

## CHAPTER 4

### DRIVEWAY; CULVERTS

#### 4-4-1 DRIVEWAY PERMITS; CULVERT REQUIREMENTS

#### 4-4-2 DRIVEWAY AND CULVERT LOCATION, DESIGN AND CONSTRUCTION REQUIREMENTS

#### SEC. 4-4-1 DRIVEWAY PERMITS; CULVERT REQUIREMENTS

1) Purpose. For the safety of the general public, the Town of Burke 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.

2) Culvert Requirements. No person shall construct any driveway or private road in a public right-of-way of the Town of Burke without installing a culvert in full compliance with this section. Included within the scope of this requirement are commercial driveways and replacement of existing culverts.

3) Driveway and culvert Permit Required; Application; Fee. At the time of making an application for a driveway permit, the applicant shall pay a permit fee of \$100 and make an escrow deposit with the Town in the amount of \$2,000 for new construction and \$1,000 for alterations. The intent of this escrow deposit is to hold the owner responsible for potential damage to the Town Road of right-of-way or for failure to establish effective erosion control measures such as planting and growth of grass. Upon completion of the driveway construction/alteration the highway patrolman shall inspect the site. If there is no damage to the road and effective control measures are established, the escrow deposit shall be returned to the applicant. If, in the estimation of the highway patrolman, there is damage to the road, the road will be repaired and the cost will be deducted from the escrow deposit. If the cost of the repair of the damage exceeds the escrow deposit, the applicant shall pay the difference to the Town.

4) Application Provisions. All driveway permit applications shall contain the applicant's statement that:

a. 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.

- b. 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 deconstruction of such private roadway or driveway.
- c. The permittee, his successors or assigns, agree to indemnify and hold harmless the Town of Burke, 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.
- d. 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.**

1.) General Requirements. The location, design and construction of driveways shall be in accordance with the following:

- a. General Design. Private driveways shall be of such width and so located that all of such driveway and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress 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 ten (10) feet apart except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with the utilities in place.
- b. Number. 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.
- c. 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 (e).
- d. Drainage. The surface of the driveway connecting to the street cross section 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 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 structures on the right-of-way.

- e. Restricted Areas. The restricted are between successive driveways may be filled in and graded only when the following requirements are complied with:
  - a. The filing or drainage 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 manholes adequate for cleanout purposes may be required where the total culvert length is excessive.
  - 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.
- f. Relocation of Utilities. Any costs of relocating utilities shall be the responsibility of the property owner with the approval of the Town Board necessary before any utility may be relocated and the driveway installed.
- g. 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.

## 2. Special Requirements for Commercial and Industrial Driveways.

- a. Width of Commercial or Industrial Drive. All driveways shall have a minimum width of twelve (12) feet and a maximum width of thirty-five (35) feet as measured at the road right-of-way line. However, driveways in excess of thirty-five (35) feet may permitted provided they are bi-directional with a minimum of a six (6) foot wide barrier island down the middle separating the two directions of travel.
- b. Angular Placement of Driveway. The angle between the centerline of the driveway and the curb line or road edge shall not be less than 45 degrees.

## 3. Special Requirements for Residential Driveways.

- a. 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 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.

- a. Angular Placement. The centerline of the drive may be parallel to the property line of a lot where access is required or at right angles to the curb line.

4. Appeals from Permit Refusal. Any person feeling aggrieved by the refusal of the Supervisor of Public Works or designee 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.

5. Prohibited Driveways, Obstructions and Structures.

- a. 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 Burke 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.
- b. 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.

6. Culvert and Driveway Construction standards.

- a. Installation. The installation of any culvert shall be done by the permittee or designated contractor, to the proper Town standards and must be inspected and approved by the Supervisor of Public Works.
- b. Size. Culverts, if deemed necessary by the Supervisor of Public Works or designee, shall be installed prior to construction work being commenced on the property served. No pipe smaller than eighteen (18) inches in diameter (or equivalent elliptical or arch pipe) or longer than thirty-five (35) feet in length will be allowed. All culverts shall be constructed of galvanized steel, aluminum, or reinforced concrete, and shall be of new manufacture, unless specifically accepted by the town Supervisor of Public Works or designee.
- c. Gauge. The minimum wall thickness for the pipe culverts shall be in accordance with the following:

Pipe Diameter	Gauge
18 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

- d. Drainage. The culverts shall be placed in the ditch line at elevations that will assure proper drainage.
- e. End walls. Culverts shall be provided with a concrete or metal apron end wall as directed by Town officials.

- f. Backfill Material. Material used for backfill shall be of a quality acceptable to Town officials 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 sub grade shall be twelve (12) inches.
- g. Erosion Control. The best management practices for erosion control measures shall be implemented as necessary to control erosion, or as directed by the Town Supervisor of Public Works.
- h. Appeal. Persons may request a variance from the culvert requirements of this section by filing a written request with the Town Clerk, 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 finding the 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.
- i. 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. If a property owner refuses to comply with the Chapter, the Town may install the culvert and charge back the cost or additional cost thereof as a special charge pursuant to Sec. 66.0627 WI Stats. Those persons deemed non-compliant with this Chapter, after written notice giving 10 days for compliance may be subject to the general penalty provisions as stated in Town of Burke Ordinance 1-1-6.