

TOWN of EUREKA
Polk County, Wisconsin

DRIVEWAY ORDINANCE

Adopted May 11, 2017

Repeals and Replaces existing Driveway Ordinances for the Town.

The Town of Eureka, Polk County, Wisconsin, ordains as follows:

SECTION I. Purpose

The purpose of this ordinance is to regulate the location, design, construction of driveways in the Town of Eureka, Polk County, for the safe flow of traffic; ensure the integrity of the roadway surface; and provide effective drainage of surface water.

SECTION II. Authority

The Town Board of the Town of Eureka has village powers under Section 60.10(2) (c), Wis. Stats., that grants general police powers as set forth in Section 61.34(1), Wis. Stats., to regulate certain uses, activities, businesses and operations that may affect the streets and highways in the Town of Eureka.

SECTION III. Definitions

Residential/Recreational Driveway – Any driveway accessing a lot or parcel that's primary use is not an agricultural, commercial or industrial use.

Agricultural Driveway – A driveway used primarily to access an agricultural field or agricultural buildings.

Commercial/Industrial Driveway – A driveway used to access a property that is primarily commercial or industrial use or to access a business.

Temporary Driveway – A driveway that may be placed for a specific purpose such as logging but must be removed at the end of an allocated period of time.

Road Right-of-Way (RoW) – A maximum of thirty-three (33) feet from the center line of a town road.

Public Roadway – A road that is maintained by a governmental entity.

Private Roadway – A road that is not maintained by a governmental entity.

SECTION IV. Jurisdiction

This ordinance shall apply to all driveways entering on to public roads in the Town of Eureka.

SECTION V. Driveway Permit Required

A. No person shall construct a driveway without first obtaining a driveway permit. Actions that will trigger the need to obtain a driveway permit for existing driveways include change of use; or change in topography or width of the existing driveway. When logging a parcel a driveway permit will be required for a

temporary driveway. Re-surfacing of a previously constructed driveway does not constitute a change in the existing topography of the land.

B. Applications for driveway permits shall be submitted to the Town of Eureka town clerk. The application will be reviewed in a timely manner, and based upon the specifications set out in this ordinance the application will either be approved or rejected by an authorized official of the Town.

C. A person whose application is rejected may, within 30 days, appeal that decision to the Town Board. The Town Board shall review the application, and, based upon the specifications set out in this ordinance, either approve or reject the appeal. Deviations from the specifications required by this ordinance may be approved by the Town Board in extenuating circumstances.

D. State or county driveway or access permits may be required in some cases. If a permit is required from another jurisdiction no construction may begin until such permit has been obtained.

E. Any driveway location approved as part of a subdivision plat shall be exempt from the requirements regarding location of the driveway, however, a permit is still required for the driveway and all other requirements shall apply.

SECTION VI. Permit Fee

The fee for driveway permits is \$75.00.

SECTION VII. Specifications within the Town Road RoW

- A. Width: Residential/Recreational driveways accessing a public roadway shall have a minimum road surface width of twenty-four (24) feet from edge of roadway back three (3) feet. Agricultural driveways shall have a minimum width of thirty-six (36) feet. All driveways exiting the road right-of-way shall be a minimum of twelve (12) feet in width.
- B. Road Bed Materials: All driveways shall have six to eight inches (6"-8") of class 5 material. This measurement shall be made after the road bed materials are compacted.
- C. Culverts: No driveway shall obstruct or impair drainage of any side ditches or roadside areas. Driveway culverts shall be installed, as determined by a Town official to provide for adequate surface water drainage.
- The culvert must have a diameter sufficient to accommodate the ditch and water runoff as determined by a Town official.
 - The culvert must be placed in the lowest point of the drainage ditch.
 - The culvert must be a minimum of thirty (30) feet in length and include end walls for a residential/recreational driveway and forty (40) feet for an agricultural and temporary driveway.

- The culvert shall be of the galvanized steel, aluminized, or double wall plastic type.
 - The culvert shall have a minimum of one foot of cover on top of the culvert.
- D. Clearance Requirement: The driveway clearance width must be a minimum of twenty-four (24) feet and the driveway height of clearance free of trees and wires must be a minimum of eighteen (18) feet.
- E. Grade: A driveway from a hillside entering the road right-of-way must be crowned to ensure proper drainage and to minimize driveway material from entering the public roadway. The driveway surface should attempt to enter the road right-of-way at the same level as the road's shoulder. The surface of a driveway coming from a valley should attempt to enter the public road right-of-way at same level of the road's shoulder.
- F. Distance Between Driveways And Intersecting Highways: There shall be a minimum of one-hundred fifty (150) feet between access driveways on the same side of the road. There shall also be a minimum of one-hundred fifty (150) feet from a driveway and the centerline of an intersecting roadway.
- G. Distance from Property Line: There shall be a minimum of ten (10) feet distance between the driveway and property line.
- H. Line of Sight: There shall be a minimum of one-hundred fifty (150) feet line of sight distance from both directions where a driveway intersects a public road. Driveway entrances must be kept clear of brush, shrubbery, or large boulders back at least thirty-three (33) feet from the center of the public road.
- I. Angular Placement: Driveways entering the public road right-of-way shall be at ninety (90) degrees plus or minus ten (10) degrees to the pavement.
- J. Number of lots/parcels accessed by a Driveway: Driveways shall not serve more than two (2) lots/parcels. Driveways shall be built to the specifications of the Town of Eureka's Public Works Road Standards Ordinance if three or more lots/parcels are serviced.

SECTION VII. Inspection and Approval

The inspection and approval of any driveway application shall be a prerequisite to the issuance of a driveway permit. The complete and final construction of any driveway shall be subject to the review of an Official of the Town of Eureka.

SECTION IX. Violation/Penalty

No person, corporation or organization shall construct or install any driveway which violates any provision of this ordinance regardless of whether intent to violate was present. Any person, corporation or organization failing to comply with the provisions of this ordinance shall be subject to penalties of \$100 per offense, with each day such violation exists constituting a separate offense, and/or be subject to an injunction action which demands that the condition constituting the violation cease or be cured. Any

person, corporation or organization failing to comply with the provisions of this ordinance shall also be responsible for paying the costs of prosecution.

SECTION X. Validity

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be invalid.

SECTION XI. Effective Date

This Ordinance shall take effect from and after its passage and legal publication.

Adopted this 11th day of May, 2017.

/s/Gene Krull, Chairman

Attest: /s/David Anderson, Clerk