

## Chapter 4

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### Driveways; Culverts

4-4-1	Driveway Permits; Culvert Requirements
4-4-2	Driveway and Culvert Location, Design and Construction Requirements
4-4-3	Temporary Construction Permit

#### Sec. 4-4-1 Driveway Permits; Culvert Requirements.

- (a) **Purpose.** For the safety of the general public, the Town of Westport shall determine the location, size, construction 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, provided that access is not deficient or dangerous to the general public.
- (b) **Culvert Requirement.** No person shall locate, establish, construct or substantially reconstruct any driveway or private road in a public right-of-way of the Town of Westport without installing a culvert in full compliance with this Section. Included within the scope of this requirement are commercial driveways.
- (c) **Driveway Permit Required; Application; Fee.**
- (1) **Permit Requirement.**
    - a. No person shall locate, establish, construct or substantially reconstruct a private driveway, road, or other access from a private property line to the traveled portion of any public Town road without first filing an application and obtaining a driveway permit from the Town of Westport.
    - b. Prior to the time the use of a property served by a driveway changes, the owner and/or other necessary parties shall apply and obtain a driveway permit from the Town of Westport before the new use of the property can be undertaken.
  - (2) **Application.** Application for such permit may be made to the Town Clerk-Treasurer or Building Inspector. The request for such permit shall be in writing signed by the owner of the real estate affected or his agent and shall include design specifications and a drawing depicting the location and orientation of the proposed culvert in relationship to the real estate involved and the adjacent road, street, or highway.
  - (3) **Review.** The Town Engineer or his representative shall review all applications using this Chapter and the data and findings from the Driveway Inspection Report as shown in Section 4-4-2 in issuing driveway and culvert permits.

- (4) **Fee.** The applicant shall pay a non-refundable fee of One Hundred Dollars (\$100.00) at the time of making application of the driveway permit.
- (d) **Application Provisions.** All driveway permit applications shall contain the applicant's statement that:
- (1) The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Town road or street, or for any other purpose.
  - (2) The Town, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Town road or street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
  - (3) The permittee, his successors or assigns, agrees to indemnify and hold harmless the Town of Westport, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
  - (4) The Town does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the Town road or street.

## Sec. 4-4-2 Driveway and Culvert Location, Design and Construction Requirements.

- (a) **General Requirements.** The location, design and construction of driveways shall be in accordance with the following:
- (1) **General Design.** Private driveways shall be of such width and so located that all of such driveways and their appurtenances 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 or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least twenty (20) feet apart and there shall be at least ten (10) feet from the edge of the driveway to the property line except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
  - (2) **Number.**
    - a. The number of driveways allowed to serve an individual residential or commercial property fronting on a street shall be a maximum of two (2), subject to paragraph b., below, provided that when two (2) driveways are

- utilized, there is also at least 180 feet of total street frontage on the street from which the driveways serve the parcel.
- b. There shall be allowed one (1) driveway for the first acre of the served parcel, and one (1) additional driveway for each additional acre or part thereof, up to a maximum of two (2). For street corner parcels, or parcels abutting more than one street, driveways and/or street access shall be allowed from only one of the streets abutting the parcel.
  - c. Where two (2) driveways serve a parcel, such driveways shall be located no closer than 75 feet from centerline to centerline, and at least 10 feet from the edge of the driveway to the property line.
  - d. The Town Board may grant exceptions to the provisions of this subsection where deemed necessary and feasible for reasonable and adequate service to the property, considering the safety, convenience and utility of the street, and driveways may be approved for commercial and other use areas where deemed reasonable. The number of driveways to serve an individual residential or commercial property fronting on a street shall be one (1), except where deemed necessary and feasible by the Town Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street, and driveways may be approved for commercial and other use areas where deemed reasonable.
- (3) **Island Area.** The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection (5).
  - (4) **Drainage.** The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed. No driveway apron shall extend out into the street further than the road edge or face of the curb, and under no circumstances shall such driveway apron extend into the gutter area where there is curbing. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches, or roadside areas or with any existing structure on the right-of-way. All driveways and parking lots shall be graded in such way that no storm water reaches the roadway.
  - (5) **Restricted Areas.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
    - a. The filling or draining shall be to grades approved by the Town Engineer 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.
    - b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway.

Intermediate catch basins are required where the total culvert length is greater than three hundred (300) feet and/or where a bend or curve in the pipe is required.

- c. 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 for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Town Board.
- (6) **Relocation of Utilities.** Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Town Board necessary before any utility may be relocated and the driveway installed.
- (7) **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.
- (b) **Special Requirements for Commercial and Industrial Driveways.** The following regulations are applicable to driveways serving commercial or industrial establishments:
  - (1) **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 Town Board in its discretion may permit a driveway of additional width.
  - (2) **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°.
- (c) **Special Requirements for Residential Driveways.** The following regulations are applicable to driveways serving residential property.
  - (1) **Width.** Unless special permission is first received from the Town Board, or committee thereof, a residential single-type driveway shall be no greater than twenty-six (26) feet wide at the curb line or pavement edge and eighteen (18) feet wide at the outer or street edge of the sidewalk; residential double-type driveways shall be no greater than twenty-six (26) feet wide at the curb line and twenty-four (24) feet wide at the outer or street edge of the sidewalk.
  - (2) **Angular Placement.** The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curb line or pavement edge.
- (d) **Appeal from Permit Refusal.** Any person feeling himself aggrieved by the refusal of the Town to issue a permit for a private driveway may appeal such refusal to the Town Board within twenty (20) days after such refusal to issue such permit is made.
- (e) **Prohibited Driveways and/or Filling.**
  - (1) No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public

road, highway or street in the Town of Westport 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 Chapter.

- (2) No driveway shall be closer than twenty-five (25) feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Town for effective traffic control or for highway signs or signals.
- (3) The grade of that portion of any private driveway located within the limits of any public road, highway or street shall be such as 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.
- (4) Drainage from driveways shall run into adjacent ditches and not onto the road pavement.
- (5) Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town.
- (6) The placement of lawn sprinkler pipes in a road right-of-way is prohibited.

(f) **Culvert Construction Standards.**

- (1) **Size.** Culverts shall be installed prior to construction work being commenced on the property served. No pipe smaller than fifteen (15) inches in diameter (or equivalent elliptical or arch pipe) will be allowed. All culverts shall be constructed of galvanized steel and shall be of new manufacture, unless specifically excepted by the Town Engineer.
- (2) **Gauge.** The minimum wall thickness for the galvanized steel culverts shall be in accordance with the following:

<u>Pipe Diameter</u>	<u>Gauge</u>
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

The class of reinforced concrete pipe shall be in accordance with the following:

<u>Height of Cover</u> (in feet)	<u>Class of Pipe</u>
0-2	IV
2-3	III
3-6	II

- (3) **Drainage.** The culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- (4) **Endwalls.** Culverts shall be provided with a concrete or metal apron endwalls as directed by the Town Engineer.
- (5) **Backfill Material.** Material used for backfill shall be of a quality acceptable to the Town Engineer and shall be free from frozen lumps, wood, 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.
- (6) **Erosion Control.** Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Town Engineer.
- (7) **Cost.** The property owner shall install the culvert and be responsible for the cost thereof.
- (8) **Appeal.** Persons may request a variance from the culvert requirements of this Section by filing a written appeals request with the Town Clerk-Treasurer, who shall place the matter as an agenda item for the Town Board's next meeting. The Town Board may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The Town Engineer may be asked to render an opinion on the request.
- (g) **Enforcement.** All costs incurred by the Town relating to the enforcement of this Chapter or in making the determinations or inspections necessary hereunder shall be paid by the property owner, including, but not limited to, Town administrative costs and engineers' and attorneys' fees. Such costs shall be payable from the permit fee established in Section 4-4-1(c)(3) above. If a property owner refuses to comply with the Chapter, the Town may install the culverts and charge back the cost or additional cost thereof as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

TOWN OF WESTPORT DRIVEWAY PERMIT

Date of Request: \_\_\_\_\_ Requested by: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Lot or Parcel Description: \_\_\_\_\_

Proposed Driveway Location: \_\_\_\_\_

Intended Use: \_\_\_\_\_

Stopping Site Distance Available: \_\_\_\_\_

Posted Speed Limit: \_\_\_\_\_ Stopping Site Distance Required at Posted Speed Limit: \_\_\_\_\_

Remarks: \_\_\_\_\_

Drainage Consideration: \_\_\_\_\_

NOTE: Stopping site distance for driveways is measured with an eye height of 3.5 feet above the pavement and an object height of 0.5 feet above shoulder elevation.

Required stopping distance  $d = 1.47 Vt + V^2 / 30[f+G]$   
V = Speed in miles per hour  
t = Reaction time (2.5 seconds)  
f = Coefficient of skidding friction for wet pavement  
G = Grade in feet per feet (- for down hill, + for up hill)

I \_\_\_\_\_ as owner/agent of the above property agree to the preceding terms, conditions and specifications.

\_\_\_\_\_ Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(signature)

Date filed \_\_\_\_\_ Issued By: \_\_\_\_\_ Date: \_\_\_\_\_

Circle one: Permit Needed/Permit Not Needed: \_\_\_\_\_

Inspected by: \_\_\_\_\_ Date: \_\_\_\_\_

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**Sec. 4-4-3 Temporary Construction Permit.**

- (a) **Temporary Permit.** The Town of Westport may issue a temporary permit allowing access to a roadway during construction in accordance with this section.
- (b) **Application.** Application for a temporary access permit shall be in writing signed by the applicant and the owner of the real estate affected or the owner's agent, and shall be made to the Town Clerk-Treasurer or building inspector. The application shall include a site plan showing the proposed location of the access driveway, and shall include a copy of a County grading permit.
- (c) **Review.** The Town Engineer shall review the application and recommend approval or denial of the temporary access permit.
- (d) **Fee.** The applicant shall pay a non-refundable fee of \$100.00 at the time of making application for the temporary access permit.
- (e) **Application Provisions.** The application shall contain the applicant's statement that:
  - (1) The applicant and owner are agreeing to construct and maintain a gravel access of sufficient width and length to prevent sediment from being tracked onto public and private roadways. The applicant and owner are agreeing that any sediment which reaches a public or private road shall be removed by street cleaning (not flushing) before the end of each day.
  - (2) The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to the property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Town road or street, or for any other purpose.
  - (3) The Town, notwithstanding the construction of such temporary access driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Town road or street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such temporary access driveway for the damage or destruction of such private roadway.
  - (4) The Town does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such temporary access driveway within the dedicated portion of the Town road or street.
  - (5) The applicant and owner, and their successors or assigns, agree to indemnify and hold harmless the Town of Westport, its officials, officers, agents and employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of a temporary construction access permit.
- (f) **Design Criteria and Requirements.**

- (1) **Timing.** The gravel access shall be installed as part of the initial erosion control prior to any grading activities.
  - (2) **Maintenance.** The gravel access shall remain in place and be maintained until the disturbed area is stabilized by permanent best management practices. The gravel access shall be inspected daily. All areas filled with silts and mud will be repaired or replaced immediately.
  - (3) **Removal.** When use of the temporary access driveway is terminated, the gravel and culvert shall be removed and the area restored with topsoil, seed and mulch or as provided in an approved development/ landscape plan.
  - (4) **Location.** The gravel access shall be located to provide maximum use by all construction vehicles.
  - (5) **Dimensions.** The gravel access shall consist of at least 6 inches of 2 to 3 inch clear aggregate, be a minimum of 50 feet in length or the distance from the road to the specific construction area, whichever is less, and be at least 7 feet in width. The width shall be 14 feet if it is necessary to have vehicles pass on the site.
  - (6) **Drainage.** A properly sized culvert shall be installed in the road ditch. The minimum size allowed is 18" and no end sections are required.
  - (7) **Signage.** Where visibility is restricted, appropriate traffic warning signs shall be installed and maintained in accordance with the Manual on Uniform Traffic Control Devices.
- (g) **Erosion Control.** Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Town Engineer.