

# **Town of Saratoga**

## **Driveway Ordinance**

STATE OF WISCONSIN  
Town of Saratoga  
Wood County

### **Section 1 - Title/Scope**

The title of this ordinance is the Town of Saratoga Driveway and Highway Access Permit Ordinance. This ordinance will establish driveway, culvert and right-of-way location, design and construction requirements in the Town of Saratoga.

### **Section 2 - Purpose**

For the safety of the public, the Town of Saratoga shall approve the location, size, driveway specifications and number of access points to public roadways within the Town limits. It is the Town's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, if access is not deficient or dangerous to the public. The purpose of this ordinance is to promote public health, safety, and the general welfare of the community, and to allow for the safe passage of emergency services personnel and equipment in the Town of Saratoga.

### **Section 3 - Authority**

The Town Board of the Town of Saratoga has been authorized to exercise village powers pursuant to Wisconsin State Statute (ss) 60.10(2)(c) and ss. 60.22(3), Wis. Stats. And adopts this ordinance under its general village powers authority and s. 66.1014 of Wisconsin Statutes. The Town is further authorized pursuant to Wis. Stats. S. 86.07 (permitting driveways, culverts, or other similar types of rights-of-way alterations) and Wis. Stats S. 66.0425 (requiring any person to seek a permit from the maintaining authority before placing any obstruction or excavation within a right-of-way).

### **Section 4 – Severability**

This Ordinance and its individual provisions are declared to be severable. If any section, clause, provision, or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the ordinance. All parts of the ordinance not declared invalid or unconstitutional shall remain in full force and effect.

### **Section 5 – Conflict**

If any part of this ordinance is found to conflict with any other ordinance or with any other part of this ordinance, the most restrictive or highest standard shall prevail. If any part of this ordinance is explicitly prohibited by federal or state statute that part shall not be enforced.

**Section 6- Definitions- Definitions below pertain to this ordinance only.**

**Applicant**

The owner of a site or an authorized agent of the owner who submits a proposed driveway plan for approval.

**Apron**

1. Culvert apron: Installed on pipe ends, aprons divert water in and away from culvert openings.
2. Driveway apron: Hard-surfaced area, usually triangular, at the access end of a driveway to minimize lawn damage due to vehicles cutting the driveway corner.

**Board**

The Town Board of the Town of Saratoga.

**Contractor**

The party, person, firm, partnership, and/or corporation who or which installs a driveway, including all agents, officers, or employees of said party, person, firm and partnership or corporation.

**Culvert**

A drain or channel crossing under a driveway or roadway.

**Driveway**

Any area of land designated or to be used as a means of ingress or egress for either vehicles or pedestrian traffic from a public road to a parcel of land. Any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide service to a residence, business, recreational site, or other similarity appropriate uses.

**Driveway Clearance**

To include the width and height clearance required to allow emergency vehicles.

**Emergency Vehicle**

Means any fire, police, ambulance or first responder used in emergency or hazard activities in the Town.

**Headwall or Endwall**

An integrated wall located at the ends of a culvert. A wall built at an inlet is a headwall and at an outlet is an endwall. They support the road/driveway and protect the culvert.

Impacted Landowner

An owner of real estate that is provided vehicular access to a public highway by a driveway determined to be unsafe.

Island Area

The island area is in the street right of way between successive driveways or adjoining a driveway and between the highway shoulder shall constitute a restricted area.

Owner

The owner of land upon which the driveway is located whether the be a person, partnership, or corporation.

Person

Any Natural person, partnership, firm association, organization, company, corporation, or municipal authority.

Plan Commission

The Town of Saratoga Plan Commission.

Public Road

Any road, street, alley or public thoroughfare whether actually maintained by the Town as part of its road system or whether shown on a subdivision or land development plan and intended to be offered or dedicated to the Town in the future.

Right-of-way

That portion of the Town property extends beyond the road pavement and abutting private property following the Town road standards as established in Section 82.50 Wisconsin State Statutes. The right-of-way allows access for future road maintenance, road upgrades and/or utility work.

Roadway

That portion of a street, road or highway that includes both the traveled lanes and shoulders.

Town

The Town of Saratoga, Wood County, Wisconsin.

Town Clerk

The Town Clerk of Saratoga

Turnaround/Turnout

An abrupt or unexpected change, especially one that results in a more favorable situation.

## Section 7 – General Provisions

### 7.01 Driveway Permit Requirements

Applications for a Driveway Permit shall be made to the Town Clerk and shall include the following permit and necessary for proper review:

#### Required:

- (A) Name and Contact information for the applicant and for the contractor.
  - (A) Description of the project and location where work is to be done.
  - (B) Plat map, indicating the location and dimensions of the desired driveway and /or highway access locations, if any, as well as the parcels immediately adjacent to the applicant's property.
  - (C) Right-of-way work shall adhere to the terms and conditions listed on the permit application.
  - (D) The Town Board or its' designee shall approve or deny a Permit Application. In the event of denial the Town Board or its designee shall recite in writing the particular facts upon which it bases its denial of the permit.
  - (E) Driveway permits are effective for 6 months from the date of issuance. Each permit may be renewed for an additional 6 months, after which time construction has not been completed, a new permit application must be presented.
  - (F) No building permit shall be issued without first receiving a driveway permit.
  - (G) The Town of Saratoga does not assume any responsibility for the removal or clearance of snow, sleet, or ice, or the opening of windrows of such materials, upon any portion of any driveway or entrance along any roadway even though it may have been deposited or windrowed on said driveway or entrance by its authorized representatives engaged in normal winter maintenance operations.
  - (H) There shall be only one culvert per landowner and only one entrance allowed per Certified Survey Map off a Wood County trunk Highway per Wood County Highway Policy #9.

#### Upon Town Request:

- (A) Town Designee may do a site inspection and report back to the Town Board any violations.
- (B) Inspections by a designee of the Town of Saratoga, pursuant to 66.0119, Wis. Stats., for the purpose of inspecting existing or proposed driveways to determine if the driveways will allow for the safe and timely travel by vehicles the general public and timely travel by emergency services.
- (C) Additional supporting documentation that may be required by the Town (Aerial photos/ site analysis, Soil/Slope analysis, driveway construction Plan, Highway Access Plan, Highway Access Permit, etc.)

- a. Driveway Construction Plan:
  - i. When requires retaining wall or other special erosion control measures
  - ii. If crossing a waterway or has potential to alter existing drainage
  - iii. If involves bridge
  - iv. When specifically requested by town board
  - v. Required when slope greater than 10
- b. Highway access Plan:
  - i. Location on parcel
  - ii. Slope (finished slope of Maximum 2%)
  - iii. Retaining wall location
  - iv. Bridge design
  - v. Culvert design
  - vi. Cross section of driveway
  - vii. Erosion Control measures
  - viii. Storm Water Management (drainage)
  - ix. Other access points onto town highway (within 1 mile of project)

#### 7.02 Culvert Requirements

If a culvert is required, no person shall construct any driveway or private road in a public right-of-way in the Town of Saratoga without installing a culvert which is in full compliance with this section 7.08.

If a culvert is not required at the time of initial construction and the Town of Saratoga finds it necessary to provide ditches (to provide for adequate drainage) culvert under the driveway will be paid for by the property owner, if the Town finds it necessary to raise the roadway the installation and the culvert will be at the Town's expense.

#### 7.03 Driveway and Culvert Location

(A) **General Design.** Private driveways shall be of such width and so located that all of such driveways and associated features are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or/from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control of street signs. A driveway shall be located as per Zoning requirement in the District in which the parcel is located and constructed so that vehicles approaching or using it shall have adequate sight distance along the street. Driveways shall not interfere with utilities in place and all driveways shall be structurally designed and constructed to allow for the safe and timely general public and emergency vehicle access to and from the residential dwelling served by the driveway and with reference to the current Fire code standards.

(B) **Island Area.** The restricted area may be filled in and graded only when the following requirements are complied with:

1. The filling or draining shall be to grades approved by the Town Board or Town Designee and, except where highway drainage 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 under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway.
3. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use as a driveway by construction as be required by the Town Board or its designee.
4. The distance between culverts under successive driveways shall not be less than 10 feet.

(C) **Driveway Approach to Town Road**

1. The culvert apron from the center of the culvert to the road pavement must have a minimum taper of three (3) feet per ten (10) feet on each side of the culvert. Example: If the distance from the center of the culvert to the pavement is ten (10) feet, then the culvert apron must extend three (3) feet on each side of the culvert.
2. The sides of the culvert apron to the culvert should be beveled down to grade so as to have no abrupt surface that could damage a snowplow or create a hazard to any vehicle that should travel off the pavement.
3. No barricade, fence or guard that extends higher than the roadbed may be constructed in the right-of-way, this includes headwalls and endwalls if used.
4. The surface of the driveway connecting with the roadway shall slope down and away from the roadway shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flowing onto the roadway bed. The driveway shall meet at the same grade of the existing road.

(D) **Relocation of Utilities.** Any costs of relocating utilities shall be the responsibility of the property owner.

7.04 Special Requirements for Commercial and Industrial Driveways

The following regulations are applicable to driveways serving commercial or industrial establishments:

(A) **Width of Drive.** No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than thirty (30) feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the 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 variance process shall be utilized.

(B) **Angular Placement of Driveway.** The angle between the center line of the driveway and the curb line or road edge shall not be less than 70°.

7.05 Special Requirements for Residential Driveways

The following regulations are applicable to driveways serving residential property:

(A) **Width.** A residential driveway shall be no greater than twenty-four (24) feet wide nor less than fourteen (14) feet wide within the right-of-way and twenty-six (26) feet wide at the pavement edge if including a one (1) foot radius curve (apron) on each side. A variance curve (apron) on each side. A variance will be required to exceed these limits.

(B) **Height.** Provide and maintain an unobstructed width of a minimum of (14) feet and a minimum unobstructed height of (14) feet to accommodate emergency vehicles (Emergency vehicles have the option to refuse to enter premises)

(C) **Angular Placement.** The center line of the drive may be at an angle other than 90° perpendicular but not less than 70° within the right-of-way.

(D) **Shared Driveway.** There shall be no more than one (1) residential structure on any private driveway. The Town Board, at its option, may approve an access easement for more than one (1) residential structure. Any driveway proposed for joint use shall be required to have recorded an access easement, which shall provide for the following: 2. A 66-foot width designated as an easement. 3. A minimum of 75 feet of frontage along a public right-of-way. 4. A shared driveway agreement shall be recorded as an official document with the Wood County Register of Deeds.

(E) **Long Driveways.** Driveways over (200) feet in length shall require approval by the local fire department, having jurisdiction, and the Town Board or Designee. The Fire Department will review driveways regarding turnarounds, turnouts, appropriate curve radii and other issues that may be of concern.

(F) **Driveway material.** All driveways shall be constructed with a surface that sustains the passage of emergency vehicles. Compact the base until there is no appreciable displacement, either laterally or longitudinally, under the compaction equipment. Route hauling equipment uniformly over previously placed base. Compact each layer before placing a subsequent layer. If the material is too dry to readily attain the required compaction, add water as necessary to achieve compaction. Rework or remove areas where proper compaction is not obtainable due to segregation of materials, excess finer or other deficiencies. Replace removed material that will yield the desired results.

(G) **Concrete material.** If concrete is desired in the road right of way a variance (driveway waiver) must be obtained and will be recorded on the Deed of the Parcel. (see section 7.09)

7.06 Prohibited Driveways and/or Filling

(A) No person shall obstruct within the right-of-way limits of any public road, highway, or street in the Town of Saratoga except as permitted by this Section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway, or street, and which is in non-conformance with this Ordinance.

(B) No driveway shall be closer than twenty-five (25) feet to the extended street line at an intersection.

(C) The grade of that portion of any private driveway located within the limits of any public road, highway or street shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.

(D) Aside from unusual circumstances, drainage from driveways shall not go onto the road pavement to minimize drainage onto public roadways.

(E) Filling ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town.

(F) The placement of lawn sprinkler pipes in a road right-of-way is prohibited.

7.07 Temporary Driveways:

(A) Are required to complete a driveway permit. Temporary permits shall have a stipulated time limit of 60 days.

(B) Must follow permanent driveway standards but may be required to be removed at completion of activity.

(C) Proof of insurance and a cash bond may be required as determined by the Town Board of Saratoga.



7.08 Culvert Construction Standards

(A) **Size.** Culverts shall be installed prior to construction work being commenced on the property served. Culvert size and type shall be determined by the Public Works Department. All culverts shall be of new manufacture, unless specifically excepted by the Public Works Department.

(B) **Placement/drainage.** The culverts shall be placed in the ditch line at elevations that will assure proper drainage.

(C) **Slope.** Where the height of driveway fill to the top of the drive is 3 feet or less, culverts shall be of a length adequate to provide for fill slopes of no steeper than 3:1. For fill in excess of 3 feet the initial fill material may be placed at 2.5:1 with the final 3 feet to be placed at 3:1. The slope of all fill material within the right-of-way shall be stabilized within 14 days after being placed, or earlier if required by the county's erosion control plan.

(D) **Acceptable Material.** Galvanized Steel, Corrugated Polyethylene (conforming to AASHTO M 294 Type S), Reinforced Concrete are all acceptable materials if they meet applicable culvert recommended Standards.

(E) **Backfill material.** Material used for backfilling shall be of a quality acceptable to the Public Works Department and shall be free from frozen lumps, wood, stone greater than 2" 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 (12" for Corrugated Polyethylene) or as required by industry standards for pipe material.

(F) **Erosion Control.** Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Public Works Department or by County Land Conservation when appropriate.

(G) **Cost.** The property owner shall install the culvert and be responsible for the cost thereof.

7.09 Appeal

**Variances.** Any of the above requirements may be varied by the Town Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.

Persons may request a variance from the driveway width or culvert requirements by filing a Driveway Variance Form with the Town Clerk, who shall place the matter as an agenda item to be addressed by the Town Board at their next meeting. The application fee for a driveway variance shall be set by the Town Board annually (see Fee Schedule).

1. If a concrete apron is desired it must be approved, inspected by the Town Board or designee, and recorded on the deed (a waiver and fee are required- see fee schedule).

**Section 8 - Enforcement and penalties**

**8.01 Enforcement**

The Town Board of the Town of Saratoga is authorized to enforce the provisions of this ordinance. Enforcement may be made either through monetary penalties, injunctive relief, or other means as the Town deems appropriate to ensure compliance with this Ordinance. The Town Board may authorize the Town Chair, Town Clerk or such other Town official or employee to issue citations to enforce this Ordinance.

**8.02 Penalties**

Non-conforming driveways:

(A) All costs incurred by the Town relating to the enforcement of this Ordinance or in making the determinations or inspections necessary hereunder shall be paid by the property owner, including, but not limited to, Town administrative costs, inspector's and attorney's fees.

(B) Non-conforming driveways to the standard outlined in this Ordinance installed after the date of this Ordinance shall be modified or removed and reinstalled to meet the standards of this Ordinance. Any additional costs shall be paid by the property owner.

(C) If the property owner does not wish to comply with the driveway requirements in this ordinance, a variance may be requested.

(D) If the property owner refuses to comply with the culvert requirements in this Ordinance, the Town may install the culvert(s) and charge back the cost thereof as a special charge pursuant to Sec. 66.0627, Wis. Stats.

**Section 9 - Effective Date**

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

Adopted by the Saratoga Town Board of the Town of Saratoga, Wood County, Wisconsin, this  
15<sup>th</sup> day of May 2024.