

**TOWN OF SENECA
ACCESS DRIVEWAY**

**AMENDED
ORDINANCE #4-06**

1. **TITLE.** Town of Seneca Access Driveway Ordinance.
2. **PURPOSE.** This ordinance is adopted in order to protect the public safety, general welfare and convenience as regards the construction and maintenance of any access driveway located within the Town of Seneca, Shawano County.
3. **AUTHORITY.** This ordinance is adopted under the authority of s.81.01, Wis. Stats. regarding regulation of town roads and s.60.10, Wis. Stats. under which the Town of Seneca has adopted village powers.
4. **DISCLAIMER.** If there is a possibility that wetlands are present, the permit is not valid unless approved by the Wisconsin Department of Natural Resources (WI DNR). The Town of Seneca may approve the location of the application; however, the WI DNR makes the determination if wetlands are present. It is the applicant's responsibility to contact the WI DNR.
5. **TIME LIMITATION.** The issued permit is valid for a period of 180 days. The applicant is required to complete construction and installation of the permitted driveway in this time frame. Failure to do so will result in voidance of the permit and require a new permit application to be filed with the Town of Seneca. Issuance of a permit does not guarantee the granting of a new permit if requested.
6. **DEFINITION.** The following define a driveway and a field road as referred to in this ordinance.
 - 6.1. **DRIVEWAY:** A private driveway, road, or other avenue of travel that runs through any part of a private parcel of land that connects or will connect with any public roadway, and will provide service to a residence, business, recreational site, or other similarly appropriate uses.
 - 6.2. **FIELD ROAD:** A road used only for agricultural or recreational purposes that does not connect with a public roadway through an improved access point.
7. **ABROGATION AND GREATER RESTRICTIONS.** This ordinance shall not repeal, abrogate, annul, impair or interfere with any rules, regulations or ordinances previously adopted or permits lawfully issued. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

8. SEVERABILITY. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

9. APPLICABILITY. This ordinance shall apply to the construction and maintenance of all access driveways located within a town road right-of-way in the Town of Seneca. An access driveway shall include any roadway designed and used to provide access to a public roadway for any vehicle or motorized conveyance (including farm machinery) whether such roadway is paved, graveled or unsurfaced.

10. PERMIT REQUIREMENTS AND ADMINISTRATION. After the effective date of this ordinance no person shall construct, replace or relocate an access driveway connected to a public roadway unless a permit has been issued by the town board. A permit shall also be required for the repair and improvement of any existing access driveway.

10.1. The Town Board or its designee may issue permits.

10.2. Where a permit issued by the Wisconsin Department of Transportation or the Shawano County Highway Department addressed the substantial concerns of this ordinance, no town permit shall be required.

10.3. An applicant for an access driveway permit shall make application to the Town Board on a form approved by the Town Board. The application shall provide such information as is necessary to identify the applicant and the location of the proposed driveway and to determine that the driveway will be constructed in compliance with the standards of this ordinance.

10.4. An applicant shall remit a \$40 permit fee as is established by the Town Board along with an access driveway permit application.

11. CONSTRUCTION STANDARDS. A permit may be granted for an access driveway that complies with the following standards:

11.1. No more than one (1) access drive may be constructed on a parcel less than 40 acres in size and no more than two (2) access drives may be constructed on each parcel of 40 acres or more and on all parcels in commercial or industrial use. Adjacent parcels in common ownership shall be considered a single parcel.

11.2. Access driveways on the same side of town road shall be separated by at least 100 feet. Driveways on opposite sides of a town road shall be located opposite one another if practicable

11.3. Driveway Culverts:

11.3.1. Shall be installed where a road ditch has been established as necessary to provide adequate drainage;

11.3.2. May be constructed of any material approved by the manufacturer for intended use;

11.3.3. Shall be installed in compliance with the manufacturer's specifications for over-top cover and other requirements;

11.3.4. Shall be 15 inches in diameter except under the following conditions: a greater diameter is necessary to provide adequate drainage as determined by

the Town Board or a smaller diameter is necessary to be sized appropriately to the ditch in which it is placed;

- 11.3.5. Shall be installed with the bottom of the culvert at the same elevation as the bottom of the town road ditch; and;
- 11.3.6. Shall extend at least one (1) foot beyond the driveway shoulder where it intersects the natural ground elevation or bottom of the road ditch unless an appropriate apron is installed.
- 11.4 Minimum driveway clearance width shall be 20 feet. Maximum driveway entrance clearance shall be 35 feet. Minimum driveway surface shall be 16 feet wide which will support the passage of vehicles, including emergency vehicles, at all times of the year considering soil and moisture conditions underlying the driveway.
- 11.5 To accommodate emergency vehicles, a driveway must have an obstruction free zone that is at least 12 feet high and 20 feet wide centered on the centerline of the driveway.
- 11.6 Any driveway longer than 290 feet requires either a turnaround with a minimum radius of 35 feet (to the inside of the surface area) and outside radius of 60 feet, or a turnaround in the form of a T which is 25 feet deep and 15 feet wide, or a turnaround as approved by the Town of Seneca.
- 11.7 Retaining walls, riprap and driveway culvert headwalls are not permitted within the road right-of-way. Existing conditions should be removed by the property owners. The Town shall not be held liable for injury to persons or property due to these structures.
- 11.8 The slope of the driveway shoulder/embankment shall not exceed 25% or the slope of the embankment of the adjacent public roadway, whichever is less.
- 11.9 A driveway approach grade or intersecting area at the edge of the shoulder shall be provided adjacent to the highway to ensure drainage away from the highway surface.
- 11.10 Driveways for commercial and residential access shall be paved or graveled.
- 11.11 Driveways shall be aligned perpendicular to the centerline of the town road within the town road right-of-way.
- 11.12 Driveways shall not be marked with red or amber reflectors within the town road right-of-way.
- 11.13 The approach to a public roadway shall be clear of all visual obstructions including vegetation, structures and topography (hills and blind curves) so as to allow full view of traffic approaching from both directions on the public roadway as described in the table below. Where such visual clearance is not possible due to limiting site conditions, the visual clearance distance shall be the maximum possible on the site.

VISUAL CLEARANCE	
Unobstructed view from center of driveway 15 ft. off road right-of-way to centerline of roadway in both directions.	
Speed Limit	Unobstructed view distance (ft.)

25	280
30	360
35	460
40	580
45	700
50	840
55	980

- 12. TEMPORARY ACCESS DRIVEWAYS.** A permit for a temporary access driveway which does not comply with the standards of Section 11 above may be approved for not more than six (6) months provided public safety concerns are adequately addressed.
- 13. FIELD ROADS.** No field road may be used as a driveway to acquire access to a residential or commercial property unless the field road has been approved as a driveway according to the provisions of this ordinance.
- 14. DAMAGES.** All damages to the highway shall be repaired, and the roadway surface, shoulder, slopes, ditches, etc. shall be restored to a condition acceptable to the Town of Seneca at the sole cost and expense of the applicant.
- 15. COSTS.** The entire cost of construction, maintaining, removing, altering, or replacing the facility installed under this permit shall be the sole responsibility of the applicant, his successors or assigns.
- 16. ROAD IMPROVEMENTS.** The Town of Seneca reserves the right to make changes, additions, and revocations within the statutory limits on Right of Way as may at any time be considered necessary to permit the relocation, reconstruction, widening, and maintaining to the highway, or to provide proper protection to life and property on the highway.
- 17. EMERGENCY SERVICE ACCESS SIGNAGE.** Appropriate signage shall be placed at the entrance to a driveway in order to provide accurate and expedient driveway location to emergency service personnel. The sign shall conform to current Shawano County regulations.
- 18. COMPLAINTS REGARDING EXISTING DRIVEWAYS.** The Town Board shall investigate any complaint that a driveway constructed before the effective date of this ordinance is a danger to public safety. If, after its investigation, the Board determines that the driveway does not meet the standards of this ordinance and that it is a danger to public safety, the Board may inform the owner of modifications necessary to alleviate the danger to public safety and may take appropriate action to cause the owner to perform the modifications.
- 19. APPEALS AND VARIANCES.** All appeals of administrative decisions or interpretations and variances to dimensional standards of this ordinance shall be

decided by the Town Board of Appeals. The Board may grant a variance where an applicant convincingly demonstrates that.

- 19.1 Literal enforcement of the provisions of the ordinance will result in unnecessary hardship for the applicant;
- 19.2 The hardship is due to special conditions unique to the property
- 19.3 Such variance is not contrary to the public interest; and;
- 19.4 Such variance does not exceed the minimum relaxation of a standard which provides reasonable use of the property.

20. NO USE VARIANCE. A variance shall not grant or increase any use of property which is prohibited in the zoning district.

21. APPEALS TO THE BOARD. Appeals to the board of appeals may be made by any person aggrieved or by an officer of the Town affected by any decision of an administrative officer under this ordinance. Such appeal shall be made within 30 days of the decision by filing with the officer whose decision is in question, and with the Town Clerk, a notice of appeal specifying the reasons for the appeal. The officer whose decision is in questions shall promptly transmit to the Board of Appeals all the papers constituting the record concerning the matter appealed.

22. HEARING APPEALS AND APPLICATIONS FOR VARIANCES. The Board of Appeals shall fix a reasonable time for a hearing on the appeal. The Board or committee shall give public notice thereof by publishing a Class 2 notice under Ch. 985, Wis. Stats, specifying the date, time and place of the hearing and the matters to come before the board. Notice shall be mailed to parties in interest. At the public hearing, any party may appear in person or by agent or by attorney. The final disposition of an appeal to the board shall be in the form of a written resolution or order signed by its chairman and secretary. Such resolution shall state the specific facts which are the basis of the determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.

23. ENFORCEMENT & PENALTIES. The Town Board may commence such legal action as is authorized by Wisconsin Statutes to require compliance with the terms of this ordinance. Any property owner or other person who directs an access driveway to be constructed in violation of this ordinance and any person who performs such construction shall forfeit \$100.00. Each day of continuing violation shall be considered a separate offense. In addition, the Town Board shall maintain a continuing objection to the issuance of any land use or building permit by Shawano County for the subject property until the terms of this ordinance are satisfied.

24. DISCLAIMER. The Town's approval of a driveway access permit application does not constitute a determination that the driveway is safe, suitable for use, or

otherwise passable for the public. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose.

25. EFFECTIVE DATE. This ordinance shall take effect upon passage and publication as provided by law.

Adopted: December 14, 2006 Adopted Amended Ordinance: September 9, 2010,
Adopted Amended Ordinance June 13, 2013, Adopted Amended Ordinance: January
14, 2016, Adopted Amended Ordinance: July 14, 2022

Voted For: _____ Against: _____

Chairman

Supervisor

Supervisor

Attested on this 14th day of July, 2022

Clerk

Posted:
Seneca Town Hall
Tilleda Post Office
The Wright Place Bar and Grill