

TOWN OF CROSS DRIVEWAY ORDINANCE

Pursuant to Section 60.50, Wisconsin Statutes, the Town of Cross, Buffalo County, Wisconsin, hereby adopts the following ordinance which shall be referred to as the Town of Cross Driveway Ordinance.

Section 1. Purpose: The Town Board finds that it is in the best interests of the Town of Cross that the portions of driveways located within public highway rights of way be regulated to provide for better, safer and more easily maintained public highway rights of way.

Section 2. Minimum Specifications: The following minimum specifications shall apply to the driveway area of public highway rights of way. The driveway shall be a minimum of eighteen (18) feet wide from the edge of the highway pavement to the edge of the right of way. The maximum width of the driveway shall be approved by the Town Board. In addition, from the edge of the public highway right of way extending onto the owner's land, a slope of not more than 5 % is desirable. The driveway shall have a depth of crushed rock of not less than six (6) inches. All side slopes shall be not more than 2:1 or flatter. The driveway angle of entry to the town road shall be 90 degrees or as close to 90 degrees as possible. Existing driveway culvert replacement on town road right of way requires Town Board approval. Other specifications may be required by the Town Board based upon factors particular to any driveway.

Section 3. Culverts: In addition to the specifications enumerated above, culverts of not less than fifteen (15) inches in diameter are required. Larger culverts may be required when the Town Board determines it necessary or desirable. Culverts must be new and not used previously. The cost of the culvert and installation of the culvert shall be at the owner's expense and subject to the approval of the Town Board.

Section 4. Driveway Permits and Fees: The landowner or agent shall fill out a driveway permit application on forms provided by the Town. An inspection fee of \$100.00 shall be required to be submitted with all driveway applications. The fee is nonrefundable.

The landowner or agent shall notify the Town when the exact driveway area has been staked out. As soon as practicable thereafter, a representative of the Town shall meet with the owner or agent and the contractor selected by the owner at the driveway site. The parties shall then jointly prepare a plan of the proposed driveway. The plan shall be submitted to the Town Board for final review and issuance of the permit.

Once a permit has been issued, the landowner may not deviate there from unless an amended application and inspection are submitted to the Town.

After a driveway permit has been issued it will remain in effect for one year from the date of issue.

Section 5. Maintenance and Repairs: The landowner shall repair and maintain the portion of the driveway within the public highway right of way at his own expense, maintaining the same in as good repair as the adjacent highway, which duties shall include the duty to promptly remove snow there from. Landowners shall further timely remove all gravel, sand, earth and other debris which wash or are otherwise deposited onto the public highways from the landowner's property.

Section 6. Exceptions: For good cause shown, and when the best interests of the Town of Cross do not require literal compliance with this ordinance, the Town Board may make exception to this ordinance. In addition, in the case of temporary or limited use driveways, the Town may waive literal compliance with this ordinance, but only after the landowner or agent requesting exception from this ordinance has complied herewith, including but not limited to payment of all fees and the appropriate application.

A temporary or limited use driveway permit shall specifically state the dates of use, or the limited purposes thereof, and any deviation there from by the requesting party may lead to revocation of the driveway permit.

Section 7. Applicability: This ordinance applies to any new driveway in the Town of Cross and to any existing driveway which is to be materially repaired or rebuilt. In addition, this ordinance applies to existing driveways which, in the reasonable judgment of the Town Board, are in such a state of disrepair, improper construction, or incompatibility with the public highway right of way as to adversely affect the public highway. If the Town Board determines that an existing driveway comes under this subsection, notice

thereof shall be sent to the affected landowner by certified mail, return receipt requested, which notice shall specify that the landowner shall have a reasonable period of time, not to exceed sixty (60) days, to bring the driveway into a proper state of repair or, during that time, to request a hearing before the Town Board on the issue of whether the driveway must be brought into compliance. If the landowner does not bring the driveway into a proper state of repair, the repair work will be done by the Town. The work done under this subsection only shall be performed by the Town at its expense and then billed to the landowner for payment within thirty (30) days from the date of billing. In the event of nonpayment by the landowner, the Town's costs shall be charged back onto the real estate tax rolls as a special tax or charge by the Town.

Section 8. Penalties: No landowner shall construct, install, materially upgrade or alter or change a driveway except in strict compliance with this driveway ordinance. The Town Board may have a non compliant driveway be removed.

No landowner shall be entitled to obtain a building permit for the construction of any structure or facility until this ordinance has been complied with.

Section 11. Effective Date: This ordinance shall take effect one day after its passage and posting as provided by law.

Adopted this 11 day of August 2008.

TOWN OF CROSS:

Daryl Schmitt
Chair

Leonard Litscher
Supervisor

Chris Klein
Supervisor

Effective September 18, 2008

**TOWN OF CROSS
BUFFALO COUNTY, WISCONSIN**

Town Board requirements/recommendations for private driveways approaching an existing town road:

1. Maximum site distance is desirable for each private driveway approaching a town road and shall be approved by the Town Board.
2. Twenty feet flat rop approach to existing road.
3. Minimum driveway surface width of 18 feet.
4. Minimum height clearance free of trees, wires, etc. of 18 feet.
5. Maximum grade of ten (10) percent.
6. Minimum 20 feet length, 15 inch diameter culvert.
7. Six inch coverage of crushed rock over culvert.
8. Angle of entry to town road should be 90 degrees or as close as possible.
9. Driveway separation (distance between driveways) will be considered.

The driveway within the area of the public right of way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road. An adequate road bed base of suitable material to support the projected traffic and culvert requirements shall be determined by the Town in considering an application for driveway approval.

Driveway application fee is \$100.00

Contact:

Chair: Daryl Schmitt 507 450-7249

Supervisor: Leonard Litscher 608 687-8175

Supervisor: Chris Klein 608 687-8156

