

## CHAPTER 185

### REGULATING INSTALLATION AND MAINTENANCE OF DRIVEWAYS AND STANDARDIZING SPECIFICATIONS FOR DRIVEWAYS

[History: Ord 2008-13]

#### 185.01 INTENT AND PURPOSES.

**(1) Exercise of Police Power.** This Ordinance is adopted to promote the health, morals, comfort, prosperity and general welfare of the City of Richland Center.

**(2) Specific Purposes.** This Ordinance is adopted for the specific purposes of:

**(a)** Assisting in providing all-weather accessibility of all structures, particularly inhabited structures, to fire, police, ambulance and other emergency services.

**(b)** Protecting emergency personnel and emergency equipment from undue or unnecessary risk in carrying out their duties.

**(c)** Protecting the roadways and rights-of-way of public streets and highways in the City of Richland Center from deposits or accumulations of soil, mud, water, ice, gravel or other foreign substances which endanger the traveling public and cause unnecessary expense to the taxpayers of the City.

**(d)** Limiting congestion in the public rights-of-way and minimizing conditions which are a danger to the traveling public caused by or incidental to the placement of driveway entrances onto public streets and highways in locations where vehicle operators cannot readily see vehicles or persons entering or leaving the public streets and highways or where the proximity of driveway entrances to street intersections or other driveways creates hazardous traffic conditions.

**185.02 DEFINITIONS.** In this Chapter, the following words shall have the meanings set forth below. Any words not defined below but defined elsewhere in the Code of Ordinances of the City of Richland Center shall have the meanings therein defined.

**(1) City:** The City of Richland Center.

**(2) Curb Line:** The line of any existing curbing or, where no curbing has been installed, the edge of the paved right-of-way of a street.

**(3) Driveway:** Any private road or area where vehicular travel occurs from the roadway of a public street or highway onto or across privately owned land for the purpose of accessing any privately owned land or any structures or improvements on privately owned land. A driveway includes all lands over which such travel occurs outward from the edge of the public street roadway to the terminus of the driveway, including any portion of the public street or highway right-of-way crossed by the private road between the roadway and the right-of-way line of the

public street or highway.

**(4) Driveway approach:** The portion of a driveway located between the roadway of the intersecting public street and the outer edge of the street right-of way.

**(5) Driveway opening:** The portion of a driveway where a driveway meets and opens onto a public street.

**(6) Boulevard or Boulevard Area:** That portion of a street right-of way between the edge of the paved roadway and the outer edge of the street right-of-way.

**(7) Joint Driveway:** A driveway constructed partially on two adjacent lots to serve two structures, one located on each of the lots over which the joint driveway runs.

**(8) Multifamily residential structure:** A structure containing more than two (2) dwelling units.

**(9) Private Driveway:** Synonymous with Driveway

**(10) Residential Driveway:** A driveway which serves only a structure or structures containing one single family residence or one two family residence.

**(11) Roadway:** That portion of a public street or highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder.

**(12) Shared Driveway:** A driveway which lies on or crosses one lot and which serves as the primary access from the public street or highway to structures on more than one lot.

**(13) Street Intersection Area:** The area where the roadways of more than one public street meet, intersect or overlap.

### **185.03 PERMITS REQUIRED TO CONSTRUCT, RECONSTRUCT, ALTER OR ENLARGE A DRIVEWAY; APPLICATION FOR PERMITS; ACTIONS ON APPLICATION**

**(1) Driveway Permits Required.** No person shall construct, reconstruct, alter or enlarge a driveway which opens onto the right-of-way of any public street or which crosses any sidewalk or street curbing or which otherwise affords access from any lot or parcel of land onto the roadway of a public street without first obtaining a driveway permit from the Public Works Superintendent. No zoning permit for a new structure shall be issued until a driveway permit has been issued for any proposed driveway on the property.

#### **(2) Application for a Driveway Permit; Fee.**

(a) Application for a driveway permit shall be made to the City Clerk by the property owner by filling out all requested information and submitting a form prescribed by the Public Works Committee for referral to the Public Works Superintendent, and shall be accompanied by a drawing accurately depicting the matters set forth in (d) below.

(b) If the proposed private driveway is a part of construction of a new building or other structure for which a zoning permit has been applied for, application for a driveway permit with the drawing is required, but no additional fee for the driveway permit is required.

(c) There is imposed a fee for a driveway permit application, which shall initially be \$20.00; such fee may in the future be changed by the Common Council by resolution or ordinance.

(d) All applications for driveway permits shall and be accompanied by a drawing showing the exact location of:

1. The driveway and approaches.
2. The property lines of the lot over which the driveway will lie.
3. The abutting street right-of-way line of the street into which the driveway will open and the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street.
4. The width of the street right-of-way and width and type of roadway surface of the street in the area where the driveway opens onto the street roadway
5. Other public streets or roadways intersecting the street into which the driveway will open lying within three hundred (300) feet of the proposed driveway opening
6. Type of surface and width of driveways and approaches.
7. Distance from right-of-way line to other structures on the site (setback distance).
8. Grade of the driveway.
9. Proposed turning radii
10. Any other pertinent information as may be required by the City.

**(e) Additional Application Provisions.** All driveway permit applications shall contain the applicant's acknowledgment and agreement that:

1. The applicant represents all parties in interest, and that such proposed driveway is for the bona-fide purpose of securing access to his/her property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the City street, or for any other purpose.
2. The City, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the City street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction to such private driveway.

3. The permittee and his/her/its heirs, successors or assigns agree to indemnify and hold harmless the City of Richland Center, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the installation or use of such driveway

4. The City does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material deposited by normal snowplowing operations upon any portion of such driveway lying within the dedicated portion of a City street.

**(d) Action Upon Application for a Driveway Permit; Right of Review of Denials.**

1. The Public Works Superintendent may, after reviewing the application and making such other investigation as the Public Works Superintendent deems appropriate, issue a driveway permit upon a determination that such driveway is in conformity with this Chapter or, if the proposed driveway is not in conformity, shall deny the application. .

**2. Review by Public Works Committee of Permit Denials.** Any person feeling himself/herself aggrieved by the refusal of the Public Works Superintendent to issue a permit for a private driveway may request a review of such refusal to the Public Works Committee of the City Council within twenty (20) days after notification of such refusal to issue such permit is made. Such request shall be made in writing and delivered to the City Clerk within such 20 days. The Public Works Committee may review the matter and, if the Committee determines that a variance from the requirements of this Chapter is appropriate, may so recommend to the Common Council. The Public Works Committee is not authorized to grant variances from the provisions of this Chapter, but only to review grievances and make recommendations to the Common Council. The person requesting the review shall be given at least five (5) days written notice of the time and place of the meeting where the Public Works Committee will conduct its review and formulate its recommendations and such person shall be entitled to appear at the meeting and be heard on the matter.

**(e) Variances.** Any of the requirements set forth in this chapter may be varied by the affirmative vote of six (6) members of the Common Council, but only upon denial of a permit and only upon specific findings by the Common Council that all of the following exist:

1. The peculiar nature of the property or the design of the public street makes the rigid adherence to the requirements of this chapter impossible or impractical, and

2. The literal enforcement of the provisions of this Chapter will result in practical difficulty or unnecessary hardship, but not a hardship that is self-imposed by the landowner. The hardship or difficulty must have to do with the characteristics of the land and not of acts of the property owner, and

3. The granting of the variance is not contrary to the public interest and not inconsistent with the specific purposes of this Chapter as set forth in paragraph 185.01(2) of this Chapter, so that the spirit of this Chapter shall be observed, public safety and welfare secured and substantial justice done.

4. No variance shall be granted for a driveway more than 150 feet in length which does not meet the standards of NFPA Chapter 18 for Fire Department Access and Water Supply.

**185.04 GENERAL DRIVEWAY LOCATION, DESIGN AND CONSTRUCTION REQUIREMENTS AND RESTRICTIONS.** The location, design and construction of driveways located wholly or partly within the City of Richland Center or serving properties within said City shall be in accordance with and subject to the following requirements and restrictions:

**(1) General Driveway Design Criteria.**

(a) Private driveways shall be of such width and so located that the driveway opening is within the limits of the lot frontage of the lot served by the driveway.

(b) No driveway shall provide direct ingress or egress to, from or into any street intersection area, nor shall it encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals.

(c) All driveways shall be so located and constructed that vehicles approaching the driveway on the public street or exiting the driveway shall have adequate sight distance along the street from the driveway opening to enable safe exit from the driveway onto the public street.

(d) Driveway openings shall be located not less than ten (10) feet from the nearest point on any other driveway, except by special permission from the Public Works Superintendent.

(e) Driveways shall in all cases be placed wherever possible so as not to interfere with utility lines or other utility components previously installed and in place.

**(2) Number of Driveways Allowed Per Lot.** The number of driveways to serve an individual lot fronting on a street shall be one (1), except that where due to unusual conditions unique to the lot or its location, and after considering the safety and convenience of the public, it is deemed necessary and feasible to provide reasonable and adequate access to the property, the Common Council may authorize additional driveway openings serving one lot.

**(3) Drainage off Driveway Surfaces.**

(a) The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.

(b) No driveway approach shall extend out into the street further than the face of the curb, and under no circumstances shall a driveway approach extend into the gutter area.

(c) All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches, or roadside areas or with any existing structure on the street right-of-way.

**(4) Construction of Driveway Approaches.** All driveway approaches shall be constructed to meet the standards set forth in Chapter 620 of the Code of Ordinances of the City.

**(5) Construction of Driveways Across Sidewalks.** Construction of any new driveway or reconstruction of any existing driveway which crosses a sidewalk shall include the replacement of

such areas of the sidewalk which are inadequate , which are deteriorated or which may be damaged by means of vehicular travel across the sidewalk. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the standards for sidewalk construction in Chapter 620 of the Code of Ordinances of the City insofar as such requirements are applicable, including thickness requirements.

**(6) Reconstruction of Preexisting Curb and Gutter Crossed by Driveways.** When the reconstruction of a driveway requires the removal of a section of existing curb or gutter for the driveway opening or replacement of any part of an existing curb and gutter for any other reason, the new curb and gutter shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner.

**(7) Boulevard Area.**

**(a) Restrictions on Uses in Boulevard Area.** The boulevard area in the street right-of-way between successive driveways shall constitute a restricted area and shall be filled in with soil and sod or seeded with lawn grass or paved. No trees, bushes or shrubs shall be planted within the boulevard area except as permitted by the Urban Tree Board of the City of Richland Center, and no structures shall be placed therein except standard mail boxes on posts.

**(b) Filling and Grading in Boulevard Areas.** Filling and grading within the boulevard area between successive driveways may be done only when the following requirements are complied with:

1. Filling or draining in an boulevard area shall be to grades approved by the Public Works Superintendent and, except where drainage off of the abutting public street or highway is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
2. Culvert extensions which extend under the restricted area shall be of the same size and of equivalent acceptable material as a culvert under the driveway. Intermediate manholes adequate for culvert cleanout purposes may be required where the total culvert length is excessive.
3. Where no street side ditch or curb and gutter separates the restricted area from the street roadbed; permanent provision such as construction of a border, curb, rail or posts may be required to separate the area from the street roadbed to prevent use of the restricted area for driveway or parking purposes by as may be required by the Director of Public Works.

**(8) Costs of Relocating Utilities.** Any costs of relocating utility lines or other components of a utility system necessitated by the proposed installation or reconstruction of a driveway shall be at the expense of the property owner. Such relocation shall be approved in advance by the utility and the relocation shall be done by the utility and paid for before the driveway may be installed.

**(9) Paving of Driveway Approaches.** The paving of driveway approaches required by Chapter 620 shall be done within three (3) months after the initial opening or use of the driveway.

**(10) Maximum Permissible Grade of Driveways** To provide safe access to and egress from any structure for both the property owner and the owner's invitees and emergency vehicles, no portion of any driveway shall have a surface grade which exceeds twelve per cent (12%).

**(11) Maximum Length of Driveways.** The length of a driveway shall not exceed one hundred feet (100') from the point where the driveway enters the roadway of a public street.

**(12) Structures Within Street Right-of-way Prohibited.** No person, firm or corporation shall place, construct, locate or cause to be placed, constructed or located any obstruction or structure within the limits of any public street, highway or road in the City of Richland Center except as permitted by this Chapter. As used herein the word "structure" includes any private driveway, a portion of which extends into the right-of-way of any public street or highway and which is not in conformity with this Chapter.

**(13) Setback from Street Intersection Area** No driveway shall be constructed which provides direct ingress to or egress from a street intersection area. No driveway opening shall be closer than thirty-five (35) feet from any street intersection area.

**(14) Traffic Controls, Signs or Signals.** No driveway shall be constructed which occupies any area of the roadway deemed necessary by the City for effective traffic control or for highway signs or signals.

**(15) Grade Where Driveway Meets Roadway.** The grade of that portion of any private driveway located within the limits of any public road, highway or street shall be such as shall meet the existing grade of the public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.

**(16) Driveway Approach Not to Extend Past Curb Line.** No driveway approach shall extend out into any public street beyond the facing of the curb or, where there is no curb, further than the closest edge of the roadway, and under no circumstances shall any driveway approach extend into any gutter area. All driveway entrances and approaches shall be constructed so as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way.

**185.05 SPECIFIC REQUIREMENTS FOR DRIVEWAYS SERVING NEW ONE AND TWO FAMILY RESIDENTIAL STRUCTURES.** In addition to the general regulations set forth in this Chapter, the following regulations are applicable to new driveways serving only one and two family residential structures constructed after the effective date of this Chapter:

**(1) Maximum Number of Residential Structures Served by One Driveway.** A driveway shall not be used as the primary access to a public street for more than one residential structure unless it is an approved joint driveway or, in the case of a shared driveway, unless a variance has been granted by the Common Council permitting use of a shared driveway. A request to install a shared driveway on a single parcel of land which will serve more than one residential structure must be recommended to the Common Council by the Public Works Committee and approved by the Common Council before a driveway permit is issued.

**(2) Angular Placement of Residential Driveways.** The center line of the driveway serving a residential structure may be either perpendicular to the front property line of the lot where access is required or at right angles to the line of the curb fronting the lot, if the curb line is not parallel to the front line of the lot..

**(3) Maximum Width of New Residential Driveways.**

(a) A single-width driveway running from the street access to a garage or parking pad shall not utilize more than fifteen percent (15%) of the width of the front line of the lot or exceed twenty-four (24) feet in width, whichever is less, except for front yards with a front footage width of less than seventy (70) feet in which case the maximum width for a single driveway shall be twelve (12) feet.

(b) A double-width driveway running from the street access to a garage or parking pad shall not utilize more than twenty-seven percent (27%) of the width of the front line of the lot, provided, the maximum width of a driveway shall not exceed twenty-four (24) feet in any case and shall not exceed eighteen (18) feet for front yards with a front footage width of less than seventy (70) feet.

**(4) Maximum Length of New Residential Driveways.**

No driveway serving a property containing one or more residential units shall be longer than 150 feet measured from the roadway of the public street off which the driveway is accessed to the nearest portion of the residential structure which it serves. Any driveway longer than 150 feet shall require a conditional use permit.

**(5) Chapter 620 Standards Incorporated.** All driveway openings and approaches shall meet the standards set forth in Chapter 620 relating to driveway openings and approaches, which are hereby incorporated herein by reference..

**185.06 JOINT DRIVEWAYS SERVING ONE AND TWO FAMILY RESIDENTIAL STRUCTURES.**

A joint driveway is permitted and may be installed only where, on the effective date of this Chapter there was an existing residential structure on one or both of the lots so located that there is inadequate room between the structure and the lot line of either or both lots to install a driveway or driveways exclusively upon either or both lots. Any addition to such a pre-existing structure made after the effective date of this Chapter which expands the footprint of the pre-existing structure so that there is now insufficient room for a driveway to be located exclusively on the lot but where there was sufficient room before the addition for a driveway to be located exclusively upon the lot, shall not qualify the property for a joint driveway.

**185.07 SPECIFIC REQUIREMENTS FOR COMMERCIAL, INDUSTRIAL, CHURCH, SCHOOL AND MULTIFAMILY RESIDENTIAL DRIVEWAYS.** In addition to the general requirements set forth in this Chapter, the following regulations are applicable to driveways serving commercial or industrial uses, churches, schools or residential structures containing more than two dwelling units.

**(1) Width of Commercial, Industrial, Church, School or Multifamily Driveways** The maximum permitted width of the driveway opening of a driveway serving a commercial or industrial use or a multifamily residential structures shall be thirty-five (35) feet at the curb line. In instances where the unique nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Common Council in its discretion may permit a driveway of additional width.

**(2) Angular Placement of Commercial or Industrial Driveways.** The angle between the center line of the driveway and the curb line shall not be less than 45°.



**(3) Boulevard Areas Between Commercial or Industrial Driveways.** Where there is a public sidewalk which abuts the curb, a boulevard of a minimum length of six (6) feet measured along the curb line shall be retained between each driveway entrance to a City street. The curb shall be left intact for the length of this boulevard. Where there is a public sidewalk which is set back from the curb, a boulevard of a minimum length of ten (10) feet measured along the street right-of-way line shall be retained between each entrance to the City street. All driveway flares shall be tangent to the curb line. A curb length of not less than three (3) feet shall be left undisturbed adjacent to each property line to serve as a boulevard area in the event that an adjoining property owner applies in the future for a driveway permit to serve his/her property.

**185.08 CULVERTS**

**(1) When Culverts May Be Required.** The City shall have the right to require installation of a culvert or culverts in the following circumstances:

(a) Where a driveway crosses a side ditch in the right-of-way designed or intended to collect or remove excess water in the area.

(b) Where the City deems it necessary to divert water flowing off of any driveway because such water flow is reasonably believed or calculated to be of such volume as to cause an excessive amount of water to flow off the driveway onto a City street or onto a neighboring property.

**(2) Culvert Construction Standards.** The following construction standards shall apply to all required culverts:

**(a) Size.** Required culverts shall be installed prior to construction work being commenced on the property served. The City shall have the right to specify the size of the culvert pipe. In no case shall pipe smaller than twelve (12) inches in diameter (or equivalent elliptical or arch pipe) be allowed. All culverts shall be constructed of galvanized steel or reinforced concrete, and shall be of new manufacture, unless specifically excepted by the Public Works Superintendent.

**(b) Wall thickness of Culverts.** The minimum wall thickness for galvanized steel pipe culverts shall be in accordance with the following:

<b>Pipe Diameter</b>	<b>Gauge</b>
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

Reinforced concrete pipe culverts shall be in accordance with the following:

<b>Height of Cover (in feet)</b>	<b>Class of Pipe</b>
0-2	IV
2-3	III
3-6	II

**(c) Drainage and elevations.** All culverts shall be placed in the ditch line at elevations that will assure proper drainage away from the culvert in the direction established for water flow in the ditch line away from the area.

**(d) Culvert Endwalls.** Culverts shall be provided with concrete or metal apron endwalls directed by the Director of Public Works.

**(e) Backfill Over a Culvert.** Material used for backfill over a culvert shall be of a quantity and quality approved by to the Public Works Superintendent and shall be free from rock larger than 1" in diameter, frozen lumps of soil, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.

**(f) Erosion Control.** Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Director of Public Works.

**(g) Distance Between Culverts.** The distance between culverts under successive driveways shall not be less than ten (10) feet from the nearest ends of the culverts.

**(h) Responsibility for Culvert Costs and Maintenance.** The property owner shall be responsible for the cost of any required culvert and for the cost of installation of such culvert. The property owner shall be responsible for keeping culverts unobstructed and clear.

#### **185.09 PENALTIES FOR VIOLATIONS.**

**(1) FORFEITURE.** Any person, partnership, corporation, limited liability company, voluntary association or other legal entity who shall violate or fail or refuse to comply with any section of this chapter may be prosecuted for such violation and shall, upon conviction, forfeit to the City of Richland Center not less than \$100.00 nor more than \$400.00, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person, any partner of such partnership, or any officer, director or managing member of any corporation or limited liability company or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay. Each day that a violation is maintained or permitted to exist shall constitute a separate violation.

**(2) OTHER REMEDIES.** In addition to or as an alternative to the imposition of a forfeiture or other procedures under this Chapter, the City may, in circumstances deemed appropriate by the City, proceed by court action against any violation or violator of this Chapter for injunction or other remedy available to the City.

**(3) REMEDIES NOT EXCLUSIVE.** Such proceeding seeking other remedies shall not be deemed waived by the City by the imposition of a forfeiture for the same violation, nor shall imposition of a forfeiture be deemed a waiver of or a bar to proceeding for other remedies.