

**Town of Riverview
Oconto County
State of Wisconsin
Driveway Permit Ordinance**
Ordinance # 20-2012 Rev 3
Adopted: February 14, 2012
Amended: April 13, 2021 & December 14, 2021

Section I – Title and Purpose

The title of this ordinance is the Town of Riverview Driveway Ordinance. The purpose is to regulate, for public health and safety reasons, the establishment, repair, construction, improvement, modification and reconstruction of private driveways, to assure that the methods of repair, construction, improvement, modification and reconstruction practices used in any driveway will protect properly the public health, safety, and general welfare of persons in the Town of Riverview, and to limit and regulate highway access by motor vehicles to any town highway in the town. This is not a town zoning ordinance.

Section II - Authority

The Town Board has the specific authority under ss. 66.0425 and 86.07, Wis. Stats., to adopt a town highway access permit ordinance and has the general authority under its village powers under s. 60.22, Wis. Stats., to adopt this ordinance. This ordinance does not pertain to county or state highways.

Section III – Adoption of Ordinance

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by permit of certain driveways and highway access locations in the town.

Section IV – Definitions

In this ordinance:

- A. "Driveway" means 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 vehicular access from the highway to a residence, business, recreational site, or other similarly appropriate use.**
- B. "Emergency vehicle" means any fire, police, ambulance or first responder vehicle used in emergency or hazard activities in the town.**
- C. "Impacted landowner" means an owner of real estate that is provided vehicular access to a public highway by a driveway determined to be unsafe.**

- D. "Prime or productive agricultural or forestry land" means any land within the town that is currently being farmed or kept in forestry, including cropland and pastureland or land that is included in a government sponsored agricultural or forestry program.**
- E. "Town" means the Town of Riverview, Oconto County, Wisconsin.**
- F. "Town Board" means the board of supervisors for the Town of Riverview, Oconto County, Wisconsin and includes any designee of the board authorized to act for the board.**
- G. "Town Clerk" means the clerk of the Town of Riverview, Oconto County, Wisconsin.**
- H. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.**

Section V – Subdivisions and Numbering of this Ordinance

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section", "subsection", "paragraph", or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

Section VI - Coverage

- A. No person may establish or construct a driveway or reconstruct, reroute, or alter the existing slope of any existing driveway or any town or other highway or highway right-of-way in the town in relation to the connection of the highway or highway right-of-way to a driveway, whether new or previously existing, without first obtaining a Town Driveway Permit to be issued by the Town Board.**
- B. Any person prior to and at the time of seeking a Town Driveway Permit must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.**

Section VII - Specifications

Commencing 6 months after the effective date of this ordinance for existing driveways and commencing on the effective date of this ordinance for new driveways being constructed, all driveways in the town for which a Town Driveway Permit is required under Section VI shall meet all the following minimum requirements. No permit shall be issued unless the materials submitted as required under Sections VIII and IX demonstrate compliance with the requirements of this section:

- 1. Minimum surface width 12 feet**

2. Minimum width clearance 24 feet
3. Minimum height clearance free of trees, wires, etc. 18 feet
4. Maximum grade 10%
5. At least one 25 feet in length and 18 feet in width segment of road surface shall be provided for each 300 feet of driveway length to provide for the safe passage of meeting vehicles.
6. The driveway within the area of the public right of way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road.
7. An adequate roadbed base of suitable material to support the projected traffic and any requirements for culverts shall be determined by the Town Board when considering an application for driveway approval.
8. If culverts are required, the recommended minimum diameter shall be 12 inches.
9. At the dead end of all new driveways, a turnaround of at least 25 feet radius or some other method to allow vehicles to turn around shall be provided as determined by the Town Board. Illegal culverts will be removed at landowner's expense.

Section VIII – Application and Permit Provisions

The town board shall approve a form for application for the Town Driveway Permit, which shall be available from the Town Clerk.

- A. The applicant for a Town Driveway Permit shall submit to the Town Clerk a completed application with the appropriate fee and with the following attachments:
 1. **Sketch Map.** A rough sketch showing the conceptual idea of the project and approximate location and dimensions of the project. The sketch map may be submitted to the Town Board prior to the preparation or submission of the other supporting documents for the Town Board to provide initial comments and review of the proposal. However, formal approval for a Town Driveway Permit will not be granted without the submission of complete supporting documents.
 2. **Plat Map.** A plat map indicating the location and dimensions of the desired driveway location, if any, as well as the parcels immediately adjacent to the applicant's property. The applicant may first submit only a sketch plat. Once the Town Board has reviewed the sketch plat, the applicant may be asked to submit an additional preliminary plat or final plat or both.
 3. **Slope Analysis**
 4. **Aerial Photo (optional)**
 5. **Driveway Construction Plan (optional)**

B. Procedures for the evaluation of the Town Driveway Permit Application by the Town Board, including any required site inspection of the proposed driveway shall be determined by the Town Board. Slope and culvert needs will be included in the evaluation.

D. The Town Board shall approve or deny every Town Driveway Permit Application and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the permittee. Reasons for denying a Town Driveway Permit Application may include, but are not limited to:

- 1. The inconsistency or nonconformance of the proposed driveway.**
- 2. The driveway, bridge, culvert, or any combination, when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for use by persons in the town.**
- 3. The application as filed and submitted is incomplete or contains false material as determined by the town board.**
- 4. Alternative driveway locations, bridge and culvert locations will be safer for persons ingressing or egressing on the driveway and access point by motor vehicle or for persons traveling on the adjacent highway by motor vehicle.**
- 5. Alternative driveway locations will preserve or better protect more prime or productive agricultural or forestry land in the town.**
- 6. Alternative driveway locations will have less negative land use impact on historically, archaeologically, community, public or culturally significant or environmentally sensitive parcels of land or facilities in the town, including land adjacent to or near the proposed driveway.**
- 7. The driveway will not provide timely and adequate ingress and egress for emergency vehicles.**

E. In the event of a denial of a Town Driveway Permit, the Town Board shall recite in writing the particular facts upon which it bases its denial of the permit. The Town Board shall also afford the applicant an opportunity to review the Town Board's decision and present evidence refuting the determination. Thereafter, the Town Board may affirm, reverse, or modify its decision. The Town Board shall recite in writing findings for any decision to modify or reverse its initial determination.

Section IV – Penalty Provision

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Driveway Ordinance Permit (Chapter 20) shall, upon conviction, pay a forfeiture according to the Town of Riverview Bond Schedule, plus the applicable surcharges, assessments, and cost for each violation. Each day a violation exists or continues constitutes a separate offense under this

ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

Section X – Severability Clause

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application and to this end the provisions of this ordinance are severable.

Section XI – Effective Date

This ordinance is effective on publication or posting.

The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 14th day of February 2021

Revision passed: April 13, 2021 & December 14, 2021



Ann Hogan, Town Chairperson



James Zittlow - Supervisor



Dick Booth – Supervisor

Attested:



Beth Hartman - Clerk