

**Town of Hammond  
St. Croix County  
Driveway and Highway Access  
Ordinance  
St. Croix County, Wisconsin**

**Ordinance Number: 2017 - 01**

**Adopted Date: February 13, 2017**

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## 1. STATEMENT OF PURPOSE

The purpose of this Ordinance is to regulate the procedures, establishment, construction, improvement and modification, of a driveway or field driveway to:

- 1) 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;
- 2) Provide safe access to and from public roadways by avoiding dangerous driveway locations;
- 3) Prevent damage to public roads, graded ditches, roadsides and other driveways by controlling drainage;
- 4) Maintain safe travel on public roads;
- 5) Promote the orderly layout of Town roads and mapping of same for continuation in and connection with the Town road system;
- 6) Implement the goals, objectives and policies set forth in the Town of Hammond Comprehensive Plan;

## 2. EFFECTIVE DATE

This Ordinance shall be effective on upon posting or publishing as provided by Wis. Stat. 60.80

## 3. AUTHORITY

- A. These regulations are adopted under the general police powers authority granted to a town with village powers pursuant to 60.10(2)(c), 60.22(3) and 61.34 and also pursuant to specific authority granted by Wisconsin Statutes Section 86.07 (2), 66.0425 and under the Town Highway authority granted by Wisconsin Statute Ch. 82 and other applicable statutes and regulations.
- B. 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.

## 4. JURISDICTION

- A. This Ordinance applies to all driveways, including residential, open space, agricultural, commercial, industrial, and temporary and field driveways, accessing town roads, which occur or are proposed to occur in the Town of Hammond, St. Croix County, Wisconsin.
- B. Specific standards set forth by this Ordinance apply only to those segments of driveways located within a town road right of way except where otherwise specified in this Ordinance.

- C. 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 from the Town of Hammond.
- D. This Ordinance applies to all town roads, including existing and proposed roads and all construction and maintenance of such roads, under the jurisdiction of the Town of Hammond, St. Croix County, Wisconsin.

## 5. SEVERABILITY

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.

## 6. 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 as necessary according to context.
  - 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 revision or amendments to statutory language.

### B. Definitions

- 1) **Driveway:** A private way, 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 and will provide vehicular access from the highway to a residence, business, recreational site or other appropriate use.
- 2) **Field Driveway:** A type of driveway used solely to access land for agricultural use.
- 3) **Temporary Driveway:** A driveway that may be placed for a specific purpose such as logging, but which must be removed at the end of the allocated time.
- 4) **ROW:** The Town right of way, a minimum of thirty three (33) feet from centerline of a Town road (some ROWS may be wider depending on circumstances).
- 5) **Town Board:** The Town Board of the Town of Hammond.

## 7. DRIVEWAY PERMIT REQUIREMENTS

- A. All new driveways proposed to be installed or modification of any existing driveway shall require a permit and inspection by the Town Board's representative designated by the Town Board. No construction work shall commence on a driveway prior to obtaining a permit.
- B. The driveway permit shall be obtained and approved before the building permit is issued for a new residence.
- C. Existing driveway maintenance or repair does not require a driveway permit unless such maintenance or repair involves any disturbance of the roadway surface or extended interference with the public's use of the highway.
- D. The Town Board shall appoint or contract with a Town Board representative for Driveway Design review, inspection and approval.
- E. Any person prior to and at the time of seeking a driveway permit must have a legal interest in the parcel for which the permit is being applied and the owner's permission.

## 8. DRIVEWAY PERMIT APPLICATION AND PROCEDURES

- A. The Town Board or Town Board representative shall review all driveway permit applications and may approve and issue all driveway permits.
- B. Driveway permit applications shall be available from the Town Clerk or Building Inspector. The driveway permit application shall include the following information:
  - 1) Applicant name and contact information
  - 2) Property owner name and contact information, if different than the applicant.
  - 3) Property information such as site address, legal description, town road name
  - 4) Project information such as type of driveway, driveway location, town road, and proposed construction plan and dates.
  - 5) A site plan or sketch, which shall include the following information:
    - a. North arrow.
    - b. Parcel or lot dimensions
    - c. Proposed driveway location
    - d. Locations of existing driveways on neighboring properties and roads within three hundred (300) feet of the proposed driveway.
    - e. Road name(s) and locations of lot or parcel and driveway
    - f. Driveway specifications including width, length and materials to be used.
    - g. Culvert size, length and location, if needed.
    - h. Drainage areas that impact or cross the driveway and descriptions of how water will be handled to protect the integrity of the driveway and Town Roads.

- i. Slopes of twenty (20%) percent or greater that the driveway will disturb or cross and descriptions of how erosion will be prevented and/or sediment controlled.
- 6) Contact information for whoever will be constructing the driveway.
- C. The application shall be signed by the property owner and also the applicant if the applicant is not the owner.
- D. The applicant shall mark the proposed driveway location with flags and/or stakes. The proposed centerline of the driveway surface shall be marked.
- E. All applicants shall pay a non-refundable fee of sixty (\$60.00) dollars.
- F. The application and site plan or sketch shall be reviewed by the Town Board representative for conformance with this Ordinance.
- G. Within fifteen (15) days from the date of submittal of a properly completed application, including site plan, and after an inspection of the site has taken place, the Town Board's representative shall approve or deny the issuance of a driveway permit.
- H. The Town Board or Town Board's representative shall require a final inspection to confirm the driveway construction is in conformance with the Driveway Permit and this Ordinance.
- I. The driveway permit shall be valid for twenty four (24) months from the date of approval. All approved construction must be completed before the permit expires or construction must stop until a new permit is obtained.

## 9. DRIVEWAY GENERAL STANDARDS

- A. The Town Board reserves the right to make such changes, addition, repairs and relocations within statutory limits to the driveway or its improvements on the right-of-way as may at any time be considered necessary to facilitate the relocation, reconstruction, widening and maintaining of the highway or to provide proper protection to life and property on or adjacent to the town road.
- B. The applicant, his successors and assignees agree to hold harmless the Town of Hammond and its duly appointed representative against any action for personal injury or property damage sustained by construction of the driveway authorized by the Town of Hammond permit.
- C. The Town of Hammond does not assume any responsibility for repair or maintenance of any driveway along a town road, including repair, maintenance or replacement of culverts in the town road right-of-way. All such repairs, maintenance or replacement are the responsibility of each property owner.
- D. The Town of Hammond does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of windrows of such material, upon any portion of any driveway along a town road, even though snow, ice or sleet is deposited or windrowed on said driveway by the town's authorized representatives engaged in normal winter maintenance operation.

- E. All driveways shall be designed and maintained by the owner(s) to not obstruct or impair drainage in highway side ditches or roadside areas.
- F. All driveways shall be designed and maintained by the owner(s) to prevent surface water drainage from the driveway area from flowing onto the roadway.
- G. All driveways shall be designed to allow reasonable access by emergency vehicles. Based on standards recommended in the International Fire Code, every driveway should have twelve (12) feet of driving surface, fourteen (14) feet of road base width, twenty (20) feet of horizontal clearance and thirteen and one half (13.5) feet of vertical clearance to allow ingress and egress by emergency vehicles. Driveway owners are responsible for trimming trees and bushes to maintain clearances for emergency vehicle access. A field driveway is exempt from this requirement.
- H. All driveways shall be at least two hundred (200) feet from any intersection center line of town as measured from the side of the driveway.
- I. All driveways shall be a minimum distance of at least two hundred (200) feet between driveways measured centerline to centerline on town road.
- J. All driveways shall be a minimum distance of ten (10) feet between driveways and lot lines measured edge of driveway to lot line on town roads and in the bulb of a cul-de-sac.
- K. Minimum distances between town road driveways and county road measured center line to centerline five hundred (500) feet.
- L. Only one driveway per parcel is allowed.
- M. Clearance at driveway road intersection must be constructed to maintain adequate sight distances.
- N. Driveways will not be allowed where the driveway road intersection has a six (6%) percent or greater slope at point of intersection to maintain adequate line of sight and stopping distances.

## 10. DRIVEWAY DESIGN STANDARDS

- A. All driveway construction shall meet the following standards:
  - 1) A maximum grade of two (2%) percent within fifty (50) feet of the centerline of the intersecting road. The driveway surface shall initially follow the existing shoulder grade and shall slope away from the town road.
  - 2) All driveways should intersect the public road at approximately a ninety (90) degree or right angle to the highway pavement.
  - 3) All driveways shall meet Vision Triangle Standards per St. Croix County Code Sub-Chapter VI section 17.60 Roads and Highway Set Backs (6) setback requirements.
  - 4) Driveway access shall be located at least ten (10) feet or more from the property line, measured from the edge of the driveway.
  - 5) Driveway access openings for vehicular ingress and egress shall be sufficiently wider at the roadway surface for safe turning movements and within the right of way to cover a culvert, when needed. Driveway access opening shall have a

minimum width of twenty (20) feet and a maximum width of twenty four (24) feet at the right-of-way line. Not to exceed thirty (30) feet at right-of-way and fifty (50) feet at road way surface.

6) A minimum driveway surface/mat of twelve (12) feet width.

7) The driveway must have at least six (6) inches of 3/4 inch crushed aggregate rock on the roadbed within thirty three (33) feet of the centerline of the intersecting road.

8) The side slope of the driveway shall be vegetated and graded to 4:1 slope four (4) feet horizontal to one (1) foot vertical.

9) No concrete driveways shall be allowed within town road right-of-way.

- B. Upon completion of the design review, the Town's representative shall inform the property owner when a culvert is deemed necessary.
- C. Culverts outside the right of way may be deemed necessary for proper drainage and safe emergency vehicle access.
- D. All culverts shall meet the following standards:
  - 1) The culvert shall be installed and maintained by the property owner. Replacement of a damaged or worn culvert is the property owner's responsibility.
  - 2) The culvert shall be corrugated steel and meet all Wisconsin Department of Transportation requirements and standards.
  - 3) The culvert shall be of a size to provide proper drainage under the driveway entrance and along the town road.
  - 4) Minimum cover over the culvert shall be six (6) inches measured from the top of the pipe to the top of the crushed aggregate.
- E. Culverts within the right-of-way shall meet the following additional standards:
  - 1) The culvert's minimum size shall be eighteen (18) inch diameter, and will additionally have standard apron end walls. If a larger culvert is necessary, the Town's representative shall provide the specifications to the property owner.
  - 2) Culverts shall be placed in the road ditch at an elevation that will ensure proper drainage.
- F. Any disagreements regarding the need for a culvert or needed size of the culvert shall be referred to the Town Board for a final decision and determination.
- G. Retaining walls and embankments of any kind, rocks, timbers and other similar driveway marking treatments are prohibited within the right-of-way.
- H. Town road surfaces, slopes, shoulders, ditches and vegetation disturbed by construction shall be restored by the property owner.
- I. On sites where slopes of twenty (20%) percent or greater will be disturbed, the Town representative should require that Department of Natural Resources Construction Site Erosion and Sediment Control and Storm Water Management best management practices be used to control sediment and erosion during construction.
- J. A clear, obstruction-free vision triangle of thirty (30) feet from the centerline shall be maintained on each side of the driveway. No building, fence, structure,



vegetation of any other object preventing a line of sight through the triangle may be placed.

- K. Granting of a driveway permit does not constitute a determination that driveway is safe or suitable.

## 11. TEMPORARY DRIVEWAY STANDARDS

- A. A temporary driveway may be allowed to accommodate short-term events or activities such as parking or logging.
- B. The owner and also the applicant if not the owner must apply for a temporary driveway permit from the Town Clerk. A non-refundable fee of sixty (\$60.00) dollars will be required at time of application.
- C. In addition to meeting all the driveway standards in Section 10, Driveway Design Standards, the owner or applicant shall provide a removal and repair cash deposit to be held by the Town. The deposit shall be an amount set by the Town Board up to ten thousand (\$10,000) dollars to cover the cost of driveway removal, re-grading, seeding, vegetation and associated administrative costs such as advertising and bidding.
- D. Town Board approval is required for all temporary driveways.
- E. A temporary driveway permit shall be issued until completion of the project for a maximum of six (6) months. An extension may be granted by the Town Board to accommodate weather or other reasonable delays caused by conditions outside of the owner's control.
- F. Within thirty (30) days of the expiration of the temporary driveway permit, the driveway and any culvert shall be immediately removed and the ditch and right-of-way graded and seeded to match the grade and cover prior to installation. An extension may be granted in a case by case basis by the Town Board to accommodate weather or other reasonable delays caused by conditions outside of the owner's control.
- G. Upon removal of the temporary driveway, the Town's representative shall be contacted to inspect the restoration prior to any return of deposit.
- H. In the event the driveway is not removed at the expiration of the permit, the Town Board shall exercise its right to remove the driveway, repair the site and re-establish vegetation at the expense of the land owner.
- I. Funds in excess of actual costs needed to repair the Town right-of-way shall be returned to the landowner.

## 12. WAIVER TO DRIVEWAY DESIGN STANDARDS

- A. 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 design 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.

- B. Any request by an applicant for a waiver of any standard must accompany the initial application and must state the reason for the request.
- C. A waiver may not be based on mere inconvenience or financial hardship to the applicant or a self-created hardship of the applicant.
- D. A waiver shall provide only the minimum relief necessary to overcome the unique condition(s).

### 13. RURAL ADDRESS SIGN PLACEMENT

Placement of rural address signs within the town road right-of-way shall meet the following standards:

- 1) Address signs shall be placed on the right side of the driveway, when facing the driveway from the road and at the highway right-of-way line.
- 2) The address sign shall be kept clear of obstruction.

### 14. MAILBOX AND NEWSPAPER BOX PLACEMENT

See Town Website for clarification.

[www.townofhammond.com](http://www.townofhammond.com)

### 15. ENFORCEMENT AND PENALTIES

- A. Any person who constructs or modifies any driveway without a permit as required by this Ordinance may be fined sixty (\$60.00) dollars plus applicable assessments.
- B. Each day that any violation continues may constitute a separate offense.
- C. Any person who constructs or modifies a driveway in violation of any other provisions of this Ordinance, unless the violation is corrected within thirty (30) days of date of written notice, all applicable fines for each violation may be enforced.
- D. An unlawful driveway in violation of this Ordinance may constitute a safety hazard or public nuisance and may be subject to removal.
- E. If the Town Board determines that removal or correction to the driveway is necessary to satisfy this Ordinance, the Town Board may cause the removal or required corrections to be made. The cost of such repairs, correction, restoration or removal will be charged to the property owner as provided in Section 86.02 of the Wisconsin Statutes. The Town's direct and indirect costs may include but are not limited to, engineering, legal, administrative, materials, and construction and demolition expenses. Should the landowner fail to pay the

penalty and/or repair, correction, restoration of removal costs, a special charge may be imposed against the real property of the property owner(s) as provided in Section 66.0627 of the Wisconsin Statutes.

- F. Citations. Any Town Board member and/or any law enforcement officer may issue citations for any violation of this Ordinance pursuant to the Town Ordinance.
- G. Other Enforcement. None of the above enforcement provisions are exclusive of any other enforcement method. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action, including an action for injunctive relief, to prevent or remove a violation of any provision of this Ordinance.

By: Paul Hueg                      Date 02/13/2017  
Paul Hueg, Town Chairman

ATTEST:  
By: Linda Hawkins              02/13/2017  
Linda Hawkins, Town Clerk

DATE PUBLISHED: 02/13/2017

