

# DRIVEWAY PERMIT ORDINANCE

## TOWN OF YORK

### ORDINANCE NO. #12-3

(This ordinance supersedes Ordinance No. 11-1  
and its amendments.)

#### 1. AUTHORITY

This ordinance is adopted pursuant to the general police powers granted under Section 60.22(3) and 61.34(1) Wisconsin Statutes and specific authority under Sec. 236.45 Wisconsin Statutes.

#### 2. PURPOSE

The purpose of this ordinance is to promote public health, safety and general welfare of the community. This ordinance applies to construction or modification of private Driveways or modifications of Town lanes located in the Town of York which provide access to buildings constructed or substantially modified after the effective date of this ordinance.

#### 3. DEFINITION

- a. **Driveway** is defined as a private driveway, road, field road, or other traveled way, giving access from a public highway or a private road to one or more buildings located or to be constructed on adjacent lands.
- b. **Town lane** is defined as an in-drive being maintained by the Town of York originally intended to serve a single farm residence to provide emergency services availability. Any changes from the original use of town lanes require the owner/developer to reconstruct the lane to current standards for driveways as specified in Section 5 of this ordinance.
- c. **Shared** driveway is defined as a private driveway serving more than one residence. The maintenance of a joint/shared driveway is the responsibility of the owners.

#### 4. GENERAL PROVISIONS

- a. No person shall construct, improve or rework a driveway which changes the existing topography of the land without first obtaining a Driveway Permit from the Town of York Board of Supervisors. Re-graveling of previously constructed driveways does not constitute a change in the existing topography of the land. Prior to consideration of the application by the Town Board of Supervisors, the applicant shall submit to the Town Clerk of York an application and a driveway construction plan which shall accurately describe the location of the proposed driveway and the specifications required by Section 5 of this ordinance for the driveway's construction.

- b. Any proposed driveway construction or modification shall be accompanied by an erosion control plan presented to the Town Board of Supervisors prior to the issuance of a Driveway Permit. An erosion control plan shall include the driveway owner's intentions and time table to re-seed, mulch, ditch, place culvert(s), and carry out other erosion control measures, all of which shall be completed within ninety (90) days after beginning driveway construction or modification. If an engineer's plan of the driveway is prepared according to the requirements of Section 6 of this ordinance, an erosion control plan shall specify only those measures which are not mentioned or required in the engineer's plan.
- c. No building permit for new residential construction will be issued until the driveway is constructed according to the specifications of this ordinance.
- d. With the approval of the Town Board of Supervisors, the driveway permit may be issued to allow for the excavation of the site to provide for site preparation and to provide fill for the proposed driveway.
- e. Fees: A **non-refundable** fee of \$800 must be submitted with each residential driveway application. This non-refundable fee will be distributed as follows: \$300 will cover the Town Board's inspection costs and \$500 will be deposited into the Town of York Rural Land Conservation Program Account. In addition, a **refundable** fee of \$1000 for single driveways or \$1500 for shared driveways must be submitted with each driveway application. This refundable fee may be in the form of a personal check, surety bond, or cash bond. This fee or part thereof may not be refundable should there be damage to the Town Road during any phase of driveway construction or if cost of inspection by the Town Board exceeds the \$300 non-refundable fee. Bonds may be required, at the board's discretion, for large projects.
- f. A driveway access permit will be issued for the purpose of permitting vehicular access or other means of travel from a public highway to a private driveway, road, and field road for all persons seeking a building permit. All driveway specifications for construction in the ordinance will apply. The applicant who may be the owner, agent, or contractor shall submit a location construction plan showing specifications including grade, slope, width, and length of the driveway and erosion control procedures. Said construction plan will specify completion dates for culvert placement, aggregate placement, erosion control procedures, and final application of a 2 inch layer of gravel. If the aforementioned completion dates are not met then a penalty as determined in Section 8 will be assessed.
- g. Any costs incurred by the Town in the approval or denial of a proposed variance shall be reimbursed to the Town by the applicant(s) seeking the variance. This shall include but not be limited to additional engineering studies, attorney fees and/or per diems by Town Board members.
- h. Driveway permits will be valid for one year from the date of issue. Reapplication for a permit will be required for any improvements not completed during that period. Reapplication permits will not be denied without reasonable cause.

- i. A request for a refund of the **refundable** portion of the driveway permit must be made to the Town Board within two years from the approval date of the driveway permit application, or forfeit the refund.

A driveway permit may be transferred to a new property owner. The Town of York clerk must be notified within 30 days of the transfer. A recording fee of \$20 must be paid to the Town of York. If there is a change to the location of the original driveway or the site of the building is changed by more than a 60 foot radius, a re-inspection will be necessary. The cost of the re-inspection will be the responsibility of the property owner. If alteration involves a new entrance then a new driveway permit is required.

## 5. SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS

- a. **Dimensions:** The driveway shall be constructed in accordance with the following dimensions:

Driveway Type	All dimensions are from Centerline of driveway (Dimension A)	Shoulder Width (Dimension B)
Single (200' long or less)*	8'	2'
Shared Driveway	9'	3'
Serving 3 lots or more	10'	3'

\* Single driveways longer than 200' use shared driveway dimensions



- b. **Surface:** The driveway must have at least six inches (6") of minimum two-inch (2") rock on the roadbed (base), and covered with six inches (6") of ¾-inch gravel.
- c. **Width at Intersection:** The driveway must have a width at the place where it intersects with a public road of at least twenty-four feet (24') and an unobstructed view of three hundred feet (300') at that place.
- d. **Grade:** The maximum grade of the entire driveway or any given segment of the driveway shall not exceed eleven percent (11%). A driveway which is at least twenty-four feet (24') in length shall have a maximum five percent (5%) grade at the point where the driveway enters onto a public

road. A slight dip across the driveway shall be placed just before the culvert at the entrance to the public road to prevent debris from washing onto the public road.

- e. **Shoulders and Side Banks:** Shoulder slope should be no more than one foot (1') of vertical rise for six feet (6') of horizontal distances. The driveway's side banks shall be graded to a slope of no more than one foot (1') of vertical rise in three feet (3') of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in an engineer's plan approved by the Town Board of Supervisors.
- f. **Driveway Setback:** On adjoining property lines, the base of the driveway must be a minimum of 5' from the property line.
- g. **Culverts:** Each driveway shall have a culvert at the ditch line where the driveway meets the public or private road, unless waived by the Town Board of Supervisors. The culvert shall be at least eighteen inches (18") in diameter and the length to be determined by the Town Board of Supervisors.
- h. **Drainage:** Ditches, roadway crowning, and culverts which provide acceptable drainage are required.
- i. **Curves** in the driveway shall have an inside radius of not less than thirty-six feet (36').
- j. **Emergency Vehicle Turn-Around:** The driveway must have an in-back-out with a radius of at least ninety (90) degrees or a fifty-foot (50') turning radius.
- k. **Vegetation:** Trees and vegetation should be cleared to the width of the base of the driveway and the height should be 15'. Clearance should be maintained perpetually for emergency vehicle access.
- l. **Erosion Control:** An engineer's plan showing adequate erosion control measures is required for any segment of the proposed driveway which disturbs land with a grade of more than twenty-five percent (25%), unless waived by the Town Board of Supervisors. The side banks shall be seeded promptly to control erosion. Once the construction of the driveway has begun, all specified erosion control measures, including retaining walls, ditching, culverts, crowning, mulching and matting shall be completed within ninety (90) days.

No driveway permits for driveways off the shared/private road/town lane will be issued if the shared/private road/town lane does not meet these conditions.

- m. All costs of the construction of said driveway, including the cost of the culverts and engineer's plan, if required, shall be paid by the property owner requesting the driveway permit.
- n. Shared driveways/private roads/town lanes will not be permitted without prior review and specified approval by the Town Board of Supervisors.

Shared driveways/private roads/town lanes must follow the same specifications of this ordinance for private driveways. All shared/private driveways/town lanes will require the addition of a written plan for its maintenance and use submitted to the Town Board. This written plan will be a recordable document.

## **6. REQUIREMENTS FOR AN ENGINEER'S PLAN**

- a. The Town Board of Supervisors may require the applicant to obtain a plan prepared by a professional engineer licensed by the State of Wisconsin prior to the construction or modification of any proposed driveway. An engineer's plan is required:
  - i. For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of twenty-five percent (25%), unless waived by the Town Board of Supervisors.
  - ii. For a driveway or segment of a driveway whose construction required a retaining wall or other special erosion control measure as determined by the Town Board or its authorized representative;  
or
  - iii. When the Town Board of Supervisors requests a plan for reasonable cause.
- b. The engineer's plan will include the following:
  - i. The precise location of the driveway or segment(s) of the driveway which requires an engineer's plan.
  - ii. Grade of the driveway showing no segment exceeding eleven percent (11%).
  - iii. Location and structure of any retaining walls.
  - iv. Location and size of any culverts.
  - v. Cross-section of the driveway.
  - vi. Mulching, matting, or other erosion control measures.
- c. When an engineer's plan is required, no construction of a driveway may commence until the engineer's plan is approved by the Town Board of Supervisors, and a Driveway Permit is issued, and when applicable, any necessary approvals are obtained from Green County or the State of Wisconsin per Wisc. Statutes Section 86.07.
- d. The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

## **7. EXISTING DRIVEWAYS AND FIELD ROADS**

When washing or other conditions created by existing driveways or field roads becomes a potential hazard to a public road, the Town Board of Supervisors shall

notify the owner(s) of the land through which the driveway passes of such condition(s). Any property owner failing to correct a hazardous situation immediately (within 24 hours) upon notification shall be subject to the penalty of this ordinance and shall be liable for any costs incurred by the Town of York to eliminate such hazard as provided in Wisc. Statutes Section 66.60(16). Problems of a non-emergency nature shall be corrected in thirty (30) days.

## 8. PENALTIES

- a. Should a driveway be constructed or modified in a way which violates the provisions of this ordinance, the owner(s) of the land through which the driveway passes shall pay a fine equal to three times (3x) the fee chargeable for the permit application, whether or not that fee has been paid. The owner(s) of the land shall also make the corrections indicated by the Town Board within a reasonable period of time determined by the Town Board.
- b. If the owner(s) of the land through which the driveway passes does not make the required corrections within the time specified, the Town Board shall determine the cost of correcting violations of the provisions of this ordinance including when necessary the return of disturbed land to its original condition. That cost shall be paid to the Town by the owner(s) of the property through which the driveway passes, as provided in Wisc. Statutes Section 66.60(16).

## 9. EFFECTIVE DATE

This Ordinance shall take effect and be in force for all new applications the day after its passage by the Town of York Board of Supervisors, publication and posting by law.

Driveway Ordinance #11-1 and its amendments are hereby rescinded and replaced by Ordinance #12-3.

Dated: May 9, 2012

Chairman \_\_\_\_\_ \*signed  
Dan Reeson

1<sup>st</sup> Supervisor \_\_\_\_\_ \*signed  
Dan Truttman

2<sup>nd</sup> Supervisor \_\_\_\_\_ \*signed  
Steve Hermanson

Attest: Clerk \_\_\_\_\_ \*signed  
Nancy Anderson

\*Signed copy filed with the clerk

# Realities and Code of Country Living

(with thanks to the Town of Adams, Green County)

WHEREAS you are applying for a driveway permit to construct a residence on land zoned agricultural;

WHEREAS the Town of York Board of Supervisors wants to provide security to farms and agribusiness operating in our town as well as provide protection for you and your property;

WHEREAS what may be pleasant to one may be offensive to another; meet your neighbors so you understand their perspective;

THEREFORE the Town of York Board of Supervisors uses this means to educate and inform applicants who apply for driveway permits of potential drawbacks of country living such as:

NOISE: from traffic, animals, tractors, motors, dryers, etc.

TRAFFIC: from semis, trucks, tractors, farm equipment, sprayers, wide slow-moving vehicles, stray cattle, etc.

DUST: from traffic, soil blowing, chopping hay, pollen, etc.

ODOR: from farms, feedlots, chemicals, fertilizers, manure, slurry, etc.

SPRAYING: of pesticides, fertilizer, etc.

FENCES: Landowners with or without animals are responsible for maintaining a legal fence (See Chapter 90.05 of the WI State Statutes).

SIGHT: from materials, parts, vehicles, etc. stored outside.

PUBLIC SERVICES: reduced from city living – no garbage pickup, no bus pickup, no mail delivery on private roads

EMERGENCY SERVICES: longer response times for fire, police, ambulance, etc.

WINTER ROAD MAINTENANCE: could be snow-covered and slippery longer. Plows do not run 24 hours a day. No plowing of private drives in subdivisions.

EXPANSION: A farm presently operating in the Town should have the right to expand so long as they follow all applicable state, county, and other ordinances and building codes.

LIGHTING: We would encourage shaded lighting to minimize illumination providing adequate lighting, supporting an energy-wise, environmentally friendly rural community atmosphere.

As an applicant for a driveway/building permit, I have read/understood the above statement. (To be submitted with Driveway Permit application)

\_\_\_\_\_ Applicant

\_\_\_\_\_ Date

**TOWN OF YORK  
DRIVEWAY/ACCESS VERIFICATION CERTIFICATION  
GREEN COUNTY, WISCONSIN**

(This application for a Driveway Permit must be submitted to the Town of York Board of Supervisors according to the Driveway Permit Ordinance standards. The completed application must also be submitted, with required attachments, with the Zoning Permit application to Green County Zoning, N3150 Highway 81, Monroe, WI 53566. (608-328-9423)

Pursuant to Green County Code Section 4-6-1-2:a.6, this form is required to be completed and submitted to the Green County Zoning Department at the time of application for a Zoning or Land Use Permit for projects requiring new or altered use of an access driveway for the premises. The purpose of this form is to certify that the Town has issued a Driveway Permit. Signature(s) on this form must be dated within 60 days of the date of application. Required attachments for some driveways must also be submitted with this form (see below).

Name of Applicant \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Current address: \_\_\_\_\_ Phone: \_\_\_\_\_

Project: \_\_\_\_\_ Construction of: \_\_\_\_\_

\_\_\_\_\_ Other land use: \_\_\_\_\_

Location of proposed driveway/access:

Section: \_\_\_\_\_ Town of York, Lot # \_\_\_\_\_ CSM # \_\_\_\_\_

Name of public road to serve as access to the premises: \_\_\_\_\_

Side (direction) of public road: \_\_\_\_\_

\_\_\_\_\_ feet (circle one) north east south west of \_\_\_\_\_  
(road)

Other information: \_\_\_\_\_

I certify that the application of Town of York driveway standards and ordinances have been applied to this project and have been agreed to by the Town and the applicant to the extent that the applicant may proceed with an application for a Zoning Permit/Building Permit for the above project at the above location:

Signature of Town Official: \_\_\_\_\_

Date: \_\_\_\_\_ Title: \_\_\_\_\_

**IN ADDITION:** If access is by County Trunk Highway, a completed County Highway Department Driveway/Access Permit Form must be attached. If access is by a State Trunk Highway, a completed Wisconsin Department of Transportation Driveway/Access Permit Form must be attached.

**ALSO ATTACH:** Erosion control plan; Engineer's Plan (if required); Maintenance Plan  
(for joint/shared private driveway)

\_\_\_\_\_ This driveway is off a private roadway. (check if applicable)  
Maintenance of private roads is not the responsibility of the Town of York.

# Welcome to York!

## The town of beautiful valleys and friendly folk

We hope this flyer will help answer questions as you find your way around your new home. York is strictly rural, with the villages of Blanchardville and New Glarus serving residents' basic needs.

**Building Permits:** A driveway permit is required before any building is done. Download from Web site or request from Town Clerk. A zoning permit is then secured from Green County Zoning, followed by a building permit from the building inspector.

**Chamber of Commerce:** Blanchardville Community Pride, 523-2274, has Welcome Packets for new residents and can tell about volunteer opportunities.

**Churches:**  
New Glarus Baptist Bible  
527-2625. Worship Sun.  
10:30 and 7 p.m.  
Immaculate Conception  
Catholic, 604 East St.,  
Blanchardville. Mass  
Sat. 4 p.m.  
Grace Community,  
527-5664, 416 2<sup>nd</sup> St.,  
New Glarus. Worship  
Sun. 8:30, 10:15 a.m.  
Blanchardville-Trinity  
Lutheran (ELCA),  
523-4239. Worship  
Sun. 9:45 a.m.  
York Lutheran (ELCA),  
523-4336. Worship  
Sun. 8:30 or 11 a.m.  
Shepherd of the Hills  
(ELCA), 527-2322,  
506 12<sup>th</sup> Av., New Glarus  
Swiss United Church of Christ  
527-2119, 18 5<sup>th</sup> Av., New  
Glarus. Worship 5 p.m.  
United Methodist  
523-1300, 101 N. Main,  
Blanchardville. Worship  
9 a.m. Sun.  
Cornerstone Lutheran  
(AFLC) 328-1001

1540 Old Hwy. 81

### Town Board

Dan Reeson, chairman  
523-1331  
Dan Truttmann, 1<sup>st</sup> Supv.  
527-5089  
Steve Hermanson, 2<sup>nd</sup> Supv.  
523-4513  
Ann Carlson, Treasurer  
527-3121  
Nancy Anderson, Clerk  
523-4529

**Crime-stoppers:**  
1-800-422-7463

**Digger Hot Line:**  
1-800-242-8511

**Fences:** Responsibility of both parties equally, whether you have cattle or not. Meet your neighbors!

**Fire and ambulance: 911**

**Garbage and Recycling:** Bring refuse to the town dump, County H in Postville. Open 8-12 Saturday mornings. Please separate waste and recyclables (check Web Site for Recycling Policy). Overseer: Cindy Allbee-Peterson

**Library:** in Blanchardville Town Hall, 523-2055.  
Hours: Mon. 9-2, 4:30-7:30.  
Wed. 9-5. Thurs. 12-7:30  
Saturday 9-12.

**Town Meetings**  
All meetings are open to the public. Town Board meets the 2<sup>nd</sup> Tuesday of each month, 8:00 p.m., Town Hall.

Plan Commission meets 1<sup>st</sup> Tuesday of each month, 8 p.m. Caucus is 3<sup>rd</sup> Tuesday in

January, odd years. Annual Town Meeting is 3<sup>rd</sup> Tuesday of April.

**Newspapers:**  
*Pecatonica Valley Leader*  
523-4284  
*New Glarus Post Messenger*  
527-5252  
*The Monroe Times* 328-4202

**Official Notices:** posted at York Church, the Leonard farm on Yankee Hollow and Loyalty Roads, and the Town Hall.

**Post Office Hours:**  
Blanchardville: 8-30-11, 12-4:30. Saturdays 8:30-10:30  
523-4246  
New Glarus: 9-11:30, 12:30-4:30. Saturdays 9-11  
527-2416

**Schools:**  
Pecatonica Area Schools  
(Blanchardville/Hollandale)  
523-4283  
New Glarus Schools  
527-2810  
Argyle Schools 543-3318

**Taxes:** Property taxes are due Jan. 31 to Town Treasurer and July 31 to Green County Treasurer.

**Voting:** 7 a.m.-8 p.m. at Town Hall, Postville Rd. and Cty. H

**Utilities:**  
Electric – Alliant Energy  
800-862-6222  
Propane – Blanchardville  
Co-op 523-4293  
Telephone – TDS 328-5252

**Web Site:**  
[www.townofyork.org](http://www.townofyork.org)