

ORDINANCE #1-2022, AMENDMENT #1 (2023)
DRIVEWAY, CULVERT AND RIGHT-OF-WAY ORDINANCE

AN ORDINANCE TO ESTABLISH
DRIVEWAY, CULVERT, AND RIGHT-OF-WAY LOCATION, DESIGN AND
CONSTRUCTION REQUIREMENTS IN THE TOWN OF HOLLAND

The Town of Holland Board of Supervisors does ordain as follows:

SECTION 1.0 INTRODUCTION

1.01 Purpose

For the safety of the general public, the Town of Holland 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.

1.02 Authority

The Town Board of the Town of Holland has been authorized to exercise village powers pursuant to ss. 60.10(2)(c) and s. 60.22(3), Wis. Stats. and adopts this ordinance under its general village powers authority and s. 66.1014 of the Wisconsin Statutes. The Town is further authorized pursuant to Wis. Stats. S. 86.07 (permitting driveways, culverts, or other similar types of right-of-way alterations) and Wis. Stats. S. 66.0425 (requiring any person to seek a permit from the maintaining authority before placing any obstruction or excavation within a highway right-of-way).

1.03 Severability

This ordinance and its individual provisions are declared to be severable. If any section, clause, provision, or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the ordinance as a whole. All parts of the ordinance not declared invalid or unconstitutional shall remain in full force and effect.

1.04 Conflict

If any part of this ordinance is found to be in conflict with any other ordinance or with any other part of this ordinance, the most restrictive or highest standard shall prevail. If any part of this ordinance is explicitly prohibited by federal or state statute that part shall not be enforced.

1.05 Definitions

- (A) **Applicant:** The owner of a site or an authorized agent of the owner who submits a proposed driveway plan for approval.
- (B) **Apron:**
 - 1. Culvert apron: Installed on pipe ends, aprons divert water in and away from culvert openings.
 - 2. Driveway apron: Hard-surfaced area, usually triangular, at the access end of a driveway to minimize lawn damage due to vehicles cutting the driveway corner.
- (C) **Board:** The Town Board of the Town of Holland.
- (D) **Clerk:** The Town Clerk of the Town of Holland
- (E) **Culvert:** A drain or channel crossing under a road.
- (F) **Driveway:** A private driveway, road or other avenue of travel that runs through any part of a private parcel of land or that connects or will connect with any public highway, but shall not include any field road lying outside of the right-of-way of a public highway.
- (G) **Headwall or Endwall:** An integrated wall located at the ends of a culvert. A wall built at an inlet is a headwall and at an outlet is an endwall. They support the road/driveway and protect the ends of the culvert.
- (H) **Plan Commission:** The Town of Holland Plan Commission.
- (I) **Right-of-way:** That portion of the Town property extending beyond the road pavement and abutting property following the Town road standards as established in Section 82.50 Wisconsin State Statutes. The right-of-way allows access for future road maintenance, road upgrades and/or utility work.
- (J) **Roadway:** That portion of a street, road or highway that includes both the traveled lanes and shoulders.
- (K) **Town Building Inspector.** The individual(s) and/or agent(s) hired by the Town Board to act in this capacity.

SECTION 2.0 GENERAL PROVISIONS

2.01 Driveway Permit Requirements

Applications for a Driveway Permit shall be made to the Town Clerk and shall include the following where pertinent and necessary for proper review:

- (A) Names and addresses of the applicant, owner of the site, architect, professional engineer and/or contractor.
- (B) Description of the subject site by lot, block and recorded subdivision; address of the subject site; and proposed location of the driveway.
- (C) Additional information as may be required by the Town.
- (D) The application fee for driveway permits shall be set by the Town Board annually (see Fee Schedule).

2.02 Right-of-Way Permit Requirements

Application for a Right-of-Way Work Permit shall be made to the Town Clerk no less than five (5) business days before work commences and shall include:

- (A) Name and contact information for the applicant and for the contractor.
- (B) Description of the project and location where work is to be done
- (C) Certificate of insurance. Any damage caused to Town property due to any work done under a Right-of-Way Work permit is the responsibility of the permit holder, naming the Town as an insured party and holding the Town free from all liability by reason of injury to third person or property, and to pay any and all damages and costs arising from work in the Town right-of-way.
- (D) Additional information as may be required by the Town.
- (E) The application fee, if required. See the Town fee schedule.
- (F) Right-of-Way Work shall adhere to the terms and conditions listed on the permit application.
- (G) The Town Building Inspector shall have the authority to approve the location and specifications of any alterations to Town right-of-way. Additional conditions shall be considered and may be incorporated in the Right-of-Way Work Permit.

2.03 Culvert Requirements

No person shall construct any driveway or private road in a public right-of-way of the Town of Holland without installing a culvert in full compliance with this Section. Included within the scope of this requirement are commercial driveways.

2.04 Driveway and Culvert Location

- (A) **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 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 utilities in place. All driveways shall be structurally designed and constructed to allow for the safe and timely general public and emergency vehicle access to and from the residential dwelling served by the driveway and with reference to the current NFPA-1 standards.
- (B) **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. The restricted area may be filled in and graded only when the following requirements are complied with:

1. The filling or draining shall be to grades approved by the Town Maintenance Supervisor 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.
2. 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 two hundred (200) feet and/or where a bend or curve in the pipe is required.
3. 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 as a driveway by construction of a border, curb, rail or posts as may be required by the Town Board.

(C) **Driveway Approach to Town Road.**

1. The culvert apron from the center of the culvert to the road pavement must have a minimum taper of three (3) feet per ten (10) feet on each side of the culvert. Example: If the distance from the center of the culvert to the pavement is ten (10) feet, then the culvert apron must extend three (3) feet on each side of the culvert.
2. The sides of the culvert apron to the culvert should be beveled down to grade so as to have no abrupt surface that could damage a snow plow or create a hazard to any vehicle that should travel off the pavement.
3. No barricade, fence or guard that extends higher than the roadbed may be constructed in the right-of-way, this includes headwalls/endwalls if used.
4. A slope of the driveway may not be elevated more than one (1) foot above or below the elevation of the edge of the road to the right-of-way line and shall meet the grade of the existing road.

(D) **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.

(E) **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.

2.05 Special Requirements for Commercial and Industrial Driveways

The following regulations are applicable to driveways serving commercial or industrial establishments:

- (A) **Width of Drive.** No part of a private driveways 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 variance process shall be utilized.
- (B) **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°.

2.06 Special Requirements for Residential Driveways

The following regulations are applicable to driveways serving residential property:

- (A) **Width.** A residential driveway shall be no greater than twenty-four (24) feet wide within the right-of-way and twenty-six (26) feet wide at the pavement edge if including a one foot radius curve (apron) on each side. A variance will be required to exceed these limits.
- (B) **Angular Placement.** The center line of the drive may be at an angle other than 90° perpendicular but not less than 70° within the right-of-way.
- (C) **Shared Driveway.** There shall be no more than one (1) residential structure on any private driveway. The Town Board, at its option, may approve an access easement for more than one (1) residential structure. Any driveway proposed for joint use shall be required to have recorded an access easement, which shall provide for the following:
 - 1. A 66-foot width designated as an easement.
 - 2. A minimum of 66 feet of frontage along a public right-of-way.
 - 3. A shared driveway agreement shall be recorded as an official document with the La Crosse County Register of Deeds.
- (D) **Driveway material.** All driveways constructed within a platted subdivision shall be built with either blacktop or concrete.

2.07 Prohibited Driveways and/or Filling

- (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 right-of-way limits of any public road, highway or street in the Town of Holland 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 Ordinance.
- (B) No driveway shall be closer than twenty-five (25) feet to the extended street line at an intersection.
- (C) The grade of that portion of any private driveway located within the limits of any public road, highway or street 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.
- (D) Aside from unusual circumstances, drainage from driveways shall not go onto the road pavement to minimize drainage onto public roadways.
- (E) Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town.
- (F) The placement of lawn sprinkler pipes in a road right-of-way is prohibited.

2.08 Culvert Construction Standards

- (A) **Size.** Culverts shall be installed prior to construction work being commenced on the property served. Culvert size and type shall be determined by the Town Inspector or Town Maintenance Supervisor. All culverts shall be of new manufacture, unless specifically excepted by the Town Building Inspector.

- (B) **Placement/drainage.** The culverts shall be placed in the ditch line at elevations that will assure proper drainage.
- (C) **Slope.** Where the height of driveway fill to the top of the drive is 3 feet or less, culverts shall be of a length adequate to provide for fill slopes of no steeper than 3:1. For fill in excess of 3 feet the initial fill material may be placed at 2.5:1 with the final 3 feet to be placed at 3:1. The slope of all fill material within the right-of-way shall be stabilized within 14 days after being placed, or earlier if required by the county’s erosion control plan.
- (D) **Acceptable Material.**
 - 1. **Steel:** The minimum wall thickness for the galvanized steel pipe culverts shall be in accordance with the following:

Pipe Diameter	Gauge
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

- 2. **Plastic:** High Density Plastic Polyethylene Pipe to comply with the current adopted AASHTO M294 Standard Specification for Corrugated Polyethylene Pipe, 300- to 1500- mm (12” to 60”) Diameter. Plastic Polypropylene Pipe to comply with the current adopted AASHTO M330 Standard Specification for Corrugated Polypropylene Pipe, 300- to 1500-mm (12” to 60”) Diameter. Polypropylene Pipe may be either Type C (corrugated) or Type S (smooth).
- 3. **Concrete:** The class of reinforced concrete pipe shall be in accordance with the following:

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

- (E) **Backfill material.** Material used for backfill shall be of a quality acceptable to the Town Maintenance Supervisor and shall be free from frozen lumps, wood, stone greater than 2” 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 or as required by industry standards for pipe material.
- (F) **Erosion Control.** Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Town Maintenance Supervisor or by County Land Conservation when appropriate.
- (G) **Cost.** The property owner shall install the culvert and be responsible for the cost thereof.

2.09 Appeal

Persons may request a variance from the driveway width or culvert requirements of this Section by filing a Driveway Variance Form with the Town Clerk, who shall place the matter as an agenda item for the Plan Commission's recommendation to be addressed by the Town Board at their next meeting. The application fee for a driveway variance shall be set by the Town Board annually (see Fee Schedule). 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 Maintenance Supervisor may be asked to render an opinion on the request.

SECTION 3.0 ENFORCEMENT AND PENALTIES

3.01 Enforcement

The Town Board of the Town of Holland is authorized to enforce the provisions of this ordinance. Enforcement may be made either through monetary penalties, injunctive relief or such other means as the Town deems appropriate to ensure compliance with this Ordinance. The Town Board may authorize the Town Chair, Town Clerk or such other Town official or employee to issue citations to enforce this Ordinance.

3.02 Penalties

Non-conforming driveways:

- (A) All costs incurred by the Town relating to the enforcement of this Ordinance 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 inspectors' and attorneys' fees.
- (B) Non-conforming driveways to the standard outlined in this Ordinance installed after the date of this ordinance shall be modified or removed and reinstalled to meet the standards of this Ordinance. Any additional costs shall be paid by the property owner.
- (C) If the property owner does not wish to comply with the driveway requirements in this ordinance, a variance may be requested. Oversized driveways affect stormwater storage and can aggravate flooding. For this reason, properties with oversized driveways shall be assessed a 50% ERU (Equivalent Runoff Unit) surcharge.
- (D) If the property owner refuses to comply with the culvert requirements in this Ordinance, the Town may install the culvert(s) and charge back the cost thereof as a special charge pursuant to Sec. 66.0627, Wis. Stats.

SECTION 4.0 EFFECTIVE DATE

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

Adopted by the Holland Town Board of the Township of Holland, La Crosse County, Wisconsin, this 9th day of March, 2022.

By:
Robert Stupi, Town Chair

Attest: Marilyn J. Pedretti, Town Clerk
Date Posted: 3/10/22

Amended by the Holland Town Board of the Township of Holland, La Crosse County, Wisconsin, this 12th day of April, 2023.

By: Robert Stupi, Town Chair
Attest: Marilyn J. Pedretti, Town Clerk
Date Posted: 4/13/23