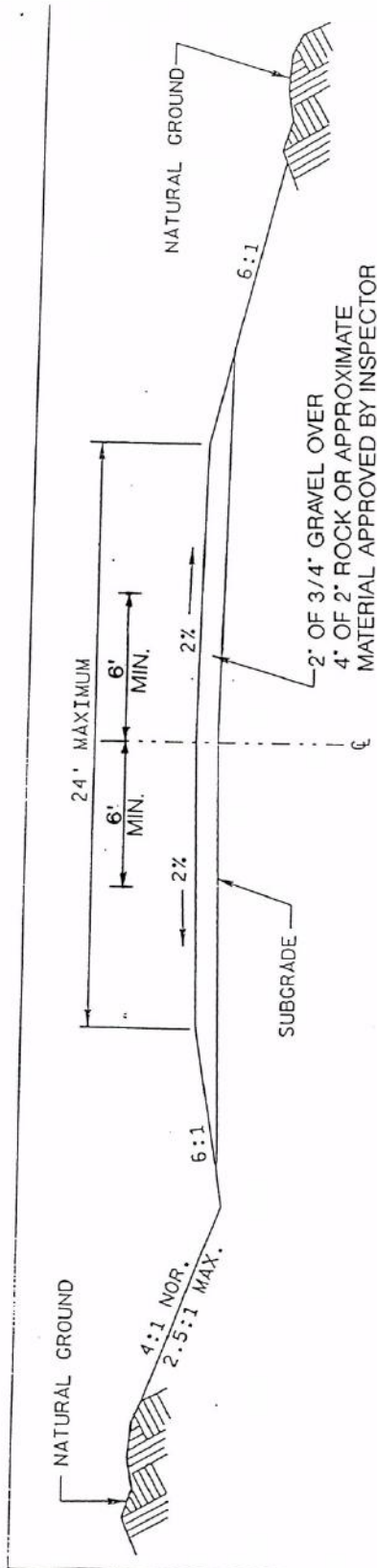
TYPICAL DRIVEWAY DETAIL  
NON-COMMERCIAL RURAL

NOVEMBER 1997

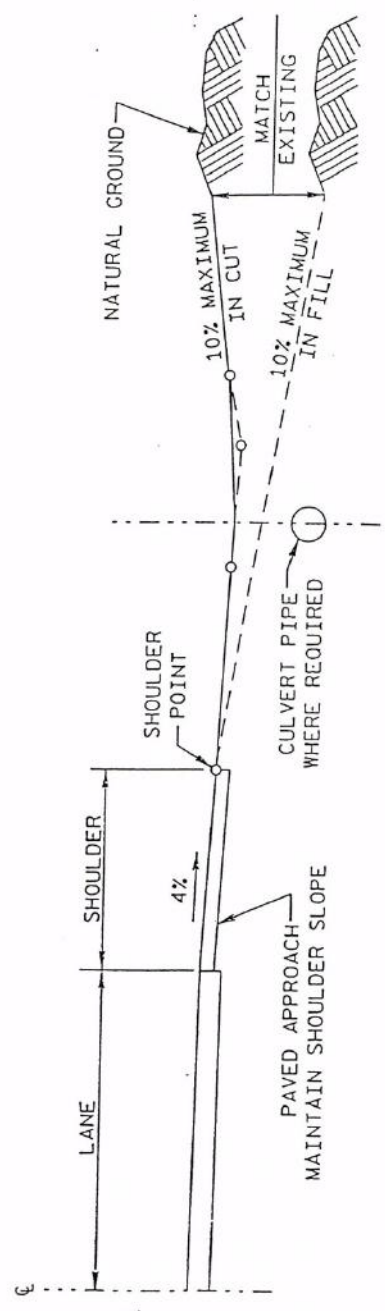


TYPICAL DRIVEWAY DETAIL  
COMMERCIAL RURAL

NOVEMBER 1997



TYPICAL CROSS SECTION FOR PRIVATE DRIVE OR FIELD ENTRANCE



TYPICAL DRIVEWAY PROFILES