

TOWN OF MONTROSE  
REVISED DRIVEWAY PERMIT ORDINANCE 2011-04-01

**AUTHORITY**

**WHEREAS**, the Town of Montrose has been authorized by resolution pursuant to s. 60.10(2)(3), dated April 11, 2000, to exercise powers of a village board under s. 60.22(3); and if authorized under s. 60.10(3) and

**WHEREAS**, s. 60.22(3) provides Town Boards with authority, if authorized under s. 60.10(2)(c), to exercise powers relating to villages and conferred on village boards under Chapter 61 of the Wisconsin Statutes; and

**WHEREAS**, s. 61.34(1) provides that town boards shall have the power to act for the government in good order of the town, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by regulation, fine and other necessary or convenient means;

The MONTROSE TOWN BOARD hereby adopts the following driveway permit ordinance.

**PURPOSE**

The purpose of this ordinance is to promote public health, safety, and general welfare of the community and to regulate the construction and maintenance of all driveways in the Town of Montrose.

**DEFINITION**

- A. A “driveway” is defined as a road or other traveled way giving access from a public roadway to one or more buildings located or to be constructed on adjacent lands.
- B. A “field road” is defined as a road or other traveled route giving access from a public highway to farmland or other adjacent vacant land. Farm “field roads” are exempt from this ordinance.

**GENERAL PROVISIONS**

- A. No person shall construct, improve or rework a driveway which changes the existing topography of the driveway surface without first obtaining a Driveway Permit from the Town Board. Resurfacing a previously constructed driveway does not constitute a change.
- B. Any person constructing a driveway will be subject to a permit fee as established by the Town Board in accord with this ordinance.
- C. Any proposed driveway construction or modification shall be accompanied by an erosion control plan approved by the Town Board prior to the issuance of a Driveway Permit. An erosion control plan shall include the driveway owner’s intentions and timetable to reseed, mulch, ditch, placement of culverts and carry out other erosion control measures, all of which shall be completed, within ninety (90) days after beginning driveway construction or modification.
- D. No building permit for new residential construction will be issued until the driveway permit is issued according to the specification of this ordinance.
- E. Permits issued under this ordinance are valid for one (1) year. If driveway construction does not commence within one year of issuance, the rights granted hereunder shall lapse.
- F. Non-Compliance
  - a. Should a driveway be constructed or modified in a way which violates the provisions of this ordinance, the owner shall pay a fine equal to three (3) times the fee charged for the permit application, whether or not that fee has been paid. The owner(s) shall also make the corrections indicated by the Town Board within a reasonable period of time as determined by the Town Board.
  - b. If the owner(s) does (do) not make the required corrections within the time specified, the Town Board shall determine the cost of correcting the violations of the provisions of this ordinance

including, when necessary, the return of disturbed land to its original condition. The owner(s) shall pay that cost to the Town as provided in Wis. Stats. Section 66.60(16).

- c. Permits required by any other governmental agencies must be met.

### **SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAY**

1. Each driveway shall have a culvert at the ditch line where the driveway meets the public road, unless waived by the Town Board. The culvert shall be at least eighteen (18) inches in diameter and the length shall be at least twenty-eight (28) feet long.
2. The driveway must have at least a depth of six (6) inches of roadbed with at least three (3) inches of three (3) inch crushed rock.
3. An area of eighteen (18) feet in width and eighteen (18) feet in height shall be cleared along the driveway in order to permit the safe passage of emergency vehicles. A gravel top surface of twelve (12) feet in width is required.
4. The driveway must have a turning radius at the place where it intersects with a public road of at least twenty (20) feet and an unobstructed view at that place.
5. Curves in the driveway shall have an inside radius of not less than thirty-six (36) feet.
6. The driveway must be clearly marked with the fire number so emergency vehicles can find the home.
7. Each driveway slope must not exceed a grade of ten (10) percent.
8. All driveways must meet or adjoin to an existing public town, county, or state road.
9. Driveway Permit fee of \$100.00 must be paid prior to issuance of permit.

This ordinance shall take effect immediately upon passage and posting or publication as proved by law.

Revisions of this Ordinance Adopted this 3<sup>th</sup> day of May, 2011 by a vote of 0 nay 3 yea 0 abstained