

**TOWN OF SIOUX CREEK  
BARRON COUNTY, WISCONSIN  
AN ORDINANCE REGARDING DRIVEWAYS  
ADOPTED APRIL 14, 2009**

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Section One: To create Town of Sioux Creek Driveway Ordinance.

## **SECTION 1. TITLE/PURPOSE, AUTHORITY AND SCOPE**

### **1.1 Title/Purpose**

The title of this Ordinance is the Town of Sioux Creek Driveway Ordinance.

The purpose of this Ordinance is to promote the public health, safety and general welfare of the community; to further the safe and orderly layout of driveways and field roads which enter onto Town roads and County highways; to ensure the safe and timely access of emergency vehicles to properties; and to ensure that the proposed placement and use of driveways is consistent with the Town of Sioux Creek Comprehensive Plan adopted on October 28, 2005 and as may be subsequently amended and the Town of Sioux Creek Land Division Ordinance adopted December 12, 2006 and as may be subsequently amended.

This Ordinance repeals and replaces the Town of Sioux Creek “An Ordinance Regarding Driveways” adopted and enacted on the 12th day of December 2002, and all such amendments to said Ordinance.

### **1.2 Authority**

This Ordinance is adopted pursuant to the authority vested in the Town under §§60.10(2), 60.22(1) and (3), 61.34, 82.03 and 86.07, Wis. Stats.

### **1.3 Scope**

This Ordinance applies to all lands in the Town of Sioux Creek, County of Barron, Wisconsin. The Town Board shall be responsible to administer this Ordinance. No driveway or field road may be constructed or improved unless all required approvals have been given.

### **1.4 Interpretation**

#### **A. Abrogation and Greater Restrictions**

- (1) Except when set forth expressly herein, it is not the intent of the Town Board to abrogate, annul or repeal any other ordinance of the Town or to alter the applicability of laws which are not of statewide concern within the Town. To the extent that a conflict arises between this and any other ordinance, rule, or regulation, the more restrictive of them shall control.

- (2) Private Covenants. These regulations are not intended to abrogate any easement, covenant, deed restriction, or any other private agreements or restrictions, provided that where the provisions of these regulations are more restrictive than such easement, covenant, deed restriction or other private agreements or restrictions, the requirements of these regulations shall govern.

B. Liberal Construction. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. The provisions of this Ordinance shall be liberally and broadly construed in favor of the Town of Sioux Creek to promote the purposes for which they are adopted and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town of Sioux Creek.

C. General. Where used herein the word “shall” is mandatory. The word “may” is permissive.

D. Severability and Non-Liability

- (1) If a court of competent jurisdiction adjudges any section, clause, provision or portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance shall not be affected.
- (2) If any application of this Ordinance to a particular parcel or lot of land is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other land or parcel not specifically included in said judgment.
- (3) The Town does not guarantee, warrant, represent, or hold itself liable for any defects in plans or specifications, false information provided, plan omissions, examination or inspection oversight, construction, or any damage that may result in or after installation, and reserves the right to order changes or additions if conditions arise pertaining to the public health, safety, or welfare or in the interest of maintenance and operation of Town roads which support such action being taken.
- (4) The Town assumes no responsibility for any property damage related to flooding, structural impacts or otherwise which are a result of the construction of a driveway at any given location in compliance with the terms and conditions of this ordinance.

## SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply:

**Clerk.** The Town Clerk for the Town of Sioux Creek.

**Conservation Design Subdivision.** A housing development from land division in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained by the greatest extent possible.

**County.** Means the County of Barron, Wisconsin.

**County highway.** Any segment, right of way, or easement of a Public highway which is maintained by the County.

**Driveway.** A private lane or road, improved or unimproved, which is intended to be used as a point of access to and from lands adjoining a Town road or County highway for purposes of development or occupation for a dwelling of a lot or parcel of real estate adjoining such Town road or County highway.

**Dwelling.** Any building that contains one- or two-dwelling units. "Dwelling unit" means a structure or that part of a structure which is permanently or intermittently used, or intended to be used, as a home, residence, or sleeping place by one or more persons or by two or more persons maintaining a common household to the exclusion of all others.

**Field Road.** An access from a Public highway to undeveloped land for the purpose of agriculture or silviculture or recreational use thereof and not leading to a structure used for a dwelling.

**Inspector.** The Town Road Patrolman for the Town of Sioux Creek

**Major Subdivision.** Division of a lot, parcel, or tract of land by the owner(s) thereof or agent of the owners(s) for the purpose of sale or building development where the act of division creates four (4) or more lots or building sites and the remnant parcel.

**Owner.** Any person having a legal or equitable interest in a parcel or lot.

**Parcel or Lot.** A unit or parcel of land legally described and of record with the County Register of Deeds.

**Patrolman.** The Town Road Patrolman for the Town of Sioux Creek.

**Person.** Natural persons, partnerships, associations and all other bodies corporate or public.

**Private Road.** A privately owned and maintained road that serves more than two (2) parcels or lots and that intersects with a Public highway and is generally open to travel by the public.

**Public highway.** Any segment, right of way or easement associated with a Town road or County highway designated for public use.

**Property.** See parcel or lot.

**Right of Way.** A parcel or strip of land which is either deeded or otherwise conveyed to, dedicated to or which has been used by the Town and the public for travel purposes for such a period of time as to constitute a Public highway. Generally speaking, rights-of-way of Town Roads are presumed to be sixty-six (66) feet in width but the width may vary from Town road to Town road.

**Town.** Means the Town of Sioux Creek, Barron County, Wisconsin, and includes the Town's officers, employees, and agents where appropriate.

**Town Board.** The Town Board of Supervisors for the Town of Sioux Creek.

**Town road.** Any segment, right of way or easement of a Public highway which is maintained by the Town.

### **SECTION 3. DRIVEWAYS, REGULATED**

#### **3.1 Permits Required.**

A. Every new driveway and field road and every existing field road which is intended to serve development of or occupation for a dwelling of any lot or parcel of real estate in the Town shall be subject to the requirements of this ordinance and a permit shall be obtained from the Town Board prior to connecting any such driveway or field road or making use of an existing field road to access a Town road or County highway. From and after being permitted under this ordinance, existing field roads intended to be converted to serve development of or occupation for a dwelling of any lot or parcel of real estate shall thereafter be referred to as driveways for purposes of application of the terms and conditions hereof.

B. Additionally, no person shall establish driveway or field road access from any private parcel of land to a County Highway without first obtaining, as may be required by County ordinances, a permit from the County.

#### **3.2 Shared And Multiple Driveways.**

A. The maximum number of lots or parcels sharing a driveway shall be two (2). Shared driveways must have a recorded easement and maintenance agreement prior to the issuance of a Town driveway permit.

B. No parcel or lot shall be granted more than one (1) driveway unless all specifications in this Ordinance are met. Each lot in a major subdivision shall not have more than one (1) driveway.

### **3.3 Fire Number.**

Each new driveway or field road converted into a driveway shall be assigned a fire number by the County. Fire numbers shall be posted at a location adjoining the right-of-way of the Town road or County highway in accord with County requirements. In the event of shared driveway, the Town may require the posting of fire numbers for each developed lot served by such driveway.

### **3.4 Maintenance Required for Driveways and Field Roads.**

Should any driveway or field road create any encroachments upon the right-of-way of a Town road, obstruct the flow of surface water runoff to ditches, obstruct public travel upon, or create any other hazard or cause the Town to engage in any maintenance or repairs to said Town road occasioned by such driveway or field road, the Town reserves the right to order the property owner to perform appropriate maintenance or repair to said driveway or field road within a period of thirty (30) days next following notice of the same or the Town shall perform said repairs or maintenance as a current service, which shall be assessed against the property as a special charge under §66.0627, Wis. Stats., if not paid by October of the twelve (12) month period during which said service is performed by the Town.

## **SECTION 4. DRIVEWAY DESIGN AND CONSTRUCTION REQUIREMENTS**

### **4.1 Driveway Design Standards**

- A. To ensure the safe passage of emergency vehicles, the following minimum dimensions shall apply to all driveways in all seasons and conditions:
- (1) Minimum driveway surface width shall be twelve (12) feet.
  - (2) Minimum driveway width clearance shall be twenty-four (24) feet.
  - (3) Minimum height clearance free of trees, wires, or other overhead obstructions shall be sixteen (16) feet.
  - (4) For each three hundred (300) feet of driveway length at least one twenty-five (25) foot driveway segment eighteen (18) feet in width shall be provided for the safe meeting and passage of vehicles.
  - (5) Curves in a driveway shall have an inside radius of no less than thirty-five (35) feet.
  - (6) At the dead end of all driveways a turn-a-round of at least thirty-five (35) feet inside radius or some other method to allow vehicles to turn around shall be provided.

B. To prevent soil erosion and assure adequate drainage, the following standards shall apply:

- (1) No land with a pre-construction slope of more than thirty (30) percent shall be disturbed for the construction, establishment, re-working, or improvement of a driveway.
- (2) The maximum final grade of any portion of a driveway without a Town-approved engineering plan shall be ten (10) per cent.
- (3) Driveways and field roads shall not obstruct, impede or impair drainage in Town road ditches and rights-of-way.
- (4) Driveway and field road culverts, where required, shall be adequate for surface water drainage along the Town road and shall not be less than the equivalent of a fifteen (15) inch diameter pipe. Culverts shall not be less than thirty (30) feet long. The preferred culvert material is double wall black plastic.
- (5) A construction and post-construction erosion control plan is required for all driveways and field roads. All temporary erosion control measures to minimize runoff during construction shall be installed in advance of initial site disturbance and all permanent erosion control measures shall be accomplished within ninety (90) days after beginning construction or modification

#### **4.2 Driveway and Field Road Design Standards For Areas Within Town Right of Way**

A. To ensure the safe passage of vehicles from driveways and field roads entering and exiting Town roads, the following additional standards shall apply to driveway and field road segments within the Town right-of-way:

- (1) All driveways and field roads shall have a minimum line of sight in both directions on the intersecting Town road of ten (10) feet of unobstructed sightline for each one (1) mile per hour of legally permissible vehicle speed on the Town road.
- (2) The minimum distance from a Public highway or Private road intersection shall be two hundred (200) feet, except in Conservation Design Subdivisions where the minimum distance from a Public highway or Private road intersection shall be one hundred twenty-five (125) feet.

- (3) The minimum distance from any other driveway or field road on the same side of the Town road shall be two hundred (200) feet, except in Conservation Design Subdivisions where the minimum distance from a driveway on the same side of the Town road shall be one hundred twenty-five (125) feet.
- (4) Driveways or field roads shall be located directly across the Town roadway from existing driveways or field roads or at least seventy-five (75) feet up or down the Town road from existing driveways or field roads, except along roads within approved Conservation Design subdivisions.
- (5) No driveway or field road shall be placed closer than ten (10) feet from the edge of the driveway to the nearest parallel property line, except for shared driveways approved by the Town.
- (6) Driveways and field roads must be located at least one hundred (100) feet from the ends of bridges, and fifty (50) feet from the ends of culverts having a diameter or span over sixty (60) inches. Driveways and field roads may be located closer to smaller culverts so long as the entrance does not obstruct the flow of culvert drainage.
- (7) All driveway and field road intersections with the Town road should intersect at ninety (90) degree angle and shall not intersect at an angle less than seventy-five (75) degrees.
- (8) The minimum driveway or field road surface width at the Town road junction shall be twenty-five (25) feet for the first twenty (20) feet of surface. Acceptable surface materials at the Town road juncture may be gravel, aggregate or bituminous. No concrete paving or other obstruction to normal road maintenance shall be allowed in the right of way.
- (9) The first twenty (20) feet of driveway or field road from the Public highway juncture shall be straight.
- (10) The driveway or field road within the right of way shall slope away from the Town road at a minimum of one (1) per cent and a maximum of five (5) per cent to prevent drainage and erosion onto the Town road. Any mud, gravel, or other debris placed onto the Town road from construction or ongoing use shall be removed by the property owner



- (11) Concrete, timbers, boulders or other hard surface materials shall not be placed at driveway or field road side slopes and culvert ends within the right of way.
- (12) Gates shall not be installed on or open onto the right of way.
- (13) Property owners may install reflective delineators at their driveway or field road entrance to facilitate night access, but such devices shall only use blue lenses and shall be set a minimum of ten (10) feet from the edge of the traveled portion of the Town road.

#### **4.3 Minimum Roadbed Construction Standards**

A. To ensure the safe passage of emergency vehicles, the following minimum driveway roadbed construction standards shall apply:

- (1) The driveway travel surface shall have a base course of at least four (4) inches of two (2) inch sized rock on the roadbed, covered with an additional two (2) inches of three-quarter (3/4) inch gravel or other hard surface such as asphalt or concrete. If it can be shown there is a suitable base, the provision requiring four (4) inches of two (2) inch rock may be modified or waived by the Town Board. A field road is exempt from 4.3.A.(1).
- (2) A driveway may be provisionally constructed with only the base course roadbed constructed for use during the period of construction of any structures on the property. In this case the landowner or contractor must call for a preliminary Town inspection prior to commencement of any structure construction activities on the land served by the driveway.

#### **4.4 Construction Plan Requirements**

- A. A construction plan or sketch shall be submitted with the driveway or field road permit application.
- B. The construction plan or sketch shall show detail sufficient to demonstrate conformance with all applicable sections of this Ordinance.
- C. Additionally, the construction plan or sketch shall show:
  - (1) Scale
  - (2) North arrow

- (3) Legal description of the property to be served by the driveway or field access
- (4) Street address, if known
- (5) Property dimensions and size of the parcel
- (6) All property boundary lines
- (7) The exact location of the proposed driveway or field access
- (8) The location and identification of all existing or proposed buildings on the property
- (9) The location of existing or proposed sanitary system
- (10) The location of existing or proposed water supply well
- (11) All setback distances in feet
- (12) Existing Public highway and other existing access routes to the parcel
- (13) Within the area to be disturbed by the construction locations of existing land cover, e.g. trees, cropped farmland, grassland
- (14) Location of all existing Public highways, driveways and field roads within one thousand (1,000) feet of the proposed entrance onto the Public highway.
- (15) Location of streams, ponds, DNR designated wetlands and floodplains within one thousand (1,000) feet of the proposed access

## **SECTION 5. ENGINEERING PLAN**

### **5.1 When Required.**

Upon preliminary review of the application, the Town of Sioux Creek or agent may require an applicant to provide an engineering plan prepared by a licensed engineer prior to any driveway construction or modification. In such instances, the Town of Sioux Creek or designee shall have a review period of thirty (30) days following the submittal of a complete engineering plan or sixty (60) days following the initial submittal of the complete application, whichever is greater. An engineering plan may be required in the following instances:

- A. For any driveway or segment of a driveway whose construction requires the disturbance of land with a pre-existing slope of more than ten percent (10%).
- B. For any driveway or segment of a driveway which requires a retaining wall or other special erosion control measure.
- C. For any driveway or segment of a driveway which is to be located within 1,000 feet of any stream, lake, pond, DNR designated wetland or other perennial surface water resource.
- D. When the Town of Sioux Creek or designee requests an engineering plan due to the unique features of the property, the driveway, the Public highway to which the driveway will connect, and/or area-wide storm water conditions.

## **5.2 Required Contents of the Plan.**

- A. All items included in Section 4 of this Ordinance.
- B. Pre-construction two (2) foot contour interval topographic map of all areas to be disturbed by driveway construction.
- C. The location of the driveway or segment of the driveway which requires an engineering plan.
- D. The grade of the driveway showing no finished segment exceeding twelve percent (12%) slope.
- E. Construction and post construction erosion control plan.
- F. Location and materials of any retaining walls.
- G. Location and dimensions of any culverts and evidence that their carrying capacity meets expected storm water flows.
- H. Cross section of the driveway.

## **5.3 Review of the Engineering Plan.**

The Town of Sioux Creek or designee, at its option and with notice to the applicant, may engage a licensed professional engineer to review the engineering plan with all expenses of the review to be paid by the applicant.

#### **5.4 Preconditions to Construction of the Driveway.**

No construction of a driveway may commence until any required engineering plan is approved by the Town of Sioux Creek or designee, a driveway permit is issued and any necessary approvals or permits are obtained from Barron County or the State of Wisconsin.

#### **5.5 Engineering Plan No Guarantee of Driveway Permit.**

The preparation of an engineering plan does not guarantee the approval of a driveway permit.

### **SECTION 6. PERMIT REQUIREMENTS**

#### **6.1 Application Form and Fees**

- A. A non-refundable fee of an amount to be determined by resolution of the Town Board shall be paid upon submission of the driveway or field road permit application. The fee includes plan review, initial on-site consultation, any interim inspections or consultations as necessary and final site inspection and approval. Engineering plan review fees, County permits, if applicable, and any County inspection fees are separate additional charges.
- B. The application fee for variance per Sec. 10.1 shall be a non-refundable fee of an amount determined by resolution of the Town Board which must be paid upon submission of the application for variance.
- C. Applications for permits shall be made to the Town of Sioux Creek through the Town Clerk on forms furnished by the Town.
- D. An application for a Town Driveway or Field Road Permit shall be granted, denied or continued for technical reasons in writing by the Town within sixty (60) days after the filing thereof.

#### **6.2 Required Information**

- A.. The name and address of the applicant, the owner of the property, the builder or contractor or architect or engineer.
- B.. The legal description of the proposed site for the driveway or field road.
- C.. Size of the property or parcel.
- D. A construction plan as described in Section 4.

#### **6.3 Timing and Posting**

- A.. No building permit for construction of any structures shall be issued until a driveway permit has been issued for the lot in question.
- B. A permit issued hereunder is effective for twenty-four (24) months from the date of approval. The final inspection per Sec. 7.4 must be requested within the twenty-four (24) month permit period or a new permit application may be required by the Town unless a permit extension is granted prior to the expiration date.

C If construction has not been started within twelve (12) months of the date of issuance of the permit, the permit is deemed expired unless an extension is granted prior to the expiration date.

D. The permit shall be posted at the site in such a manner as to be in conspicuous view from the Public highway.

## **SECTION 7. INSPECTIONS**

### **7.1 Timing**

The property owner shall make the property available for inspection during normal business hours or such other time as may be mutually agreeable to the owner and inspector.

### **7.2 Pre-build Inspection**

The landowner and/or design engineer and/or contractor shall meet on-site with the Inspector to determine the feasibility of the proposed driveway or field road location and design.

### **7.3 Interim Inspection**

In the case where only the base course roadbed per Sec. 4.3.A.2 is to be used during construction of structures on the property, prior to the commencement of any construction activities, the property owner or contractor shall notify the Town Patrolman, who shall inspect the work and either accept it or reject it. If the work is rejected, the entrance may not be placed into service until the relevant deficiencies have been corrected and re-inspected by the Patrolman.

### **7.4 Final Inspection**

After completing driveway or field road construction work, the property owner or contractor shall within seven (7) days of completion (including erosion control measures) notify the Town Patrolman, who shall inspect the work and either accept it or reject it. If the work is rejected, the driveway or field road may not be placed into service until the relevant deficiencies have been corrected and re-inspected by the Patrolman. Failure to receive a final approval prior to the expiration date of the permit shall be a violation of this Ordinance.

## **SECTION 8. PENALTIES FOR NON-COMPLIANCE**

### **8.1 Violations**

A. Any person who violates, disobeys, neglects, omits, tries willfully to circumvent the intent of the Ordinance, refuses to comply with this Ordinance, or resists enforcement of any of its provisions shall be subject to a written notice of violation.

B. The Town Patrolman, Building Inspector, a law enforcement officer, or any other authority authorized by the Town Board may require by written order any premises violating this Section to be put in compliance within thirty (30) days from written order or other time as specified in such order.

## **8.2 Penalties**

A. Each written order shall be considered a new violation of this Ordinance. Forfeitures shall be assessed in the following manner:

1. Failure to comply with first written notice: \$100.00
2. Failure to comply with second written notice: \$150.00
3. Failure to comply with third written notice: not less than \$150.00 nor more than \$1,000.00 for each day of continued non-compliance following the expiration of the notice period contained in the notice served.

B. If a driveway or field road for which a written violation order has been issued is not brought into full compliance within the time period specified in the written notice, at the option of the Town it may through a member of the Town Board, a law enforcement officer or the Town Patrolman, issue a citation for such violation. As a complete alternative, when called for in the interest of public health, safety and welfare, the Town Board may authorize seeking injunctive relief against continuation of the violation in question.

## **SECTION 9. SHORELAND, FLOODPLAIN AND COUNTY HIGHWAY ORDINANCES**

### **9.1. State and County Shoreland and Floodplain**

Nothing in this Ordinance shall contravene the State of Wisconsin Department of Natural Resources or Barron County's ordinances, regulations and rulings applicable to lands located in shoreland zoning or floodplain overlay districts.

### **9.2. County Highways**

Nothing in this Ordinance shall contravene Barron County's ordinances, regulations and rulings relating to driveways that access County Highways.

## **SECTION 10. VARIANCES AND APPEALS**

### **10.1 Variances**

Variances to the standards of this Ordinance may be recommended by the Town of Sioux Creek or designee and authorized by the Town Board. The Town Board shall consider the decision of the Town of Sioux Creek or designee as part of the variance request and shall provide written findings to support their decision. Applications for a variance must be accompanied by the appropriate payment of fees set forth under the Town of Sioux Creek and must demonstrate that:

**A.** Failure to grant the variance would result in exceptional and unnecessary hardship to the applicant.

**B.** The hardship described in part A. above is specifically related to the property, and is the result of special circumstances applicable to the property, including size, shape, drainage, topography, location and

surroundings, and is not from the applicant's own actions or simply for the economic convenience of the applicant.

**C.** Granting of the variance will not be materially detrimental to the public health, safety, welfare, use or interest.

**D.** The granting of the variance will not materially compromise the goals and policies of the Town of Sioux Creek Comprehensive Plan, be inconsistent with other applicable regulations or inconsistent with the purpose of this Ordinance.

**10.2 Appeals**

Applicants for a driveway or field road permit can appeal any decision or permit condition of the Town of Sioux Creek or designee by following procedures contained in the Town of Sioux Creek Ordinance Regarding Administrative Appeals.

**SECTION 11. ADOPTION AND EFFECTIVE DATE**

This Ordinance shall take effect upon its adoption and publication as required by law.

|                           |                |
|---------------------------|----------------|
| Ordinance first Adopted   | April 14, 2009 |
| Ordinance first Published | April 23, 2009 |

TOWN OF SIOUX CREEK, BARRON COUNTY, WISCONSIN

Signed: Michael Wick (signature)  
Michael Wick, Town Board Chairperson

Signed: Kathleen L. Martin (signature)  
Kathleen L. Martin, Town Clerk