

**TOWN OF CYLON DRIVEWAY ORDINANCE  
ST. CROIX COUNTY, WISCONSIN  
2007 – 02**

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**1. STATEMENT OF PURPOSE**

The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification, or the reworking of a driveway or field driveway that changes the existing topography of the land to assure that the site, method of construction, and conservation practices to be used will promote the public health, safety, and general welfare of the community; preserve agricultural land and productivity; and implement the goals, objectives and policies set forth in the Town of Cylon Comprehensive Plan.

**2. EFFECTIVE DATE, AUTHORITY, JURISDICTION**

**A. Effective Date**

- 1) This ordinance shall be effective on July 14, 2007.

**B. Authority**

- 1) These regulations are adopted under the general police powers authority granted pursuant to sec. 60.10(2)(c), 60.22(3), and 61.34(1) of the Wisconsin Statutes.
- 2) Any amendments, repeals or recreations of the statutes relating to this ordinance are incorporated into this ordinance by reference as of the effective date of the amendment, repeal or recreation.

**C. Jurisdiction**

- 1) This ordinance applies to all driveways, including field driveways, accessing town roads, which occur or are proposed to occur in the Town of Cylon, St. Croix County, Wisconsin.
- 2) Driveways accessing on to county, state or federal highways must obtain approval of the proper regulating authority for those roads for a driveway permit and are exempt from obtaining a driveway permit with the Town of Cylon.

**3. DEFINITIONS OF TERMS**

**A. Interpretation**

- 1) For the purpose of administering and enforcing this Ordinance, the terms or words used herein shall be interpreted as follows:
  - a. Words used in the present tense include the future; in the singular include the plural and in the plural include the singular.
  - b. The word “shall” is mandatory, not permissive.
  - c. All distances, unless otherwise specified shall be measured horizontally.
  - d. All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.

**B. Definitions**

- 1) Driveway: A private driveway, road, or other avenue of travel that runs through any part of a private parcel of land or that connects or will connect with any public highway.
- 2) Field Driveway: A type of driveway used solely for agricultural purposes.

**4. PERMIT REQUIRED**

- A. All new driveways proposed to be installed or modification of any driveway alleged to be existing shall require a permit and inspection by a representative designated by the Town Board. A permit application shall be completed and the site shall be flagged by the applicant for inspection by the Town Board Representative.
- B. The driveway permit shall be obtained prior to the construction or modification of a new or existing driveway and before the building permit is issued for a new residence.
- C. All applicants shall pay a non-refundable permit review fee of an amount set by the Town Board.
- D. The driveway permit shall be valid for one year from the date of issue.

**5. DRIVEWAY STANDARDS**

- A. All driveways shall be designed and maintained by the owners to allow reasonable access by emergency vehicles.
- B. All driveways shall meet the following standards:
  - 1) A maximum grade of 12 percent at any point along the driveway.
  - 2) A maximum grade of 2 percent within 50 feet of the centerline of the intersecting road; sloping away from the town road.
  - 3) A minimum driveway surface/mat of 12 feet.
  - 4) Driveway access openings for vehicular ingress and egress shall be sufficiently wider at the roadway surface for safe access and/or to cover a culvert, when needed.

- 5) Minimum driveway separation of 200 feet measured from centerline to centerline.
- 6) A minimum sight distance of 500 feet along the intersecting road.
- C. Where deemed necessary, a minimum of an 18-inch diameter, 26 feet in length, culvert with apron end walls shall be installed and maintained by the property owner to provide proper drainage under the driveway entrance and along the town road.
- D. The side slope of the driveway access at the intersecting road shall be vegetated and graded to match the apron end walls.
- E. Town road surfaces, slopes, shoulders, ditches and vegetation disturbed by construction shall be restored by the property owner.
- F. The driveway must have at least 2 inches of  $\frac{3}{4}$ -inch rock on the roadbed within 33 feet of the centerline of the intersecting road.
- G. Joint or shared driveways may be allowed where beneficial, but the shared amount shall be the least amount necessary.
- H. Driveways shall not cross agricultural land unless no other alignment is possible.
- I. Driveways shall be placed along property lines, fence row or adjacent to existing vegetation where possible.
- J. If the applicant can clearly demonstrate that one or more unique conditions affecting the driveway location make the literal application of one or more of the design standards impracticable or unduly burdensome, the Town Board may waive such standards as may be reasonable, provided that the waiver is not contrary to the general intent and purposes of this ordinance and the health, safety, and general welfare of the neighborhood.
- K. Any request by an applicant for a waiver of any standard in this section must accompany the initial application and must state the reason for the request.
- L. A waiver may not be based on mere inconvenience or financial hardship to the applicant or a self-created hardship of the applicant.
- M. A waiver shall provide only the minimum relief necessary to overcome the unique condition(s).

## **6. ENFORCEMENT AND PENALTIES**

- A. Any person who constructs or modifies any driveway without a permit as required by this ordinance shall forfeit \$100 plus all applicable assessments, surcharges and court costs.
- B. Any person who constructs or modifies a driveway in violation of any other provisions of this Ordinance, unless the violation is corrected within thirty days of date of written notice from the Town Board or Building Inspector, shall forfeit \$100 plus all applicable surcharges and court costs for each violation.
- C. Each day that any violation continues shall constitute a separate offense.
- D. An unlawful driveway constitutes a public nuisance and may be subject to abatement by any applicable procedure.

**7. SEVERABILITY**

- A. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**Date of Approval by Town Board: 7-11-07**

**By: \_\_\_\_\_**

**Thomas Dorsey, Town Chairman**

**ATTEST:**

**By: \_\_\_\_\_**

**Sharleen Croes, Town Clerk**

DATE POSTED: 7-14-07

EFFECTIVE DATE: 7-14-07