

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN  
Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: Driveway Permits

Code Section(s) <del>created, amended, or repealed</del>	<u>08.02 Driveway Permits</u>
Presented to Board by	<u>Town Clerk</u>
Committee Review by	<u>None</u>
Date(s) Public Hearing(s) held (if required)	<u>November 4, 2013</u>
Date adopted	<u>November 4, 2013</u>
Vote	<u>4-0</u>
Date of posting of adoption of ordinance	<u>November 8, 2013</u>
Date of publication of adoption of ordinance	<u>Not required</u>

The Town Board of the Town of Cottage Grove does ordain as follows:

TCG Ord. Section 08.02 is hereby amended to read as follows:

**08.02 DRIVEWAY PERMITS**

**(1) APPROVAL REQUIRED**

(a) No person shall establish or construct a driveway, highway, or other access, from any parcel to any highway required to be maintained by the town; without first applying for, and receiving, a driveway permit from the highway superintendent.

(b) As a condition of permit approval, the town shall require the applicant to provide the following:

1. A permit fee, in an amount set by resolution of the town board, to reimburse the town for costs incurred by them in reviewing, inspecting, and monitoring such work.
2. A deposit, in an amount to be set by resolution of the town board, to ensure proper construction, completion of work, and absence of damages to town rights-of-way. The deposit shall be in the form of: i) a bond from a surety company acceptable to the town; ii) cash; iii) certified or cashiers check. Upon completion of the work and inspection by the highway superintendent, the town shall refund the deposit in a timely manner, less any damage, repair, completion or excess inspection costs.
3. When requested, a certificate of insurance naming the town as an insured and holding the town free from all liability by reason of injury to third persons or property, and to pay any and all damages and costs arising from such work.

(c) The highway superintendent shall approve the location and specifications of the driveway following a review of the application and the on-site conditions; based on the Dane county driveway siting criteria in effect on the date of application.

(d) The applicant may appeal the decision of the highway superintendent to the town board, at a regularly scheduled board meeting. The board shall make a final decision only after having viewed the on-site conditions, and hearing any testimony presented.

(e) For any multiple access driveway there must be a common joint agreement between all property owners on the driveway stating that the cost of maintenance will be equitably shared by

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the property owners. The agreement must state that maintenance includes, but is not limited to plowing, tree trimming, drainage control, erosion and grading, and that if the property owners do not abide by the agreement, the town may provide services on an emergency basis with special charges assessed to each property owner. If such special assessments are not timely paid, then the special charges shall be added to the tax roll. Equipment fees will be determined at the current Dane County Highway Department's equipment rental rate and personnel costs will be according to the Town of Cottage Grove Highway Departments' personnel that are utilized.

### (2) SPECIFICATIONS

(a) Each driveway regardless of length, which serves a developed or undeveloped parcel within the town limits, shall have a culvert along the ditch-line, unless an alternate installation is approved by the highway superintendent.

1. The culvert shall be sized such, that it will adequately carry the expected storm water runoff; and shall be the equivalent of a circular pipe 15 inches or more in diameter;
2. Each culvert shall have a flared end-section, or a head-wall at both ends. Head-walls required by this section, shall be installed so that they do not create a traffic hazard, or interfere with the snow removal operations of the town;
3. Each culvert shall be 24 feet or more in length, unless the site conditions justify the highway superintendent to authorize an alternate length;

*NOTE: Due to the nature of the existing highway ditch-lines within the town, consideration should be given to installing an elliptical culvert pipe; to allow the driveway to meet the pavement without excessive rise in elevation, or the need for unnecessary grading along the ditch-line.*

(b) Each driveway which serves a dwelling, commercial building, agricultural building, swimming pool, garage or other outbuilding, which is more than 100 feet but less than 200 feet in length shall be constructed and maintained with:

1. A stabilized base of compacted rock, 6 inches or more in depth;
2. An all-weather roadway of compacted road gravel, asphalt or concrete, 2 inches or more in depth and 16 feet or more in width;
3. An area 8 feet or more from each side of the centerline of the driveway, and a full-width overhead clearance of 14 feet or more in height, free of encroachments, as described in s. 86.04, Stats.;
4. Adequate drainage, including side ditches as necessary; and
5. A grade of 12 percent or less.

(c) In addition to the requirements of (b), each driveway which serves a dwelling, commercial building, agricultural building, swimming pool, garage or other outbuilding, which is 200 feet or more in length shall be constructed and maintained in accordance with the design standards, as described in s. 86.26(1)(b), Stats., with the exception that the driveway need not be dedicated to the town. Driveways 200 feet or more in length shall have an area of 6 feet or more from each side of the edge of the driveway free of encroachments, as described in s. 86.04, Stats.

(d) All costs of construction, including but not limited to: the cost of the culvert, flared end-sections or head-walls, and any grading and paving required, shall be the responsibility of the

landowner of the parcel the driveway serves.

(3) PENALTY FOR VIOLATION

(4) Violations of this ordinance shall be punishable as class B forfeitures, under s. TCG 25.04.

(5) EFFECTIVE DATE

(a) The original ordinance was adopted on 9 Sep 1974 and last amended on Nov 4, 2013

(b) For new construction, the provisions of (2) take effect upon passage and publication.

(c) Persons that have driveways which were constructed prior to 20 May 1996, shall have a period of up to one year from the date they are notified in writing of the passage of this ordinance, to comply with the provisions of (2).

(d) This section shall take effect upon passage and publication.

Adopted this 4<sup>th</sup> day of Nov, 2013, by a vote of 4 for, 0 against, and 0 abstain.

**TOWN OF COTTAGE GROVE**



Kris Hampton, Town Chair

**ATTEST:**



Kim Banigan, Town Clerk