

**TOWN OF GARFIELD**

**DRIVEWAY**

**ORDINANCE**

**NO. 2-2004**

Revision A October 21, 2004

**ORDINANCE NO.2-2004**  
**TOWN OF GARFIELD**  
**POLK COUNTY, WISCONSIN**  
**DRIVEWAY ORDINANCE**

Pursuant to sections 60.22(1), 60.22.(3), 61.34(1) and 81.01 of the Wisconsin Statutes, the Town Board of the Town of Garfield, Polk County, Wisconsin, does hereby ordain as follows:

**SECTION 1      PURPOSE**

The purpose of this Chapter is to regulate and control driveway development within the Town of Garfield in order to promote public health, safety, general welfare, water quality, and aesthetics. This can be accomplished by requiring an orderly layout and use of land, providing safe access to highways, roads and streets, facilitating adequate provision for transportation and surface drainage.

**SECTION 2      AUTHORITY**

This Chapter is adopted under the authority granted by Sections 60.10, 60.61, 60.62 and 62.23, Wisconsin Statutes.

**SECTION 3      ADOPTION**

The Town Board has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance the certain areas and the regulations and controlling of certain uses, activities, businesses and operations in the Town of Garfield.

This ordinance shall be in effect beginning March 1, 2004 and shall remain in effect until the ordinance is withdrawn or modified by the Town Board. Publication of this ordinance shall be made according to Statute prior to legal authority.

**SECTION 4      APPLICATION FOR PERMIT**

All driveways proposed to be installed or any driveway alleged to be existing and serving open land without improvements shall be subject to the application fee as established by the Town Board and shall be paid to the Township before installation of the driveway. Furthermore, construction shall not begin until approval is received for such driveway.

The applicant who may be the owner, agent or contractor shall submit a plan showing the specifications including grade, slope, width and length of the driveway, erosion controls and culvert specifications.

The Town Board shall have the authority to determine if any driveway existed prior to the effective date of this ordinance. This determination only allows for the location of the driveway and does not void the construction standards.

## **SECTION 5      DEFINITIONS**

For the purposes of this Chapter, certain words or phrases used herein are defined as follows:

- (A) Committee:    The Board of the Township of Garfield or their designee.
- (B) Town:            The Township of Garfield
- (C) Driveway:      An access used for purposes of ingress and egress serving not more than two (2) lots.
- (D) Easement:      Part of a lot so designated on a CSM or plat and utilized for a specific purpose.
- (E) Design:         Shall be based on a site analysis by the Town Chair or their designee.
- (F) Road and Driveways:
  - (1) The road system shall be designed to meet the following objectives: to permit the safe, efficient and orderly movement of traffic; to respect natural features and topography; and to permit proper drainage.
  - (2) Any driveway serving not more than two (2) lots shall be located within a driveway width that is less than 30 feet surface width of roadway and shoulders.
  - (3) No more than two (2) driveways will be permitted per forty (1320 feet) without written permission of the Town.

## **SECTION 6      VARIANCES TO DESIGN STANDARDS AND APPEAL PROCESS**

- (A) The Committee may grant variances to design standards during the review and approval stages upon showing that the owner will suffer unnecessary hardship if strict compliance with the standard is required. The granting of a variance shall not violate the spirit or intent of this Chapter or other county land use regulations.
- (B) Unnecessary hardship shall be defined as a situation where in the absence of a variance no feasible use can be made of the lot.
- (C) The Committee may hold a public hearing on a request for a variance. A Class 2 notice shall be published for the hearing.
- (D) The Committee shall make a decision on the request for variance within ten (10) days of the hearing. Written findings of fact, conclusions, and the reasons for the decision shall be prepared, and signed by the Committee Chairman. A copy of the decision shall be mailed to the petitioner.
- (E) Any person aggrieved by the decision of the Committee may commence an action in circuit court seeking the remedy available by certiorari. The procedures in Sec. 59.99(10), Wisconsin Statutes, apply to this action.

## SECTION 7 MINIMUM DRIVEWAY STANDARDS

The following are the minimum road standards adopted as part of the ordinance. Where other town road standards are more restrictive, they shall apply.

- (A) All public and private roads shall be designed and constructed in accordance with road standards adopted by the Town of Garfield Road Standard Ordinance or standards set forth in Sec. 86.26(1)(b), of the Wisconsin Statutes.

### (B) REQUIREMENTS WITHIN TOWN RIGHT-OF-WAYS

1. 3' to 5' ditch bottom;
2. 24' minimum road width before gravel or base course;
3. 20' road width after base course;
4. 2' shoulders;
5. 12" sub base of sand, measured after being compacted;
6. 6" base of crushed limestone or 7" base of Wisconsin grade 2 gravel, measured after compacted;
7. 0% grade toward public road not to exceed 10% slope away from public roads;
8. Decomposable material shall not be used in construction;
9. Shoulder slopes of 3:1 on fills to 3 feet; 2:1 maximum below the top 3 feet;
10. Fill slopes of 3:1 on fills to 3 feet; 2:1 maximum below top 3 feet;
11. Back slopes 3:1 or flatter desirable; 2:1 maximum.
12. A culvert – minimum size of pipe is 15" X 28' – galvanized or plastic. Endwalls are Mandatory.

- (C) The Chair or their designee shall examine the design and location of driveways to assure that they are laid out in a way that will produce intersections, grades and other features satisfy the following standards:

1. The intersection angle of a driveway to a road, and a road to a road, shall not be less than 75 degrees.
2. The Committee shall require intersection vision clearances.
3. The vertical alignment of the centerline shall be based on the minimum safe stopping sight distance in accordance with the design standards of the AASHTO.
4. The planning, location and designations of roads in an area shall not allow the continuation of traffic from residential developments directly into commercial or industrial developments or vice versa.
5. The committee may require joint driveways.
6. No driveway shall be located within 100' of any public road intersection.
7. No owner of the driveway shall allow any material including mud, snow, ice or any other material onto the public road. This includes the plowing of such material across the highway.

## **SECTION 8 FEES AND AGREEMENT**

### **(A) Fees**

1. Each driveway installation requires an application fee as established by the Town Board Resolution.
2. Inspection when not in compliance;
  - (a) The first non-compliance notice will result in a written notice of non-compliance from the town clerk stating the nature of the changes required to meet the driveway ordinance. This notice will result in a forfeiture which shall be established by the Town Resolution. A time to complete the compliance shall be stated in the letter (a minimum of 30 calendar days shall be given unless an immediate safety peril has been determined).
  - (b) In as much as a driveway permit is required before construction is to begin, a first non-compliance exists at the time a fire number is delivered. Notice of such failure to comply shall be given at that time. This notice shall constitute a 30 day notice to comply.
  - (c) The second failure to comply will be sent again stating the nature of the non-compliance. This compliance order contains the same requirement as in (a) above except; the failure to comply will result in a forfeiture double the first non-compliance violation. Each subsequent non-compliance will result in additional forfeitures equal to (c) above.

### **(B) Agreement**

1. Upon application, petitioner for a driveway permit shall sign that they have received a copy of the DRIVEWAY ORDINANCE and accept the terms of the ordinance.
2. This agreement can be obtained from the Town Chair or Town Clerk or their designee.
3. No driveway construction shall begin until a permit has been issued.

## **SECTION 9 VIOLATION AND PENALTIES**

Any person, partnership, corporation or other entity who fails to comply with the provisions of this Chapter shall, upon adjudication of violation, be subject to penalties and forfeitures as provided in Sections 236.30, 236.31, 216.32, 236.335 and 236.35 Wisconsin Statutes.

Adopted by The Town of Garfield April 19th, 2004

---

Edward O. Gullickson, Chairman

### **ATTEST**

---

Marjorie Nelson, Clerk

**TOWN OF GARFIELD  
SWORN STATEMENT**

I, \_\_\_\_\_, The undersigned, have received a copy of the DRIVEWAY ORDINANCE, and do hereby agree to the conditions set forth in this ordinance.

Signed \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**TOWN OF GARFIELD  
DRIVEWAY PERMIT**

**Permit Fee  
\$100.00**

Applicant name \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Phone \_\_\_\_/\_\_\_\_/\_\_\_\_

Property Owner's Name \_\_\_\_\_

Location: Section \_\_\_\_\_ Town \_\_\_\_\_ Range \_\_\_\_\_

Street or Avenue which driveway will access \_\_\_\_\_

Person or Company which will do the construction \_\_\_\_\_

\_\_\_\_\_ Phone number \_\_\_\_/\_\_\_\_/\_\_\_\_

All driveways shall be constructed according to the Town of Garfield Driveway Ordinance. I understand this ordinance and agree to construct proposed driveway according to these specifications.

The maintenance of this driveway shall be the sole responsibility of the property owner.

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

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

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

## NOTICE OF NON-COMPLIANCE

At the time of the delivery of your fire number ( \_\_\_\_\_ ) it exists that you have not applied for a driveway permit. Such failure to obtain a driveway permit places you in violation of the **TOWN OF GARFIELD DRIVEWAY ORDINANCE (NO 2-2004)**. You have 30 days to obtain the permit. Permits may be obtained from the person issuing this notice or any town official. A copy of the ordinance is being delivered to you with this notice. Because of the non-compliance, the driveway permit fee is \$200.00.

Town Representative delivering this notice: \_\_\_\_\_

Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Receipt of Notice

\_\_\_\_\_  
Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_