

TOWN OF BAILEYS HARBOR
DRIVEWAY ORDINANCE # 2017-03

The Town Board of the Town of Baileys Harbor does hereby ordain as follows:

Section 1: Title/Purpose

This ordinance shall be known as the Driveway Ordinance. Any and all previous driveway ordinances and all other rules of driveway construction for the Town of Baileys Harbor (hereafter “the Town”) are hereby rescinded and replaced by this ordinance.

This ordinance is intended to further public safety and welfare by the establishment of driveway standards as set below:

Section 2: Authority

The Town Board of the Town of Baileys Harbor has the specific authority, powers and duties pursuant to Chapter 60, Wis. Stats., pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Section 60.10, to regulate and control certain uses, activities and operations in the Town of Baileys Harbor.

Section 3. Applicability

This ordinance shall apply to any new driveway in the Town constructed after the date of adoption of this ordinance, and to any driveway in the Town, which is being altered or replaced after the date of this ordinance, the expense of which work has a fair market value in excess of Two Thousand Dollars (\$2,000). Furthermore, this ordinance shall apply to any driveway serving a parcel where a material Change of Use of the parcel, or any structure thereon, is made, or is to be made. This ordinance does not apply to Agricultural/Unimproved Drives until such time as improvements are to be constructed on a parcel served by that Drive.

Section 4: Definitions

Driveway: An area where travel occurs from a public or private road over land not considered to be a part of that road, whether by easement or ownership, for the purpose of gaining access to improvements to land.

Agricultural/Unimproved Drive Access: An area where travel occurs from a public or private road over land not considered to be part of that road, whether by easement or ownership, for the purpose of gaining access only to agricultural or unimproved parcels of land, upon which no structures are located.

Change of Use: A change in the utilization, as defined by the Door County Zoning Ordinance, of any parcel that is served by a driveway.

Section 5: Adoption of Ordinance

The Town Board of the Town of Baileys Harbor has, by adoption of this ordinance, confirmed the statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance the regulation and control of certain uses, activities and operations in the Town of Baileys Harbor.

Section 6: Permit

Any owner of a parcel of real estate located in the Town who wishes to construct or alter a driveway as well as build new construction or conduct a change of ownership to serve said parcel, shall make written application to the Town Building Inspector for a permit. The Town Building Inspector shall provide application forms for this purpose.

The application shall include a schematic drawing of the parcel to be served by the driveway, and shall show:

- a. All existing improvements;
- b. All proposed improvements;
- c. All existing and proposed drainage features and installations (including placement of culverts in roadway ditches);
- d. Location and specifications of the proposed driveway, as well as a description of the materials to be used in construction of the proposed driveway;
- e. Slope, width, and length of the driveway and erosion control procedures;
- f. Existing and proposed utilities.

All new driveways proposed to be installed, or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more structures, shall be subject to an inspection fee as established by the Town Board, to be paid to the Town Clerk prior to the start of any construction on a new driveway and prior to the issuance of a building permit.

This ordinance applies to private roads which serve 1 to 4 lots. The Door County Land Division Ordinance must be followed at all times. Any driveway over 350 feet in length must also meet Town Requirements.

Authorization for a driveway is subject to the approval of the Town Board and when so approved the Town will notify the Door County Planning Department. The evidence of an existing driveway is either the clear indication of a driveway being in place by survey or aerial photo, or a statement from the Town that an approved driveway is in place. If there is a dispute on the adequacy of an alleged existing driveway the decision of the Town Board will be the deciding factor. If there is not clear evidence by the

applicant that a driveway has been used during the last 12 months, the Town Board review process is required.

Anyone applying for a permit to construct a driveway shall give the Town access to the proposed site for inspection at the time of the application. In the event a permit is granted, the Building Inspector may inspect the driveway periodically to confirm that the driveway is being constructed to the appropriate standards.

The application fee for a driveway permit shall be determined by the Town Board of the Town of Baileys Harbor from time to time, and may be changed without notice or amendment to this ordinance.

A permit when issued shall be valid for a one-year period, commencing on the date of issue. If construction is not completed during the one-year period, the permit shall lapse and the applicant must reapply for a new permit.

Section 7: Specifications

Minimum Width: A residential (including a duplex) driveway right-of-way shall be at least 16 feet wide (base) with a road surface minimum of 15 feet of width throughout its length, with a maximum width of 24 feet. A commercial driveway shall have a road surface minimum of 20 feet of width throughout its length, with a maximum width of 35 feet. All curves contained within a driveway shall have a minimum inside radius of 28 feet.

Vertical Clearance: All driveways shall have at least 16 feet of vertical clearance throughout the width and length of the road surface.

Turnarounds and Bypasses: If a driveway is over 300 feet in length, provisions must be made for the ingress and egress of fire, emergency, and sanitation vehicles, including but not limited to an adequate turnaround. Provisions for the turnaround shall be adequate for a 40 foot vehicle to turn around, as determined by the Town. At least one segment of road surface 25 feet in length and 18 feet in width shall be provided within each 300 feet of driveway length to provide for the safe passage of meeting vehicles.

Culverts: Any requirements for culverts shall be determined by the Town in considering an application for driveway approval. If culverts are required, the minimum diameter shall be 12 inches. Illegal culverts will be removed at landowner's expense.

Slopes/Grades: 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. The maximum grade for the driveway shall be 10%. Side banks shall be graded to a slope of not more than 1 foot of vertical rise in each 2.5 feet of horizontal distance. (Such a rise is equal to 25% slope.) Excluded from this grading requirement are driveways for which retaining walls or other erosion control measures are installed as specified in an engineering plan approved by the Town.

Maintenance: All driveways shall be maintained by the property owner in such a manner not to interfere with the safe passage of emergency vehicles. Therefore, driveways obstructed with snow or debris will not hold the Town liable for any damages.

Section 8: Violations

1. Notices

Whenever the Town determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, it shall give notice of such alleged violation to the person or persons responsible therefore, or to any known agent of such persons, as hereinafter provided. Such notice shall:

- a. Be set forth in writing;
- b. Include a statement of the reasons why it is being issued;
- c. Be served upon the owner or owner's agent, or the occupant, as the case may require: provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice, or if he is served with such notice by another method authorized or required under the laws of the state;
- d. Contain an outline of remedial action that, if taken, will effect compliance with the provision of this ordinance.

2. Citations

- a. In the event the violation is not cured, the ordinance shall be enforced by the issuance of a citation by the Baileys Harbor Town Constable or any authorized member of the Door County Sheriff's Department. The Town will prosecute the violation(s) according to Wisconsin law and Town ordinance, specifically, but not limited to, provisions of Section 66.12, Wis. Statutes.
- b. The citation shall include the following:
 - i. Name and address of the alleged violator;
 - ii. Factual allegations describing the alleged violation;
 - iii. Time and place of offense;
 - iv. Section number of ordinance violated;
 - v. A designation of the offense in such a manner as can be reasonably understood by a person making a reasonable effort to do so;
 - vi. The time at which the violator may appear in court;
 - vii. Penalty for violation of the ordinance.

3. Penalties

In the event a driveway is constructed or altered as set forth in this ordinance without an appropriate permit being granted, the owner(s) of the parcel being served by the driveway shall be subject to the following:

- a. A Forfeiture of an amount not to exceed \$250.
- b. After the Town issues notice of violation, each day of violation shall be considered an additional violation.
- c. In the event the parcel owner fails to correct the violation and be in compliance with this ordinance, upon 72 hours notice the Town shall be granted access to correct the violation and charge the actual costs of bringing the driveway into compliance to the owner of the parcel.

Section 9: Naming of Roads

The Town reserves the right under Wisconsin Statutes 81.01(11) and 60.23 (17) to name roads under its jurisdiction.

Section 10: Severance Clause

The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of the ordinance.

This ordinance shall take effect upon passage and publication as provided by law.

Dated this ____ day of _____

TOWN BOARD FOR THE TOWN OF BAILEYS HARBOR:

Chairman

Supervisor

Supervisor

Supervisor

Supervisor

Clerk

