TOWN OF BROOKLYN, GREEN COUNTY, WISCONSIN
DRIVEWAY ORDINANCE # 6-19-06

Note: This ordinance replaces Town of Brooklyn, Green County Comprehensive Driveway Ordinance # 03-10-03.

1. PURPOSE

The purpose of this ordinance is to promote the health and safety of the community and the motoring public and allow efficient provision for emergency services personnel and equipment by regulating the placement, design, modification, and repair of driveways and field roads accessing public highways in the Town of Brooklyn. Further, it is the intention of the Town, by enactment of this ordinance, to encourage landowners to maintain, update and improve existing driveways and field roads for the good order of the Town and for the health, safety and welfare of the public.

2. SCOPE

This ordinance applies to all driveways and field roads, which are to be constructed or modified beyond "routine general maintenance". (See Section 4 Definitions) This ordinance is divided into specific sections as follows:

A. The purpose, scope and authority of the ordinance are explained in Sections 1, 2 and 3.

B. Terms used in this ordinance are defined in Section 4, Definitions.

C. Requirements to obtain Town Board approval for construction or modification of a field road, driveway, or joint driveway and receive Town approval of a County issued Driveway/Access Verification Certification can be found in Section 5, Requirements.

D. Construction specification requirements to construct or modify a driveway/field road are found in Section 6 Specifications.

E. Fees and deposits, penalties and other specific items can be found in Sections 7 – 15.

3. AUTHORITY

The Town Board of the Town of Brooklyn has the specific statutory authority, powers, and duty, pursuant to the specific sections noted in Chapter 82 of the Wisconsin Statutes, and secs. 86.07(2), and 236.45, Wis. Stats., pursuant to this ordinance and by its adoption of village powers under Wis. Stats. 60.22(3), to regulate, control, license, prevent or permit in the Town of Brooklyn certain uses, activities, and constructions for the good order of the town and for the health, safety and welfare of the public.

4. DEFINITIONS

A. "Driveway" means a road or other traveled way that provides vehicular access from a public highway to any present building location or future building site.

B. "Field road" means a road or other traveled way that provides access from a public highway to farmland or other undeveloped land.

C. "Joint driveway" means a driveway that provides access to two or more building sites.

D. "Clearance" means an area free of all natural or manmade obstructions or intrusions such as trees, tree stumps, tree limbs, brush, rocks, fences, signs and utilities.

E. "Routine General Maintenance" means work or repairs to an existing driveway or field road for the purpose of maintaining the existing driveway or field road in its current condition without altering the length, width or configuration of the driveway or field road. For example, the resurfacing of an existing driveway or field road without changing its length or width is "Routine General Maintenance".

F. "Substantially Complete" means a driveway which has the base course completed and in the sole discretion of the Town of Brooklyn road inspector, complies with all construction specifications set forth in the Town Ordinances and any other applicable code or ordinance, including but not limited to the specifications set forth in Section 6 hereof. Only the finish course and turn-around may remain uncompleted.

G. "Totally Complete" means a driveway which, in the sole discretion of the Town of Brooklyn road inspector, has the base course, finish course and turn-around completed and is in compliance with all ordinance construction specifications set forth in the Town Ordinances and any other applicable code or ordinance, including but not limited to the specifications set forth in Section 6 hereof.

5. REQUIREMENTS

A. Requirements for Field Road Construction.

No person shall construct or modify a field road beyond the level of "Routine General Maintenance" (See Section 4) without first obtaining a Town Board approved

field road permit. To obtain a Town Board approved field road permit the following three (3) requirements must be fulfilled.

Requirement 1. Applicant shall submit to the Town Board a fully completed field road application.

Requirement 2. Town Board approval of the completed field road application.

Requirement 3. Applicant's payment of the applicable fee as set forth in Section 10 hereof.

Upon approval of the application and payment of the applicable fee, the field road permit holder may commence construction on the field road in accordance with the permit. Field road construction must be completed within ninety (90) days of the start of construction. The field road permit shall expire in accordance with Section 11 hereof. Any person that desires to upgrade a field road to a driveway must first obtain a driveway permit in accordance with Section 5, Paragraph B.

B. Requirements for Driveway Construction.

No person shall construct or modify a driveway beyond the level of "Routine General Maintenance" (See Section 4) without first obtaining a Town Board approved Driveway Construction Authorization Form (hereafter, "DCAF"). To obtain a Town Board approved DCAF the following four (4) requirements must be fulfilled.

Requirement 1. Applicant shall submit to the Town Board a fully completed DCAF.

Requirement 2. Town Board approval of the completed DCAF.

Requirement 3. Applicant's payment of the fee set forth in Section 10 hereof.

Requirement 4. Applicant's payment of the deposit set forth in Section 10 hereof.

Upon the Town Board's approval of the DCAF, and payment of the applicable fees and deposit, the holder of the approved DCAF may commence construction on the driveway in accordance with the DCAF. Construction of the driveway must be, "in the sole discretion of the Town of Brooklyn road inspector, substantially complete" within ninety (90) days of the start of construction. Construction of the driveway must be, in the sole discretion of the Town road inspector "totally complete" within one (1) year from the date of approval of the DCAF. The DCAF shall expire in accordance with Section 11 hereof. Upon determination by the Town road inspector that the driveway is substantially complete, the Town may issue a driveway permit.

C. Requirements for Town approval of a County issued Driveway/Access Verification Certification.

To obtain Town approval of the County Issued Driveway/Access Verification Certification, the following two (2) requirements must be fulfilled.

Requirement 1. Driveway construction must be "substantially complete" in accordance with Section 4 hereof.

Requirement 2. Applicant must obtain a Town issued driveway permit.

Upon issuance of the approved driveway permit, the Town Chair has the authority to execute on the Town's behalf, the County issued Driveway/Access Verification Certification.

D. Requirements for Joint Driveway construction.

No person shall construct or modify a driveway beyond the level of "Routine General Maintenance" (See Section 4) without first obtaining a Town Board approved Driveway Construction Authorization Form (hereafter "DCAF"). To obtain a Town Board approved DCAF the following six (6) requirements must be fulfilled.

Requirement 1. Applicant shall submit to the Town Board one or more certified survey maps that adequately show and describe any and all easements for joint driveway access to the subject property. Such certified survey maps must be duly recorded with the Green County Register of Deeds.

Requirement 2. Town Board approved joint driveway agreement that is duly recorded with the Green County Register of Deeds.

Requirement 3. Applicant shall submit to the Town Board a fully completed DCAF.

Requirement 4. Town Board approval of the completed DCAF.

Requirement 5. Applicant's payment of the applicable fees set forth in Section 10 hereof.

Requirement 6. Applicant's payment of the deposit set forth in Section 10 hereof.

Upon approval of the DCAF, Town Board Approval of the certified survey map and joint driveway agreement, and payment of the applicable fees and deposit, the holder of the approved DCAF may commence construction or modification of the driveway in accordance with the DCAF. Construction or modification of the joint driveway must be in the sole discretion of the Town road inspector, totally complete within ninety (90) days of the start of construction. The DCAF shall expire in accordance with Section 11 hereof. Upon determination of the Town road inspector that the joint driveway is totally complete, the Town may issue a joint driveway permit.

E. Requirements for Town Approval of the County issued Driveway/Access Verification Certification for private driveways accessing joint driveways.

To obtain Town approval of the County Issued Driveway/Access Verification Certification for a joint driveway, the following three (3) requirements must be fulfilled.

Requirement 1. Joint driveway construction must be "totally complete" in accordance with Section 4 hereof.

Requirement 2. Applicant must provide a Town issued joint driveway permit.

Requirement 3. The private driveway that accesses the joint driveway and building site must meet the requirements set forth in Section 5, Paragraphs B and C hereof.

Upon issuance of the joint driveway permit and private driveway permit, the Town Chair has the authority to execute on the Town's behalf the County issued Driveway/Access Verification Certification.

6. SPECIFICATIONS

A. The portion of the driveway/field road "within the right of way".

1. Visibility – There must be adequate visibility of oncoming traffic at the point where the driveway or field road meets the highway. An object three and one-half feet (3.5') high situated at any point on the centerline of the highway from zero (0') to three hundred feet (300') in each direction from the driveway/field road must be visible when viewed from a height of three and one-half feet (3.5') at a point on the centerline of the proposed driveway/field road ten feet (10') off the traveled portion of the highway.

2. The driveway/field road approach angle at the edge of the traveled portion of the highway must be between seventy (70) and one hundred and ten (110) degrees.

3. The portion of the driveway/field road within the right-of-way must be lower than Town road pavement at point of intersection with ditch line so that ordinary surface water drainage does not flow onto the Town road pavement and does not adversely affect shoulder grading. The grade shall not be greater than five percent (5%).

4. The driveway/field road access to a Town road shall have a finish course width of a minimum twenty-eight feet (28') and a maximum thirty-four feet (34'). The driveway/field road access shall have a minimum six inch (6") compacted base course consisting of a minimum three inch (3") diameter rock. The base course shall be covered with a minimum three inch (3")

compacted finish course consisting of a minimum three quarter inch (3/4") diameter aggregate material. A driveway/field road that accesses a State or County road shall be constructed to the maximum specifications of the State or County.

5. Each driveway/field road shall have a culvert with endwalls unless an exception is granted by the Town Board. The culvert shall be one piece steel construction, a minimum of eighteen inches (18'') in diameter (or an oval with equivalent carrying capacity) and a minimum of thirty feet (30') in length, but must have sufficient length to accommodate proper slopes to the endwalls or as otherwise determined by the Town Board. It will be the owner's responsibility to procure and install the culvert at his/her expense.

6. A driveway/field road shall be at least one hundred feet (100') from the paved or traveled portion of an intersecting public highway.

B. The portion of the driveway "outside the right of way".

1. The driveway shall be constructed with a base course and a finish course. The base course shall be a minimum six inches (6") thick compacted by fourteen feet (14') wide and consist of a minimum three inch (3") diameter rock. The finish course shall be a minimum of three inches (3") thick compacted by fourteen feet (14') wide and consist of a minimum three quarter inch (3/4") diameter aggregate material.

2. The overall minimum clearance along the entire driveway shall be six feet (6') on each side of the finish course for a total clearance width of twenty-six feet (26'). At turn outs the total clearance width shall be thirty four feet (34').

3. The maximum allowable grade of the entire driveway or any segment is ten percent (10%).

4. Curves in the driveway shall have an inside radius of not less than thirty-six feet (36').

5. To provide safe passage of meeting vehicles and adequate access for emergency vehicles a "turn out" will be required between each 300 feet (300') segment of driveway. The total driveway and turn out width shall be a minimum 22 feet (22') wide by sixty feet (60') long and be constructed with base and finish courses as described in previous paragraph 1.

6. At the end of the driveway a turn-around shall be provided. The turn-around shall have a minimum twenty-five feet (25') inside radius and be constructed

as described in the previous paragraph 1. The Town Board shall determine if other turn-around configurations are acceptable.

C. General specifications for driveways/field roads (entire length).

1. There shall be a minimum of fourteen feet (14') of height clearance along the entire driveway/field road.

2. The driveway/field road must be constructed to prohibit erosion from encroaching on the traveled portion of the public highway. Ditches, roadway crowning and culverts that provide acceptable drainage are required.

3. Adequate erosion control measures shall be employed during construction. All disturbed ground and side banks shall be seeded promptly to control erosion.

4. The town Board may require an engineer's plan as a condition of approval based on the characteristics of the site.

5. Bridges, cattle guards and culverts incorporated into a driveway/field road shall be constructed to carry loads of up to 80,000 pounds.

6. When "routine general maintenance" (See section 4) is performed on an existing driveway/field road a DCAF/field road permit will not be required.

7. EXISTING DRIVEWAYS AND FIELD ROADS

When erosion or other conditions created by existing driveways or field roads become a potential hazard to a public highway, the Town Board shall notify the owner(s) in writing of such condition(s). Any property owner failing to correct such condition(s) within thirty (30) days after notice by the Town Board shall be subject to the penalty in accordance with Section 12 of this ordinance and shall also be liable for any cost incurred by the Town to eliminate the hazard as provided in Section 66.0703(1, 4) of the Wisconsin Statutes.

8. VARIANCES

Variances from the above requirements may be granted by the Town Board. Nothing in this ordinance relieves any person from the duty to comply with any and all State laws, or County or Town ordinances.

9. RIGHT TO INSPECT

The driveway DCAF and field road permit contain language whereby the applicant agrees to permit the Town Board or its designee to enter upon the applicant's property at reasonable times and without notice for the purposes of inspecting the applicant's field road and/or driveway to confirm that the construction and maintenance comply with the requirements of this ordinance and any and all other codes or ordinances. Applicant's refusal or a subsequent owner's refusal to permit inspection by the Town road inspector may result in action taken by the Town Board in accordance with Section 12 of this ordinance.

If the Town road inspector shall be refused entry, and in the opinion of the Town road inspector, an emergency situation exists because of great and immediate danger to the public health or safety, the Town Board may make application to the judge of any court of general jurisdiction in Green County, stating the facts in the case, and that court shall thereupon issue a special inspection warrant directed to an appropriate law enforcement official commanding him/her to take sufficient aid and to be accompanied by the road inspector in making the inspection specified herein.

10. FEES AND DEPOSITS

A fee shall be charged for the issuance of a Driveway Construction Authorization Form (DCAF) or field road permit. The fee is due when the DCAF or field road permit is approved by the Town Board. In addition to the fee, a deposit shall be required for a DCAF and will be due when the DCAF is approved by the Town Board. The purpose of this deposit is to assure timely compliance with the driveway ordinance, regulations and construction specifications and to cover any costs due to damage to Town property. A schedule of the fees and deposits may be obtained from the Town Clerk's office. The Town Board may by resolution adjust the fees and deposits.

11. PERMIT AND FORM EXPIRATION

Driveway Construction Authorization Forms (DCAF) and field road permits shall be valid for one (1) year from the date of Town Board approval. Reapplication shall be required for any construction not completed within the one (1) year of approval of the DCAF or field road permit. Any construction thereafter shall require Town Board issuance of a new DCAF or field road permit and be subject to all fees and deposits as set forth in Sections 5 and 11 hereof. Reissue of a DCAF or field road permit shall not be denied without reasonable cause.

12. VIOLATION NOTIFICATION AND PENALTIES

A. Owner(s) of property upon which ordinance violations have occurred will be notified by certified mail.

B. Any such owner(s) notified of any violations of this ordinance shall promptly remedy any such violations in a manner and time frame as specified by the Town Board. If the specified corrections are not made within the specified time frame, the Town Board shall determine the cost of correcting such ordinance violations, including the return of the disturbed land to its original condition. That cost of such corrections shall be paid to the Town by the owner(s) as provided in Section 66.0627 of the Wisconsin Statutes.

C. The Town Board may impose a fine of six hundred dollars ($600.00) on the owner(s) of the property upon which violations of this ordinance have occurred.

13. SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of the ordinance irrespective of whether or not one or more provision(s) may be declared invalid. If any portion of this ordinance or the applicability thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

14. PERMITS ISSUED UNDER PREVIOUS ORDINANCES

Any permit issued prior to the effective date of this ordinance shall be valid for one year. If the property owner, their grantees, heirs, or assigns fail to complete construction by such date then the permit shall be deemed expired and the current property owner of record must reapply for a new permit under the current ordinance and comply with all requirements contained herein.

15. EFFECTIVE DATE

This ordinance shall be effective one day after its publication or posting as required by law.

Adopted by the Town Board this 19th day of June 2006 by a vote of 3 aye and 0 nay.

Chairman: _____
Ted Belanus

1st Supervisor: _____
Cheryl Rezabek

2nd Supervisor: _____
John Davis, Jr.

This ordinance was filed in the office of the Town Clerk and properly posted as required by law on the 28th day of June 2006.

Attest: Town Clerk Judy Follett _____