

TOWN OF CLIFTON
ORDINANCE NO. 2019-1
AMENDED DRIVEWAY ORDINANCE

WHEREAS, the Town of Clifton heretofore adopted a "Driveway Ordinance" on April 5, 2000;

WHEREAS, the Town Board believes it necessary to update the ordinance, making several changes thereto;

NOW THEREFORE, the Town Board of the Town of Clifton does hereby ordain as follows:

Section 1. Purpose

The purpose of this Ordinance is to regulate the location, design, and construction of driveways within the Town of Clifton, Pierce County, Wisconsin.

Section 2. Definitions

- A. **Driveway:** Access provided from a public road or a private connecting driveway to any privately owned property.

Section 3. Compliance

This Ordinance shall apply to all new driveways, and all driveways hereafter altered, which are intended to serve a land parcel. Alteration of a driveway includes the laying or replacement of culverts or bridges, and the widening and lengthening of the driveway. At any such time as the use of the property is changed, a new driveway permit will be required to be obtained.

Section 4. Driveway Permit Required

A driveway permit is required for any new driveway or when an existing driveway is altered. No driveway permit shall be issued until a completed application has been approved by the Town of Clifton. Driveways which exit onto County or State roads need County or State approval and do not require a town permit. However, the driveways existing onto County or State roads still must comply with the requirements of this ordinance.

Section 5. Permit Fee

The fee for a driveway permit shall be such fee as is established from time to time by Resolution of the Town Board.

Section 6. Specifications

A. General.

The specifications for driveways shall be those that are established from time to time by the Town Board. At inception of this Ordinance, and until modified by Resolution of the Town Board, the specifications for driveways, unless otherwise specifically provided in this Ordinance, shall be those specifications currently on file with the Town Clerk and marked "May 2019."

B. Culverts.

(1) Driveways over bridges or culverts must be so constructed, erected and maintained as to comply with engineering specifications sufficient to sustain and carry a weight load of not less than twenty-five (25) tons and must have the ability to withstand water from a twenty-five-year flood. Pierce County Highway Department and U.S. ASCS Standards shall govern in determining if the "twenty-five-year flood" requirement has been complied with. Bridges, as well as culverts with a diameter greater than 30 inches, shall be inspected every five years, beginning on that date five years from the date of the initial grant of the permit, and in addition shall be inspected after any 25-year flood, for the purpose of compliance with this Ordinance. Any such inspection shall be initiated by the Town, by inspector retained by the Town, and the cost thereof shall be assessed against the owner. If the cost of such inspection is not paid for, the owner then it shall be added as a special charge against the premises on the tax roll. **Minimum culvert size is 15 inches of galvanized material with end walls regardless of 25 year flood calculation.**

(2) The owner of any premises to be served by a driveway traversing a bridge or culvert must execute an agreement with the Town, in form suitable for recording in the office of the Pierce County Register of Deeds, containing the following: the owner(s) must agree for themselves, their heirs and assigns, to be responsible for maintenance of the bridge and/or culvert in accordance with this subsection; and, in the event they fail to so maintain said bridge and/or culvert then the Town may fix, repair or maintain same, and add the charges thereof as a special lien on the tax roll against the property for which the building (driveway) permit was

issued pursuant to Section 66.60(16). Stats., the applicant specifically waiving notice of any hearing or proceeding regarding the fixing of said assessment; provided, however the Town shall first give the applicant a 30 day notice directing the applicant to fix and repair said bridge and/or culvert prior to the Town undertaking said repairs. Where more than one owner of the property is served by the subject bridge and/or culvert the charges assessed thereunder shall be assessed proportionally among the owners in an amount equal to the fractional share of the cost thereof, the said fraction to have a numerator of 1 and a denominator equal to the total number of owners of properties (serviced by permits issued under this Section) having access to their premises by way of the subject driveway.

C. Overhead Clearance

All driveways constructed shall have a minimum overhead clearance of 14 feet over the width of the driveway road bed.

D. Pull Out Distance

A driveway must have a pull-out distance which assures that there shall be a minimum seven (7) second interval which will start when an average size automobile first appears on approach to the intersection of the driveway and the public road until it passes the proposed driveway. The pull-out distance will be calculated from a point 10 feet from the edge of the traveled lane of highway and at an eye level of 3 1/2 feet and shall be based on an average size automobile traveling the speed limit on the adjoining public road.

E. Angular Placement

The center line of that part of the driveway lying adjacent to the public road right-of-way shall be at a 90° (ninety degree) angle to the centerline of the public road.

F. Driveways in excess of 300 feet

Driveways in excess of 300 feet in length, and which terminate in a dead-end, shall have a 14.0-foot height clearance and terminate at a turn around with either a minimum 90 foot diameter or sufficient area and design to enable the turnaround of a tandem axel truck. In calculating driveway length hereunder, there shall be counted the length of the new

or altered driveway, together with any other driveway it connects or intersects en route to the Town road or other public highway.

G. Lot Lines

Driveways shall be no closer than five (5) feet from lot line to traveled portion of driveway unless the driveway is shared with the adjoining land.

H. Grade

The gradient for driveways shall not exceed 12%.

I. Erosion

Proper steps shall be taken for erosion control as determined by the Town Board.

J. Access Slope

The access of the traveled portion of the driveway sloping toward the adjoining public road shall slope down a minimum of 4" and a maximum of 12" at a distance of 25 feet from the edge of the pavement on the adjoining public road.

K. One driveway per parcel

Any additional driveways require approval by the Clifton Town Board.

L. Placement

Driveways must be placed at least 100 feet from any intersection of any public roads.

Section 7. Inspection and Approval

The inspection and approval of any driveway site shall be a prerequisite to the issuance of a driveway permit. The completion and final construction of any driveway shall be subject to the approval of the Town of Clifton. Town Board cannot approve driveways which exit onto State or County roads.

Section 8. Relation of Driveway Permit to Issuance of Building Permit

No building permit shall be issued for the construction of any building on any private property until a driveway permit has been issued under this Ordinance, or existing driveway has been approved by Building Inspector.

Section 9. Time Completion of Driveway

Any driveway authorized to be constructed by the issuance of a permit under this Ordinance shall be fully and completely constructed within one (1) year from the date of the issuance of the driveway permit.

Section 10. Variance

Where, because of practical necessity or impossibility, it appears the owner of an existing driveway cannot improve his/her driveway to meet the conditions of this Ordinance, the Town Board may in its discretion grant a variance to allow the alterations and/or improvements with such modifications or improvements to the existing driveway, culverts or bridges as the Town Board may direct.

Section 11. Violation/Penalty

No person, corporation or organization shall construct or install any driveway which violates any provision of this ordinance. Any person, corporation or organization who fails to comply with the provisions of this ordinance shall forfeit not less than \$500.00 nor more than \$1,000.00 for each violation, plus the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense. The Town of Clifton may institute appropriate action or proceedings to enjoin a violation of this ordinance, or to require any person, corporation or organization to comply with this ordinance.

Section 12. Validity

Should any section, clause or provision of this ordinance be declared 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 13. Repeal

This section repeals all other previous driveway ordinances including the Driveway Ordinance adopted April 5, 2000.

Section 14. Effective Date

This Ordinance shall take effect after passage and posting as required by law.

Passed and adopted the amendment this 6th day of April 2022.

Town of Clifton

By: LeRoy Peterson
LeRoy Peterson
Town Chair

Attest: Kris Johnson
Kris Johnson
Town Clerk

I, the undersigned Town Clerk, hereby certify the foregoing Ordinance was posted in the following three public places in the Town of Clifton on, April 6 2022.

Attest: Kris Johnson
Kris Johnson
Town Clerk