

# TOWN OF EMMET

Established in 1848

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DODGE COUNTY • WISCONSIN



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## Town of Emmet, Dodge County Wisconsin Town of Emmet Driveway Ordinance Relating to the Construction of Private Driveways Repeal and Replace Ordinance No. 22 Driveway Permit

### Town of Emmet Driveway Ordinance No.43

#### Article 1. Title and Purpose

This ordinance is entitled the Town of Emmet Driveway Ordinance. No. 43

The purpose of the ordinance is as follows:

Whereas interest has been expressed to establish standards for driveways in the Town of Emmet that will provide for same and adequate access from private development to public right-of-way. The primary reasons for the ordinance include but are not limited to the following:

- Provide safe vehicle access to public roadways (ingress/egress).
- Provide adequate access for emergency vehicles to service improved property and lift.
- Prevent water drainage and siltation from private driveways onto public roadways.

In this ordinance the term “driveway” is defined to mean private driveway, road, field road or other means of travel through any part of a private parcel of land or which connects or will connect with any public roadway. The following regulations apply to the construction or modification of private driveways on lands in the Town of Emmet. Additionally, regulations as outlined by Dodge County Land Use Code may also apply and it is the applicant, owner, agent or contractor’s responsibility to consult with Dodge County to inquire as applicable. This ordinance is for driveways installed on properties on Town of Emmet roads, in the township.

#### Article 2. Authority

The Town Board of the Town of Emmet has the specific authority, powers and duties pursuant to Section 60.61, 60.62 and 60.63 Wisconsin Statutes, pursuant to the specific statutory Articles noted in this ordinance. and/or by its adoption of village powers under

Section 60.10 to regulate and control certain uses, activities, businesses and operations in the Town of Emmet.

### **Article 3. Adoption of Ordinance**

The Town Board of the Town of Emmet has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific Articles of this Ordinance, and has established by these Articles and this Ordinance the ability to regulate and control certain uses, activities, businesses, and operations in the Town of Emmet.

### **Article 4. Definitions**

*Driveway* means a private driveway, road, field road or other means of travel through any part of a private parcel of land which connects or will connect with any public roadway. The regulations in this article apply to the construction or modification of private driveways on lands in the town.

*Driveway access* means to any area where travel occurs from a public road over land (whether by easement or ownership) not considered to be a part of the public road for the purpose of gaining access to land or improvements.

### **Article 5. General Conditions**

- A. Any private driveway, road or other means of travel through any part of a private parcel of land which connects or will connect with any public roadway is subject to the terms of this ordinance. Field roads used only for agricultural purposes may be subject to the provisions of this Ordinance.
- B. No person shall improve modify or rework a driveway, with the exception of routine maintenance which changes the existing topography of the land without consulting the Town of Emmet Chairperson, Board member or designee, to determine the applicability of obtaining a driveway permit from the Town Board. Application forms and information can be obtained from the Town Clerk or Chairperson if a permit is required.
- C. Any proposed driveway construction, improvement or modification requiring a driveway permit shall be accompanied by an erosion control plan presented at the time of application. An erosion control plan shall include the driveway owner's intentions and timing to re-seed, mulch, ditch, place culverts and carry out other erosion control practices which will be accomplished within 90 days after beginning driveway construction or modification. If an engineer's plan of the driveway is prepared, an erosion control plan shall describe practices which are not mentioned or required in the engineer's plan.

### **Article 6. Existing Driveways**

- A. Existing driveways- Driveways installed prior to the adoption of this ordinance are exempt from bringing a driveway into compliance with this ordinance. The Town of

Emmet is not responsible for debris that is washed into the public road from a private driveway. It is the property owner's responsibility to remedy if this occurs within 24 hours of the event or occurrence.

- B. For any incident in which debris is washed into the public road from a private driveway, the property owner, within 90 days of the event/occurrence, shall have a permanent solution for the problem.

#### **Article 7. Special Charges for Corrections by Town**

- A. Special charge for correction by town. If the owner of the land through which the driveway passes does not make required corrections ordered by the board within the specified time period, the town board shall cause the required corrections to be made and charge the cost of correction of such violations, including, when necessary, the return of disturbed land to its original condition. The town's direct and indirect costs of correcting the violation, including, but not limited to engineering, legal, administrative, materials and construction expenses shall be imposed as a special charge against the property through which the driveway passes pursuant to Wis. Stats. § 66.0703.
- B. If a driveway is damaged by snowplowing of town roads the owner of the driveway is responsible for all costs associated with the driveway and any damage to Town equipment.

#### **Article 8. Construction of New Driveways**

No person shall establish or construct a new driveway without first obtaining a driveway permit from the Town. Application forms and information can be obtained from the Town Clerk or on the town website.

#### **Article 9. Fees**

An applicant shall be subject to payment for the following types of fees:

- A. Driveway Application Fee

The fees rates shall be established by the Town Board and stated on the Town of Emmet Driveway Permit Application form. Fees shall be paid to the Town prior to the construction of any new or modified driveway. The applicant, owner, or agent, must obtain a driveway permit prior to receiving a Town Building Permit.

- B. The applicant, owner, agent or contractor must submit a completed Driveway Permit application and Driveway construction plan and submit it to the Town Chairperson, Board member or designee. Town Chairperson, Board member or designee, by their authority, will meet with the prospective applicant, owner or agent and review the plan.

Upon review the Town Chairperson, Board member or designee may approve the plan within 30 days of receipt.

#### **Article 10. Application Procedures**

- A. The applicant, owner, agent, or contractor must submit a completed Driveway Permit application and Driveway Location Construction Plan and submit it to the Town Chairperson, Board member or designee. The Town Chairperson, Board member or designee will review the application and make an appointment with the property owner/applicant within 7 business days of receipt of the application for review and/or conduct an onsite inspection where applicable.
- B. The applicant who may be the owner, agent, or contractor shall submit a draft of the location construction plan showing scale, north arrow, lot dimensions, existing and/or proposed buildings, driveway location, driveway specifications, including grade, slope, width, length of driveway, culvert location/size, surface and base materials and erosion control procedures. The plan must be legible and submitted on an 8 1/2x11", or 8 1/2x14" or 11"x17" sheet of paper. The site plan/driveway construction plan, will be reviewed during a site visit with the Town Chairperson, board member or designee.
- C. The application and location plan shall be reviewed by the Town Chairperson, Board member or designee for conformance with this Ordinance and all ordinances, rules, regulations and plans which may affect it. The Town Chairperson, Board member or designee shall within 45 days from the date of submission of the application and location construction plan, approved or denied, the issuance of a driveway permit.
- D. With the approval of the Town Chairperson, Board member or designee, the driveway permit may allow for the excavation of the site to provide for site preparation and to provide fill for the proposed driveway.
- E. The applicant, owner, agent or contractor shall notify the Town Chairperson, board member or designee within 7 days of the completion of the driveway to allow inspection of the driveway per the terms of the approved permit.

#### **Article 11. Specifications for the Construction of Driveways**

**The following specifications may apply:**

- The minimum length of the culvert must be 24 feet and must have culvert ends.
- Any driveway plan that will utilize a culvert that is over 40 feet in length must be reviewed and approved by the Town Board at a regularly scheduled Town Board meeting prior to issuance of a driveway permit.
- A fifteen-inch culvert is the minimum size that can be used. An oval or low-profile culvert can be used when shallow ditch conditions exist. A larger size culvert may be required in deep ditches and/or high-water volume situations. The Town Chairperson, Board member or designee will determine what size is required.
- Minimum road surface width 12 feet.
- Minimum width clearance 16 feet, free of trees, fences, etc.
- Minimum height clearance free from trees, wires, etc. 18 feet.



- Maximum grade or steepness of driveway 10% slope.
  - A minimum of six inches of gravel or bituminous material must overlay the culvert area. Other areas in the road right of way must have 6 inches of 2 inch or larger base gravel and 4 inches of  $\frac{3}{4}$  inch road surface gravel. If road right of way is immediately paved with concrete or asphalt, up to 6 inches of the gravel may be forfeited for the bituminous material.
  - Asphalt/Concrete when paved into the road right away must be level with the edge of the Town Road.
  - Asphalt or gravel is recommended for paving into the road right away. The property owner is responsible for damage to Town of Emmet equipment and property of the owner, during usual and customary road maintenance and care of Town of Emmet roads.
  - The driveway needs to be 5' off the property line for proper water runoff and any other issue that may arise by getting too close to a neighboring property line.
  - Site distance is consistent with Dodge County Land Use Code
  - Angel of entry is 90 degrees
  - Minimum spacing between adjacent access points
    - 300 feet (County and Town roads)
    - 500 feet (State) ADT <5000 Vehicles
    - 1000 feet (State) ADT >5000 Vehicles
- A. No land with a grade of more than twenty-five percent (25%) shall be disturbed for the construction, establishment, re-working or improvement of a driveway.
  - B. An engineer's plan showing adequate erosion control and stabilization measures is required for any segment of the proposed driveway which disturbs land with a grade of more than 10 percent (10%) and less than twenty-five percent (25%).
  - C. All new driveways shall have a new (unused) 16-gauge galvanized metal construction culvert, at least fifteen inches (15") in diameter and have 16-gauge galvanized metal apron and end walls, or a 15" HDPE with ends, metal, or HDPE/plastic end walls, unless a different type and size of culvert is specified by the Town Chairperson, Board member or designee, at the ditch line where the driveway meets the public road, unless determined unnecessary by the Town Chairperson, Board member or designee. Examples could be a driveway location on the crest of a hill or inadequate ditch depth. This condition may be waived or modified on showing of hardship or difficulty by the Town Board and, in the case of County or State highways, approved by the Dodge County Highway Department or district engineer of the Wisconsin Department of Transportation.
  - D. The driveway area withing pubic right of way shall slope away from the public road at a minimum of 1% and a maximum of 5% for a minimum of 20 feet from the edge of the pavement to minimize erosion onto the public road surface or a slight dip across the drive shall be placed just before the culvert at the entrance to a public road to prevent debris from washing onto the public road. The Town of Emmet is not responsible for debris that is washed into the public road from a private driveway. It is the property owner's responsibility to remedy if this occurs within 24 hours of the event or occurrence. If this is not remedied within 24 hours of the event the Town will bill the property owner for the cost, at the current rate for labor, time, equipment, or contracted cost, to remedy (see Article 7).

- E. For any incident in which debris is washed into the public road from a private driveway, the property owner, within 90 days of the event/occurrence, shall have a permanent solution in place to remedy.
- F. The Town Board, at its discretion, may require the applicant, owner, agent, contractor or designee, to present the driveway permit to the Town Board at its regular board meeting, for review prior to issuance of a driveway permit.

### **Mailbox Requirements**

Mailboxes should be US Postal Service-approved mailboxes. These mailboxes are designed to be safe and functional.

Supports: The Postal Service requires that the bottom of the box be 42-48 inches above ground level. The following are recommended standards for supports which ensure that they will break away on impact:

- Pipes should be 1 ½ inch inside diameter or less
- Square wood supports should not be larger than 4 inches by 4 inches nominal. Round wood posts should not be larger than 4 inches in diameter.
- Metal channel posts should not weigh more than 2 pounds per foot.
- Imbed supports no more than 24 inches into the ground and do not imbed the concrete.
- Do not use anchor plates with metal posts. Anti-twist flanges are acceptable as long as they do not project more than 10 inches into the ground. These should be attached to the metal post or pipe with 2 3/8-inch (nominal) muffler clamps. The Federal Highway Administration has published Accepted Safety Hardware. For more information contact the State Division of the Federal Highway Administration.

### **Special Charges for Correction by Town**

The Town of Emmet – Dodge County is not responsible for any damage incurred during or after construction of the driveway. The Town may charge the owner of the property for any road damage that was caused by the driveway to the town pursuant to Wis. Stats. § 66.0703.

If a driveway is damaged through snowplowing town roads, ~~the responsibility~~ of the owner of the driveway is responsible for all costs associated with the driveway. The owner of the driveway is responsible for any damage to town equipment, pursuant to Wis. Stats. § 66.0703.

Supervisor Ryan Hepp moved adoption of the  
Driveway Ordinance No. 43. Supervisor Richard Walker seconded the  
motion.

The question being upon the adoption of Ordinance No. 43 a vote  
was taken by ayes and noes, which resulted as follows:



1. Chairman Steve Faltersack Jr., voted Aye
2. Supervisor Richard Walter voted Aye
3. Supervisor Ryan Hepp voted Aye

A majority of the Town Board of Emmet, in the County(ies) of Dodge, State of Wisconsin, having voted in favor of the preamble and resolutions, they were declared adopted.

This Ordinance is effective on publication or posting.

The town clerk shall properly post or publish this resolution as required under s.60.80, Wis stats.

Adopted this 12<sup>th</sup> day of March, 2025

Steve Faltersack Jr.  
Town Chairman – Steven Faltersack Jr.

Richard Walter  
Supervisor 1 – Richard Walter

Ryan Hepp  
Supervisor 2 – Ryan Hepp

Kathy Wegner  
Attest: Clerk – Kathy Wegner