

CHAPTER 27: DRIVEWAY AND CULVERT INSTALLATION ON TOWN ROAD RIGHTS-OF-WAY

27.01. Title/Purpose.

This chapter is entitled “Driveway and Culvert Installation on Town Road Rights-of-Way.” The purpose of Chapter 27 is to provide for the regulation relating to the installation of new or reconstructed driveways and culverts.

27.02. Permit for New or Reconstructed Driveways.

A. No person shall hereafter lay, install, or reconstruct any driveway or install or reconstruct a culvert in connection therewith in the Town road right-of-way within the Town without first obtaining a permit from the Town. Permits must be obtained before the issuance of any building permit.

B. Reconstruction of a driveway/culvert is defined as rebuilding, resurfacing, repaving, replacing, removing old pavement, extensions of culverts to include wing walls, repairing, replacing, culverts, and any type of work/construction that takes place within the Town road right-of-way.

C. Driveway is defined as any vehicular accessway to a Town road, whether intended to be temporary or permanent in nature.

27.03. Driveway/Culvert Permit.

Every such permit application shall describe the public road adjacent to the culvert or driveway or location of the culvert or driveway, the nature of the work being undertaken by the applicant, the applicant’s name and address, the property owner’s name and address, the estimated dates of commencement of work and completion of work, and, in the case of an application for a temporary driveway, the date by which the driveway shall be removed from the Town road right-of-way. Permits shall be issued by the Plan Commission, or its designee, on a permit form approved by the Plan Commission.

27.04. New Driveway Permit Conditions.

A. **Placement.** The driveway shall be placed as near as possible at a right angle to the roadway and shall be so located that there is a minimum of 400 feet of sight distance along the road in each direction. Any sight distance of less than 400 feet shall require a variance. A driveway shall not provide direct ingress or egress to or from a road intersection area and shall not occupy areas of the Town road right-of-way deemed necessary by the Town Board for effective traffic control or for highway signs or signals.

B. **Culvert.** When required to provide for adequate surface water drainage along the road, the property owner shall provide and maintain any necessary culvert pipe at their own expense. The culvert, if needed, shall be of a type which will withstand the nature and type of traffic to be driven over it. The culvert shall be of such size to facilitate the drainage of water common to that area through said culvert. All excavation for culverts in the Town road right-of-way will be done in a workmanlike manner and said excavation will be completed in such a way as to cause minimal inconvenience to the public. The minimum culvert diameter shall be 15 inches, and the minimum length shall be 24 feet. All new culverts shall have end walls.

C. **Elevation.** The elevation of the finished driveway surface directly atop the culvert shall be four inches below the elevation of the road edge at the driveway. The width of the driveway at the culvert shall be a minimum of 20 feet. The driveway shall be crowned so as to direct the runoff water away from the roadway and into the ditch. Any excavation or lawn seeding must slope away from the shoulder of the road for a minimum distance of four feet at a minimum 6:1 grade. The property owner shall make another application to the Town for permission to place asphalt surfacing on the driveway if planned subsequent to the original culvert installation.

D. **Concrete, Pavers, and Field Stone Surfaces.** Any driveway, new or existing, which is to be constructed with concrete, pavers, or field stone shall terminate at the property side of the culvert, but not closer than 20 feet from the edge of the road.

E. **Obstructions.** There will be no obstructions in connection with the construction of the driveway or the installation of a culvert to be placed in the right-of-way of any highway or street in the Town at an elevation any higher than the finished grade of the roadway adjacent thereto.

F. **Use of Driveway During Construction; Damage to Right-of-Way.** All driveways shall be in place before any type of new construction begins. The driveway shall provide the only means of ingress to or egress from the construction site. All damage to the Town road right-of-way, including the road surface, resulting from the installation, maintenance, repair, replacement and/or removal of any driveway shall be repaired at the property owner's expense and in accordance with the Town's Road Ordinance. When applicable, all repairs must be completed before an occupancy permit will be issued.

G. **Guidelines To Be Followed.**

1. Proper size, length, and pitch of culvert with end walls.
2. Culvert to be covered with two inches to three inches of base stone.
3. Surface to be one-half inch to three-fourths inch gravel.

4. All disturbed areas shall be restored with proper grading, seed, sod, and other erosion control measures as determined by the Town of Darien Public Works Department.

5. No rocks, washout material, debris, or redi-mix materials.

6. No plantings (bushes, flowers, etc.), rocks, boulders, structures, fences, etc., within the Town road right-of-way. A rural mail box is the only item allowed within the Town road right-of-way.

7. The Town is NOT RESPONSIBLE for any damage to mail boxes.

H. **Temporary Driveways.** All driveways intended to be temporary in nature shall be removed from the Town road right-of-way on or before the date indicated on the permit application. The issuance of a permit for a temporary driveway may, at the sole discretion of the Plan Commission, be conditioned upon the applicant's posting of a bond or other security for the performance of the applicant's obligations under this Chapter, in such form and amount as deemed acceptable by the Plan Commission.

27.05. Existing Driveways.

A. Any existing driveway which is to be reconstructed in any manner will also be required to comply with subsections 27.04.B. through 27.04.G., above.

B. Any preexisting concrete, paver, and/or field stone driveway will be allowed until either the Town repaves, resurfaces, or reconstructs the Town road or the existing culvert is replaced.

C. If the Town road is repaved, resurfaced, or reconstructed, the Town will remove the portion of the driveway that is within the Town road right-of-way and will replace said portion with asphalt.

27.06. Hardship.

If a property owner feels a hardship has been created due to the unusual slope or terrain of the property in the Town road right-of-way, said property owner may appeal to the Town Board for a variance on the conditions set forth above.

27.07. Violation.

Any person who shall violate provisions of this chapter shall remedy and correct such violation within 30 days of notification, in writing, by the Town Board.

27.08. Additional Relief.

Any driveway or culvert installed upon, under, or over any highway right-of-way without a permit, or any such driveway or culvert which is installed contrary to the terms and conditions of the issued permit or of this chapter shall be deemed a highway encroachment and shall be subject to removal, pursuant to Wis. Stat. § 86.04 as it presently exists or as it may hereafter amended or renumbered. Failure to obey an order for removal under Wis. Stat. § 86.04 may result in a per diem forfeiture and the recovery of the Town's costs of removal.

27.09. Penalties.

Any person or entity violating any provision of this chapter shall be penalized in accordance with Chapter 16 of the Town ordinances.

27.10 Culvert Replacement.

The Town of Darien Public Works Department shall replace all culverts it deems to be unserviceable due to damage or normal wear and tear. Culverts removed for replacement, cleaning, or that are adjusted or enlarged as part of a project shall be done at the expense of the Town Public Works Department. Culverts damaged by or requested by a property owner to be changed shall be paid for by the property owner.