

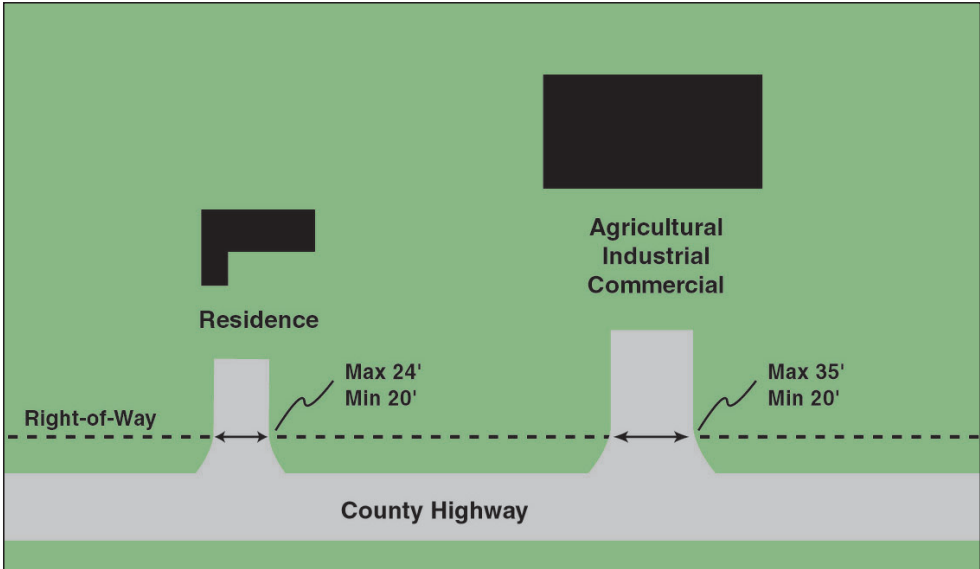
Report



Model Public Road Access Ordinance

Clark County and Local Towns, Wisconsin

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Model Public Road Access Ordinance for Clark County and Local Towns

Purpose

These model ordinances are presented to Clark County and its towns as tools that may be used to manage access points to public roads. A uniform set of driveway construction and placement standards uphold public health and safety by:

- ◆ Ensuring adequate emergency vehicle access to developed properties;
- ◆ Maintaining safe travel on public roads by minimizing the number of access points;
- ◆ Providing safe entrance onto public roadways by avoiding dangerous driveway locations;
- ◆ Preventing damage to public roads and other driveways by controlling drainage.

How to Use this Model Ordinance

This model contains recommended requirements for driveway construction and placement necessary to achieve the stated purposes of this ordinance. Statements with the word “should” are not considered mandatory within an ordinance. If a Town establishes the need to make certain standards mandatory, then that provision must be reworded using “shall” or “must” in place of “should.” The word “recommended” must also be removed from any provision that is made mandatory.

If a town sees the need to alter the recommended dimensional standards like driveway width or intersection separation, it is encouraged that surrounding towns and the county are notified. This ordinance will be most effective if consistency is maintained to the greatest degree possible.

Author comments are found throughout the model ordinance in *italics*. These comments provide additional explanation and refer to sources of data. These comments can be removed before the ordinance is adopted if the length of the document is a concern.

For Additional Information

Transportation Research Circular Number 456, “Driveway and Street Intersection Spacing.”
March 1996, Transportation Research Board / National Research Council

Access Management Initiative Technical Study Number 14, “Toward an Access Classification System and Spacing Guidelines.” February 1999, Minnesota Department of Transportation.

National Transportation Library at <http://ntl.bts.gov/DOCS/mzo.html> “Tri-County Regional Planning Commission Model Zoning Ordinance – Arterial Street Access Regulations.”
Bureau of Transportation Statistics.

Town of _____, Clark County, Wisconsin
Driveway Access Ordinance
Ordinance No. ____

Contents

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Section 1. Title/Purpose

This ordinance is entitled the Town of _____ Driveway Access Ordinance.

The purposes of this Ordinance include but are not limited to the following:

1. Maintain safe travel on public roads by minimizing the number of access points;
2. Provide safe entrance onto public roadways by avoiding dangerous driveway locations;
3. Prevent damage to public roads, graded ditches, roadsides and other driveways by controlling drainage.

Section 2. Authority, Jurisdiction and Severability

2.1 Authority

The Town Board of the Town of _____ has the specific authority, powers, and duties pursuant to Section 60.61, 60.62, 62.23, 86.02 and 86.07 Wis. Stats. pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Section 60.10 to enact driveway regulations - to regulate, prohibit, and restrict construction, alteration, erection, and enlargement of driveways within its jurisdiction.

2.2 Jurisdiction

Driveways subject to review and permitting under this Ordinance include driveways that provide access to any Town road within the Town of _____. Standards set forth by this Ordinance apply only to those segments of driveways located within a Town road right-of-way. Driveways that access County roads are subject to regulation by Clark County. Driveways that access State or Federal highways are subject to regulation by the Wisconsin Department of Transportation.

2.3 Severability

Should any section, clause, provision or portion of this Ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3. Definitions

The following terms shall be used throughout this Ordinance as defined in this Section.

Alter, Modify, Reconstruct - To change the slope, location, length, width, access point, to completely remove and rebuild in whole or in part, or to conduct any similar activity with regard to a driveway. These are major activities that do not meet the definition of surface maintenance.

Clearance width and height - The air space directly above a driveway and surrounding area extending outward to the required width and upward to the required height that shall be maintained clear of vegetation, limbs, wires or other obstructions within the road right-of-way.

Driveway - A private road, field road or other means of access intended for or capable of being used for ingress and egress onto a public road.

Ingress/egress angle - The angle between the tangent to the centerline of the subject roadway and the centerline of the subject driveway.

Surface maintenance - To improve a driveway surface in a manner that is clearly not alteration, modification, or reconstruction. Examples of surface maintenance include paving, seal coating, grading, gravelling, and patching.

Unobstructed sight distance - The distance at which objects or topographic features prevent visual confirmation of an approaching vehicle of common size. Sight obstructions can include, but are not limited to, crests of hills, curves, buildings or dense vegetation.

Section 4. Scope

4.1 Permit Required

No driveway subject to this Ordinance shall be installed, altered, changed, replaced, or extended until an application for a driveway permit has been approved by the Town Board's designated official. Application forms and information can be obtained from the Town Clerk or the designated Official.

- A. A Town driveway permit is required for:
 1. Construction of a new driveway.

2. Alteration, modification or reconstruction of an existing driveway.
 3. Construction of a new residential, commercial, industrial or animal confinement structure to be served by an existing nonconforming driveway that has not been previously permitted under this ordinance.
- B. Existing driveway surface maintenance does not require a driveway permit.

4.2 Existing Hazardous or Nonconforming Driveway Conditions

This section may not be appropriate for every Town and can be easily removed without affecting the rest of the ordinance. This section will add to the time required for administration, but also adds to the ability to achieve the stated purposes of the ordinance.

When conditions created by existing driveways or field roads are in conflict with the purpose of this ordinance, a hazardous condition may be identified. Hazardous or nonconforming driveways are subject to the following conditions:

- A. The Town Board's designated Official will notify the property owner of the hazardous conditions.
- B. Existing driveways determined to be hazardous as defined in this Section shall be brought into compliance with the terms of this Ordinance to the extent determined practical by the Town Board's designated Official.
- C. Any property owner failing to correct such condition within thirty (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 and 86.02.
- D. Should existing driveway conditions be determined by the designated Official to be a severe threat to public health or safety, the Town may take corrective action immediately or establish a deadline for compliance of less than thirty (30) days.
- E. Driveways determined to be hazardous by the Town Board's designated Official shall be subject to, but not limited to, the following mandatory review criteria: driveway width, height and width clearance, and ingress/egress angle.

Section 5. Application Procedures

5.1 Application Materials

- A. The applicant must submit to the Town Board's designated Official a completed driveway permit application. The application materials must include a site plan or sketch submitted on an 8½" by 11" sheet of paper and include the following information:
 - 1. North arrow
 - 2. Lot dimensions
 - 3. Existing and/or proposed buildings
 - 4. Proposed driveway location
 - 5. Location of existing driveways within 300 feet of proposed driveway
 - 6. Road name(s) and location(s)
 - 7. Driveway specifications including width, length, and materials used
 - 8. Culvert location
- B. An application shall be submitted and signed by the property owner.
- C. The applicant shall mark the proposed driveway location with high visibility flagging and stakes. The proposed centerline and driveway surface width shall be marked.

5.2 Permit Issuance

- A. The application and site plan shall be reviewed by the Town Board's designated Official for conformance with this Ordinance. The Town Board's designated Official shall, within fifteen (15) days from the date of submission of the application and site plan, approve or deny the issuance of a driveway permit after an inspection of the site has taken place.
- B. An approved driveway permit shall expire one (1) year after issuance. All approved construction must be completed before the permit expires.
- C. The applicant shall notify the Town Board's designated Official within seven (7) days of completion of the driveway to allow inspection of the driveway per the terms of the approved permit.

Section 6. Standards

These standards only apply to those portions of a driveway within the road right-of-way. It is the decision of the property owner to determine the adequacy of driveway access beyond the right-of-way.

The following standards are the minimum recommended requirements for driveway construction and placement necessary to achieve the stated purposes of this ordinance. Statements with the

word “should” are not considered mandatory within an ordinance. If a Town establishes the need to make certain standards mandatory, then that provision must be reworded using “shall” or “must” in place of “should.” The word “recommended” must also be removed from any provision that is made mandatory.

6.1 Separation Distances and Line of Sight

Preserving adequate sight distance, separation between driveways, and separation between driveways and intersections helps prevent dangerous travel conditions on Town Roads.

- A. The recommended maximum number of driveways allowed on a tax parcel depends on the use of the parcel and should be established as follows.
1. For residential use: 1 access point
 2. For agricultural, commercial or industrial use: 2 access points
- B. A minimum distance of 100 feet should be maintained between driveways on the same side of the road and on different tax parcels.
The separation distance does not have to be met from driveways on the opposite side of the road. In fact, new driveway placement directly across from existing driveways should be encouraged. Sharing of driveways by adjacent properties should also be encouraged.
The Bureau of Transportation Statistics based on average vehicle acceleration and deceleration rates recommends a minimum driveway separation distance of 275 feet for an arterial road with a speed limit of 50 miles per hour. The recommended distance is smaller here, because a typical Town road should have less traffic than those studied.
- C. A minimum distance between driveways and road intersections should be maintained. The recommended separation distances are as follows:
1. Minimum distance to a Town road intersection: 100 feet from the edge of the right-of-way
 2. Minimum distance to a County road intersection: 400 feet
 3. Minimum distance to a State or Federal highway intersection as per the requirements of the Wisconsin Department of Transportation.
Recommended separation distances between driveways and intersections on a rural undivided collector highway with a posted speed limit of 55 miles per hour are typically based on AASHTO estimates for stopping distances. See the explanation in “D” below for more details. The recommended distance is smaller here, because a typical Town road should have less traffic than those studied.
- D. A minimum unobstructed sight distance of 600 feet in each direction from a driveway access point should be maintained.

The Transportation Research Board and the American Association of State Highway and Transportation Officials have established a stopping distance of 565 feet as being acceptable to 50% of drivers for a 55 mile per hour highway. A stopping distance of 750 feet is acceptable to 85% of drivers for the same highway. AASHTO estimates for stopping distance include a 2.5 second reaction time. No research regarding stopping on gravel roads has been published, but it is assumed that stopping on gravel requires more distance than paved roads. Sight obstructions can include crests of hills, curves, buildings and vegetation.

- E. The ingress/egress angle should be 90 degrees.

6.2 Dimensional Standards

Minimum dimensional standards for driveways help maintain access for emergency and service vehicles.

This provision attempts to address the increasing size of emergency vehicles such as fire engines and ambulances, and the access issues that often confound rescue efforts. These standards can also be beneficial for other types of large service vehicles like septic trucks, milk tank trucks, and other private haulers.

- A. Recommended driveway surface width for residential property -

Maximum:	24 feet
Minimum:	20 feet

- B. Recommended driveway surface width for agricultural, industrial, or commercial property -

Maximum:	35 feet
Minimum:	20 feet

- C. Recommended minimum height clearance: 17 feet
This is the clearance height required by utility companies.

- D. Recommended minimum clearance width -

Residential:	24 feet
Commercial:	35 feet

6.3 Construction

Minimum construction standards for driveways helps prevent unnecessary damage to public roadways and other driveways.

The intent of requiring certain construction practices is to provide minimal protection for public roadbeds, surfaces, and ditching without being overly burdensome to the property owner.

- A. A new concrete driveway surface should not extend within the area of the road right-of-way, unless the road surface is also concrete. A flexible bituminous asphalt or gravel may be used within the right-of-way.

- B. The surface of the driveway should slope down and away from the road surface to a sufficient degree and distance to prevent ordinary surface water drainage from the driveway onto the roadbed. The following practices are recommended for achieving the required drainage:
1. Slope the driveway away from the public road for a minimum of 10 feet at a slope in the range of 2% to 5%.
 2. Construct a slight dip across the driveway placed just before the culvert at the entrance to the road.
 3. Crown the driveway surface .
- C. A culvert should be installed that meets the approval of Town's designated Official.
1. The recommended minimum diameter is 15 inches, but a culvert with greater capacity may be required if determined necessary by the designated Official.
 2. The length of the culvert should be long enough to allow for proper side sloping of the driveway.
 3. The culvert installed should be in good condition, and materials shall be as allowed by the designated Official. Allowed materials may include steel, concrete or plastic.
- D. Side slopes of a driveway should not be hazardous to safe travel.
1. A maximum slope of 3:1 (3 feet horizontal to 1 foot vertical) should be maintained on driveway side slopes and should be constructed of earthen materials.
 2. Retaining walls and embankments of any kind should be prohibited on a driveway. Rocks, timbers and other similar driveway marking treatments should also be prohibited.
- Steep side slopes and embankments within the right-of-way can become hazardous obstacles should a vehicle loose control and leave the road, as often happens in slippery winter conditions.*

Section 7. Administration

Administration will take time and effort and should weigh heavily into a Town's decision to adopt this ordinance. If this ordinance is adopted, it should be enforced equitably.

There are many options for administering such an ordinance. Full consideration should be given to who will be responsible for reviewing and issuing permits, what fees should be charged and how appeals will be handled.

7.1 Interpretation

- A. All provisions of this ordinance are to be interpreted as the minimum standards necessary for the protection of public health, safety and the general welfare and shall be liberally construed in favor of the Town.
- B. Where strict application of spacing standards would deny access to lots in existence prior to the adoption of this Ordinance, a new driveway permit may be granted and the driveway located to best provide safe access.
The intent of this provision is to add some flexibility that protects existing lots and avoid the need for excessive numbers of variances.

7.2 Fees

Generally, fees should be set to recover the costs of establishing and administering the driveway permitting process. Underestimating the full cost or undercharging for permits will result in tax dollars being levied to cover the difference.

Fees for driveway permit applications and inspections may be established by the Town of _____ Town Board.

7.3 Penalties

- A. Forfeiture: Should a driveway be constructed or modified in violation of the requirements of this Ordinance, the property owner shall be charged a forfeiture of double the permit fee. The Town Board will notify the property owner of any corrections that are required to satisfy the provisions of this Ordinance.
- B. Cost of corrections: If the property owner fails to make the corrections required to satisfy the provisions of this Ordinance, the Town Board may cause the required corrections to be made. The cost of such repairs, corrections, or restoration will be charged to the property owner. The Town's direct and indirect costs of correcting or removing the violation may include, but are not limited to, engineering, legal, administrative, materials and construction expenses. Should the landowner fail to pay the penalty and/or repair/correction/restoration costs, said charges will be placed on the tax roll of said landowner as provided in Wis. Stats. 66.0627 and 86.02.

**Clark County, Wisconsin
Driveway Access Ordinance
Ordinance No. ____**

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Section 1. Title/Purpose

This ordinance is entitled the Clark County Driveway Access Ordinance.

The purposes of this Ordinance include but are not limited to the following:

1. Maintain safe travel on public roads by minimizing the number of access points;
2. Provide safe entrance onto public roadways by avoiding dangerous driveway locations;
3. Prevent damage to public roads, graded ditches, roadsides and other driveways by controlling drainage.

Section 2. Authority, Jurisdiction and Severability

2.1 Authority

Pursuant to Wis. Stats. 59.69, 59.694, 86.02 and 86.07 and the authority vested in the County under those provisions, Clark County hereby adopts this Driveway Access Ordinance. Clark County reserves the right to determine the final location and number of driveway access points serving a property in order to maintain the preservation of highways and safety of the public.

2.2 Jurisdiction

Driveways subject to review and permitting under this Ordinance include driveways that provide access to any County road within Clark County. Standards set forth by this Ordinance apply only to those segments of driveways located within a County road right-of-way. Driveways that access Town roads are subject to regulation by the local Town. Driveways that access State or Federal highways are subject to regulation by the Wisconsin Department of Transportation.

2.3 Severability

Should any section, clause, provision or portion of this Ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3. Definitions

The following terms shall be used throughout this Ordinance as defined in this Section.

Alter, Modify, Reconstruct - To change the slope, location, length, width, access point, to completely remove and rebuild in whole or in part, or to conduct any similar activity with regard to a driveway. These are major activities that do not meet the definition of surface maintenance.

Clearance width and height - The air space directly above a driveway and surrounding area extending outward to the required width and upward to the required height that shall be maintained clear of vegetation, limbs, wires or other obstructions for the length of the driveway.

Driveway - A private road, field road or other means of access intended for or capable of being used for ingress and egress onto a public road.

Ingress/egress angle - The angle between the tangent to the centerline of the subject roadway and the centerline of the subject driveway.

Surface maintenance - To improve a driveway surface in a manner that is clearly not alteration, modification, or reconstruction. Examples of surface maintenance include paving, seal coating, grading, gravelling, and patching.

Unobstructed sight distance - The distance at which objects or topographic features prevent visual confirmation of an approaching vehicle of common size. Sight obstructions can include, but are not limited to, crests of hills, curves, buildings or dense vegetation.

Section 4. Scope

4.1 Permit Required

No driveway subject to this Ordinance shall be installed, altered, changed, replaced, or extended until an application for a driveway permit has been approved by the Clark County Highway Department's designated Official. Application forms and information can be obtained from the Highway Department or the designated Official.

- A. A County driveway permit is required for:
 1. Construction of a new driveway.
 2. Alteration, modification or reconstruction of an existing driveway.

3. Construction of a new residential, commercial, industrial or animal confinement structure to be served by an existing nonconforming driveway that has not been previously permitted under this ordinance.
- B. Existing driveway surface maintenance does not require a driveway permit.

4.2 Existing Hazardous or Nonconforming Driveway Conditions

This section will add to the time required for administration, but also adds to the ability to achieve the stated purposes of the ordinance.

When conditions created by existing driveways or field roads are in conflict with the purpose of this ordinance, a hazardous condition may be identified. Hazardous or nonconforming driveways are subject to the following conditions:

- A. The Highway Department's designated Official will notify the property owner of the hazardous or nonconforming conditions.
- B. Existing driveways determined to be hazardous as defined in this Section shall be brought into compliance with the terms of this Ordinance to the extent determined practical by the Highway Department's designated Official.
- C. Any property owner failing to correct such condition within thirty (30) days after notice by the Highway Department shall be subject to enforcement actions pursuant to Wis. Stats. 66.0113. Should a property owner cause damage to a County highway or right-of-way, the Highway Department may correct the damage and charge the cost of the corrections to the property owner pursuant to Wis. Stats. 86.02.
- E. Should existing driveway conditions be determined by the designated Official to be a severe threat to public health or safety, the County may take corrective action immediately or establish a deadline for compliance of less than thirty (30) days.
- F. Driveways determined to be hazardous by the Highway Department's designated Official shall be subject to, but not limited to, the following mandatory review criteria: culvert capacity, driveway width, height and width clearance, and ingress/egress angle.

Section 5. Application Procedures

5.1 Application Materials

- A. An application shall be submitted and signed by the property owner.
- B. The applicant shall mark the proposed driveway location with high visibility flagging and stakes. The proposed centerline and driveway surface width shall be marked.

5.2 Permit Issuance

- A. The application and site plan shall be reviewed by the Highway Department's designated Official for conformance with this Ordinance. The designated Official shall, within fifteen (15) days from the date of submission of a complete application and site plan, approve or deny the issuance of a driveway permit after an inspection of the site has taken place.
- B. An approved driveway permit shall expire one (1) year after issuance. All approved construction must be completed before the permit expires.
- C. The applicant shall notify the Highway Department's designated Official within seven (7) days of completion of the driveway to allow inspection of the driveway per the terms of the approved permit.

Section 6. Standards

These standards only apply to those portions of a driveway within the road right-of-way. It is the responsibility of the property owner to determine the adequacy of driveway access beyond the right-of-way.

6.1 Separation Distances and Line of Sight

Preserving adequate sight distance, separation between driveways, and separation between driveways and intersections helps prevent dangerous travel conditions on County Roads.

- A. The maximum number of driveways allowed on a tax parcel depends on the use of the parcel and shall be established as follows.
 - 1. For residential use: 1 access point
 - 2. For agricultural, commercial or industrial use: 2 access points
- B. A minimum distance of 200 feet should be maintained between driveways on the same side of the road and on different tax parcels.
The separation distance does not have to be met from driveways on the opposite side of the road. In fact, new driveway placement directly across from existing

	Maximum:	35 feet
	Minimum:	20 feet
C.	Minimum height clearance: <i>This is the clearance height required by utility companies.</i>	17 feet
D.	Minimum clearance width -	Residential: 24 feet Commercial: 35 feet

6.3 Construction

Minimum construction standards for driveways help prevent unnecessary damage to public roadways and other driveways as well as safety hazards.

The intent of requiring certain construction practices is to provide minimal protection for public roadbeds, surfaces, and ditching without being overly burdensome to the property owner.

- A. Side slopes of a driveway shall not be hazardous to safe travel.
 - 1. A maximum slope of 3:1 (3 feet horizontal to 1 foot vertical) shall be maintained on driveway side slopes and shall be constructed of earthen materials.
 - 2. Retaining walls and embankments of any kind are prohibited on driveway side slopes. Rocks, timbers and other similar driveway marking treatments are also prohibited.
Steep side slopes and embankments within the right-of-way can become hazardous obstacles should a vehicle loose control and leave the road, as often happens in slippery winter conditions.
- B. The surface of a driveway shall slope down and away from the road shoulder at a slope no less than 2% and no more than 5% for the first 10 feet from the edge of the shoulder. Construction of the driveway shall prevent ordinary surface water drainage from the driveway onto the roadbed.
- C. A culvert shall be installed that meets the approval of the Highway Department's designated Official.
 - 1. The minimum diameter is 18 inches, but a culvert with greater capacity may be required if determined necessary by the designated Official.
 - 2. The length of the culvert shall be long enough to allow for proper side sloping of the driveway.
 - 3. The culvert installed shall be in good condition, and materials shall be as allowed by the designated Official. Allowed materials may include steel, concrete or plastic.

Section 7. Administration

As written, this ordinance is intended for administration by the Clark County Highway Department. However, an opportunity to apply for a variance from the County Board of Adjustment is also necessary, as this ordinance establishes dimensional standards.

7.1 Interpretation

- A. All provisions of this ordinance are to be interpreted as the minimum standards necessary for the protection of public health, safety and the general welfare and shall be liberally construed in favor of the County.
- B. Where strict application of spacing standards (Section 6.1) would deny access to lots in existence prior to the adoption of this Ordinance, a new driveway permit may be granted and the driveway located to best provide safe access.
The intent of this provision is to add some flexibility that protects existing lots and avoid the need for excessive numbers of variances.
- C. Where strict application of Dimensional Standards (Section 6.2) or Construction requirements (Section 6.3) would not maintain safe travel on public roads, would not provide safe entrance onto public roadways, or would not prevent damage to public roads, graded ditches, roadsides and other driveways, the Clark County Highway Department shall have the authority to approve an alternative driveway access plan.
 - 1. An alternative driveway access plan may include site specific requirements for dimensional standards or construction requirements as approved by the Clark County Highway Department.
 - 2. Land uses that may be granted alternative standards include, but are not limited to large commercial or industrial operations, fire stations, other emergency vehicle facilities, other public or quasi-public uses.

7.2 Fees

Generally, fees should be set to recover the costs of establishing and administering the driveway permitting process. Underestimating the full cost or undercharging for permits will result in tax dollars being levied to cover the difference.

Fees for driveway permit applications and inspections may be established by the Clark County Highway Committee.

7.3 Measurements

Separation distances shall be measured as the distance along the centerline of the road from centerline to centerline of the respective road or driveway.

7.4 Penalties

Should a driveway be constructed or modified in violation of the requirements of this Ordinance, enforcement will proceed according to Wis. Stats. 66.0113. The County will notify the property owner of any corrections that are required to satisfy the provisions of this Ordinance. Should driveway construction or alteration activities cause damage to a County highway or right-of-way, the Highway Department may correct the damage and charge the cost of the corrections to the property owner pursuant to Wis. Stats. 86.02.

Any fines or forfeitures charged must be established by ordinance.