

Note: This version of the Code differs from the official printed version as follows:

- a. Dimensions are expressed in numerical format rather than alpha format, e.g., “27 feet” rather than “twenty-seven feet.”
- b. Paragraph indentation style is different.
- c. Unused and blank section numbers are omitted rather than shown as reserved.
- d. Editor’s notes, amendment history, cross references and other editorial enhancements are omitted.
- e. Page numbering is different.

## Chapter 50

### **STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

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## ARTICLE I IN GENERAL

### Sec. 50-1 Penalty for violation of chapter

Except as otherwise provided in this chapter, any person violating any provision of this chapter, or any order, rule or regulation made under this chapter, upon conviction, shall be subject to the provision of section 1-9.

### Sec. 50-2 Road names

Pursuant to Wis. Stats. § 81.01 (11), names for each road under the town's jurisdiction are assigned and on file in the office of the clerk.

### Sec. 50-3 Road rights-of-way

(a) *Prohibited.* It is prohibited to place in the right-of-way any structure or material. The planting of, allowing in, or spreading into the right-of-way of any type of tree, bush or shrub obscuring vision necessary for safe driving is prohibited.

(b) *Removal of prohibited material or plants and trees.*

- (1) Upon determination by the town of any hazards created in subsection (a) above, and upon notification to the owner of the property creating the hazard, the owner is required to remove all determined hazards within 30 days.
- (2) If in 30 days removal has not taken place, the town reserves the right to remove all determined hazards from the right-of-way. The town will then bill the property owner for the costs of removal incurred. If the bill is not paid in 30 days, the charges will be placed on the tax roll pursuant to Wis. Stats. § 66.0627

### Sec. 50-4 Depositing of materials or objects on town highways

(a) *Prohibited.* It shall be unlawful for any person, or to permit any person, to plow, shovel, or otherwise deposit snow, or place any type of material or object, on the maintained road or in the road right-of-way of any public road within the town.

(b) It shall be unlawful to plant any tree, shrub, or bush in any town road right-of-way within the town.

(c) *Enforcement.* Violations of this section may be enforced against the following:

- (1) The owner or occupant [of property] abutting the violation;
- (2) Adjacent occupant or owner to the violation site;
- (3) Any person(s) legally determined to have violated or joined in the violation of this Code.

(d) The following state statutes are adopted by reference and shall become part of this Code:

- (1) Wis. Stats. § 86.02
- (2) Wis. Stats. § 86.021
- (3) Wis. Stats. § 86.022
- (4) Wis. Stats. § 86.04
- (5) Wis. Stats. § 346.94
- (6) Wis. Stats. § 346.95

### **Sec. 50-5 Numbering properties and principal buildings**

(a) *Uniform numbering systems.* A uniform system of numbering properties and principal buildings as shown on the maps identified by the title, "Town of Beaver Dam Property Numbering System," which is filed in the office of the clerk, is adopted for use in the town. This map, and all explanatory matter thereon, is adopted and made part of this section by reference.

- (b) Required placement of assigned number to a property with a principal building or with building(s).
  - (1) *Primary location.* All signs shall be blue and of flag-style type attached to a matching post placed between 5 and 10 feet from the edge of the right side of the driveway entry and being on the back edge of the road right-of-way line with the flag perpendicular towards the road. The sign plate shall be installed not more than 5 feet nor less than 4 feet from the ground level.
  - (2) *Alternate location.* Alternate locations may be necessary due to foliage, lot line boundaries or other obstructions that would compromise the effectiveness of the sign if installed in the primary location. Installation on the left side of the driveway is then permitted using the dimensions as in subsection (1) above. Within platted residential subdivisions or other densely developed areas, the address may be placed on a mailbox, provided the mailbox is in front of and on the same side of street as the numbered property and will be clearly visible to vehicular traffic in either direction of travel.

### **Sec. 50-6 Administration**

- (a) The clerk shall be responsible for maintaining the numbering system.
- (b) The clerk shall keep a record of all numbers assigned under this chapter.
- (c) The land use administrator, upon approval of the county, shall issue to any property owner in the town, upon request, a set of numerals for each property with a principal building or separate front entrance to such building. In so doing, he shall issue only numerals for the number assigned to such property under the provisions of this section; provided, however, the administrator may issue additional numerals in accord with the official numbering system whenever a property has been subdivided or vandalism has taken place.

### **Sec. 50-7 Location of U.S. mailboxes and newspaper boxes**

(a) *Placement.* A mailbox approved by the U.S. postmaster shall be placed on the side of the road as approved by the postmaster for the delivery of U.S. mail. The door side of the box shall be set back 6 to 8 inches from a vertical line positioned at the outside edge of the graveled shoulder of the road. The newspaper box shall be placed on the same side of the road immediately behind the U.S. mailbox in the direction of travel of the U.S. mail delivery route.

(b) *Culs-de-sac.* The location of mailboxes serving residences accessing from a cul-de-sac shall be grouped in a location approved by the town.

### **Sec. 50-8 Subdivision streets**

(a) The developer of any subdivision in the town shall either constructs all streets at its own expense prior to approval of the final plat by the town board of any deposit of cash or cash bond in an amount approved by the town board to ensure that such streets will be constructed at no cost to the town. The deposit of cash or a cash bond shall be not less than 125% of the estimated costs of the improvement of streets in a proposed subdivision. All plans for streets shall first be submitted to the town board for approval, and all such installations shall be inspected and approved by the town board and include the following:

- (1) Streets shall be graded to a full width of 24 feet and surfaced with 3 inches of bituminous hard surface. Such hard surface shall be composed of a layer of LD2 and LD3 specifications for the bituminous binder and LD3 specifications for the surface.

- (2) Subsurface shall be 12 inches of crushed gravel or equivalent and there shall be no organic soils lying under the bituminous hard surface.
- (3) A shoulder of 2 feet composed of gravel sloped to the thickness of the subgrade lying underneath the hard surface. A ditch slope of a 4 to 1 depth of 1 foot below the subgrade provided in subsection (a)(2) of this section. The ditches shall have a drainage slope of 0.5 foot for every 100 feet for drainage.
- (4) The roadways shall be designed for a minimum speed of 25 miles per hour and there shall be proper street grading within all intersections.

#### **Sec. 50-9 Utility easements required**

As a condition for approval of any plat, subdivision or re-subdivision, there shall be included in such plat, subdivision or re-subdivision, easements for the underground installation of all utilities including, but not limited to, electric, telephone and cable television.

#### **Sec. 50-10 Drainage devices**

(a) *Drainageways.* No person shall damage, destroy or modify any drainage ditch, drain sewer, conduit, pipe, or any other device for the transmission or control of stormwater, surface water, or groundwater which is located within a public right-of-way or easement without the permission of the town board. To obtain consideration for permission, a written request must be filed with the town clerk, whereupon at the next regularly scheduled meeting the town board will consider the request. The town board, at its discretion, may obtain the services and advice of a qualified professional(s) for the basis of their decision which upon whose fee will be charged to the applicant.

(b) *Driveways interfering with drainage.* No person shall construct a driveway in a town road right-of-way which in any manner adversely affects the drainage or flow of surface water or stormwater. New or reconstructed driveways require a driveway permit to be applied for and obtained from the town land use administrator.

(c) *Applicable provisions.* Subsection 50-4(d) shall also apply to this section.

### **ARTICLE II DRIVEWAYS**

#### **Sec. 50-51 General conditions**

(a) Any private driveway, road, field road or other means of travel through any part of a private parcel of land, which connects or will connect with any public roadway, is subject to the terms of this article.

(b) In the town R.O.W. no person shall improve, modify or rework a driveway, without consulting the town land use administrator to determine whether obtaining a driveway permit from is required. Ordinary maintenance limited to repairing or replacing the existing surface may not require a permit. If a permit is required, application forms and information can be obtained from the town clerk, the land use administrator, or on the town's Web site.

#### **Sec. 50-52 Existing driveways**

Existing driveways shall be brought into compliance with the terms of this division to the extent determined practical by the town's inspector/engineer. Mandatory review criteria will include driveway width, height, clearance, ingress/egress angle (horizontal and vertical), condition, and driveway surface. Actions, which will trigger the need to obtain a driveway permit for existing driveways, include the following:

- (1) Issuance of a land use building permit for structural improvements valued at \$25,000.00 or more (does not include septic and/or well).
- (2) Construction of a new residential, commercial, industrial or animal confinement structure.

- (3) Land divisions whereby the splitting of parcels designates two or more separate owners.
- (4) Hazards as determined by the town inspector/engineer.

#### **Sec. 50-53 Construction of new driveways**

(1) No person shall establish or construct a new driveway without first obtaining a driveway permit from the town. Application forms and information can be obtained from the town land use administrator when a permit is required.

(2) Where upon any town road, an abutting agriculturally used field is accessed from the road without a driveway, the town board may as determined upon inspection require an adequate driveway be constructed for access to the field. If determined necessary, a field entrance driveway permit application will be required and is available from the land use administrator.

#### **Sec. 50-54 Fees**

An applicant shall be subject to payment for the following types of fees:

- (1) Driveway application fee.
- (2) Residential or business use driveway.
- (3) Field driveway permit.

The fee rates shall be established by the town board by resolution and listed in the town fee schedule. Fees shall be paid to the town prior to the construction of any new or modified driveway. The applicant must obtain a driveway permit prior to receiving a town land use permit.

#### **Sec. 50-55 Application procedures**

(a) The applicant must submit a completed driveway permit application and driveway location construction plan and submit it to the land use administrator.

(b) The applicant who may be the owner, agent, contractor, or designee, shall submit a location construction plan to scale; showing scale, north arrow, lot dimensions, existing and/or proposed buildings, driveway location, driveway specifications, including grade, slope, width, length of the driveway, culvert location/size, surface and base materials and erosion control procedures.

(c) The application and location plan shall be reviewed by the town for conformance with this division and all ordinances, rules, regulations, and plans which affect it. The town shall, within 30 days from the date of submission of the application and location construction plan, approve or deny the issuance of a driveway permit.

(d) With the approval of the town, the driveway permit may allow for the excavation of the site to provide for site preparation and to provide fill for the proposed driveway.

(e) The applicant shall within 7 days of substantial completion of the driveway, the hard surface being excluded, notify the town to allow inspection of the driveway per the terms of the approved permit.

**Sec. 50-56 Specifications for the construction of driveways**

(a) The following specifications shall apply:

Private Driveway

Angle of entry	90 degrees
Approach to town road	
1. At pavement edge	-2 to -5° - first 10 feet
2. Thereon in remaining R.O.W.	-6 to +8°
Maximum number of dwelling units served by a driveway	4
Maximum driveway surface width at R-O-W	24 feet (noncommercial) 36 feet (commercial)
Maximum driveway width at road/highway edge	40 feet (private) 62 feet (commercial)
Minimum driveway surface width	12 feet
Minimum width clearance	20 feet
Minimum height clearance	16 feet
Maximum grade	10%
(Grades $\geq$ 10% will require an engineer's plan)	
Minimum side yard setback	8 feet
Sight distance standards for driveway placement	Consistent with Dodge County
Surface of driveway in R-O-W limited to	Asphalt or gravel
Driveway spacing minimum between adjacent accessing points	
1. Thru roads; same side of road and intersections	
a. where traffic is at $\leq$ 500 ADT	500 feet
b. where traffic is at $\geq$ 500 ADT	300 feet
2. Platted subdivisions	8 feet from property line
3. Field driveways	8 feet from property line
4. Dead-end roads	16 feet
5. All intersections - Minimum	150 feet
Number of driveways allowed per residential parcel	1

(b) No land with a grade of more than 25% shall be disturbed for the construction, establishment, reworking or improvement of a driveway.

(c) Each new driveway shall have a new (unused) culvert at least 18 inches or equivalent in diameter with attached apron end walls, having a slope of 1 to 4 pitches, in the ditch line under the driveway where it meets the public road, unless determined unnecessary by the town inspector/engineer because the driveway location is on the crest of a hill or there is inadequate ditch depth. In the case of county or state highways, approval is necessary by the county highway department or district engineer of the state department of transportation.

(d) The driveway area within public right-of-way shall slope away from the public road at a minimum of 1% and a maximum of 5% for a minimum of 10 feet from the edge of the pavement to minimize erosion onto the public road surface or a slight dip across the drive shall be placed just before the culvert at the entrance to a public road to prevent debris from washing onto the public road.

(e) There is not permitted in the right-of-way any structure or retaining wall other than apron end-walls attached to the culvert with a 1 to 4 pitch.

(f) Except in platted residential subdivisions, new driveways shall have a 25-foot minimum turn-around or similar method constructed to allow vehicles to turn around so as to be able to egress in a forward manner. It shall be approved as determined by the inspector/engineer or by the town.

(g) Ditches, roadway crowning and culverts shall be provided for acceptable drainage.

(h) The roadway side banks shall be graded to a slope of no more than 1 foot of vertical rise in each 4 feet of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in an engineer's plan approved by the town board.

(i) Curves in the driveway shall have an inside radius of no less than 36 feet.

(j) Maximum grade of the driveway or any portion of the driveway shall be no more than 10% except in platted subdivisions.

(k) Banks shall be seeded promptly to control erosion.

(l) Once the construction of the driveway has begun, all specified erosion controls, including retaining walls, ditching, culverts, crowning, mulching and matting shall be completed within 90 days.

(m) The driveway must have a minimum of 6 inches of  $\frac{3}{4}$  inch gravel on the roadbed. Substitution for suitable material can be agreed upon by the town inspector/engineer. A field road, which is a road used only for agricultural purposes and not leading to a structure, shall be constructed as above from the edge of road to the right-of-way.

(n) All costs of construction of said driveway, including the cost of the culverts and engineer's plan shall be paid by the property owner requesting the permit.

(o) An area 24 feet in width and 16 feet in height shall be cleared along the driveway in order to permit the safe passage of emergency vehicles. In cases where such clearing would be environmentally damaging, the town will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard. A field road is exempt from this requirement.

### **Sec. 50-57 Requirements for an engineering plan**

(a) The town may require a plan prepared by a licensed engineer prior to any proposed driveway construction or modification. An engineer's plan is required:

(1) For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of more than 10% and less than 25%.

(2) For a driveway or segment of a driveway which requires a retaining wall or other special erosion control measure as determined by the town inspector/engineer.

(3) When the town requests a plan.

(b) The engineer's plan shall include the following:

(1) The precise location of the driveway or segment of driveway.

(2) Grade of the driveway showing no segments exceeding 10%.

(3) Location and structure of any retaining walls.

(4) Location and size of any culverts.

(5) Cross section of the driveway.

(6) The required mulching, matting or other erosion control.

(7) Existing and proposed buildings.

(c) Construction of a driveway shall not commence until the engineer's plan, if required, is approved by the town and a town driveway permit is issued and, when applicable, any necessary approvals are obtained from the county or the state (See Wis. Stats. § 86.07).

(d) The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

#### **Sec. 50-58 Existing driveways and field roads**

When washing or other conditions created by existing driveways or field roads become a potential hazard to or on a public road, the town will notify the property owner of the conditions. Any property owner failing to correct such condition within 30 days after notice by the town shall be subject to the penalties of this division and shall also be liable for any costs incurred by the town to eliminate the hazard as provided in Wis. Stats. § 66.60(16).

#### **Sec. 50-59 Defective or inadequate culverts**

The land use administrator shall order the abutting property owner to replace any existing defective or inadequate culvert at the cost of the property owner. If the property owner fails or neglects to replace the culvert within 30 days, the town will replace the culvert and bill the property owner. If the bill is not paid within 30 days, the charges will be placed on the tax roll pursuant to Wis. Stats. § 66.0627.

#### **Sec. 50-60 Maintenance**

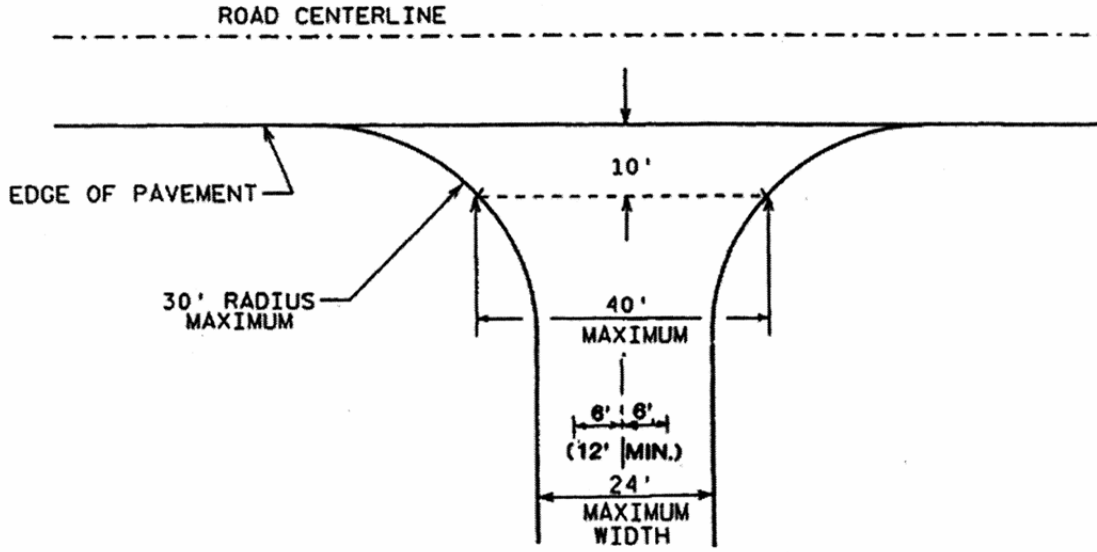
The property owner of the driveway shall maintain said driveway and culverts in the town right-of-way to town specifications or standards keeping in good repair and free of accumulated debris. The flow line in the ditch shall be maintained per original permit with any filling or grade change affecting drainage prohibited. The matching of the elevation between the driveway and town road is the property owner's responsibility.

#### **Sec. 50-61 Penalties**

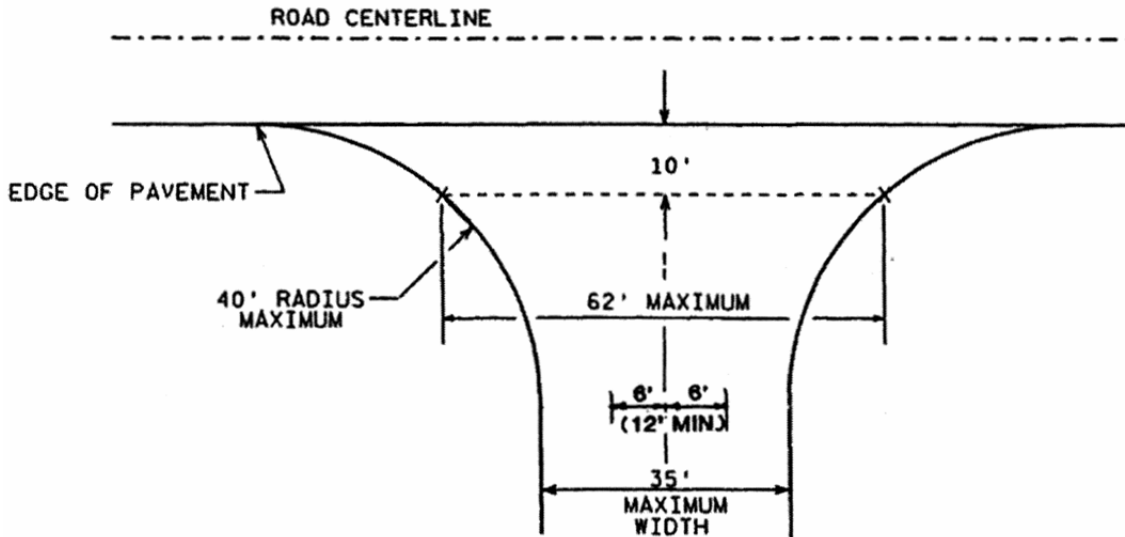
(a) *Forfeiture.* Should a driveway be constructed or modified in violation of the provisions of this division, the owner of the land of which the driveway accesses shall, upon conviction, pay a forfeiture equal to 3 times the fee charged for the permit application plus applicable assessments and fees, and in addition, shall make the corrections to and/or cause the removal of the driveway from the right-of-way as ordered by the town within a period of time determined by the town, but not less than 10 days. Considerations for weather may give cause for the town board to extend this time period appropriately.

(b) *Special charge for correction by town.* If the owner(s) of the land(s) through which the driveway serves does not make required corrections ordered by the board under subsection (a) within the specified time period, the town board shall cause the required corrections to be made and charge the cost of correcting such violations, including, when necessary, the return of disturbed land to its original condition. The town's direct and indirect costs of correcting the violation, including, but not limited to, engineering, legal, administrative, materials and construction expenses shall be imposed as a special charge against the property through which the driveway passes pursuant to Wis. Stats. § 66.60(16).

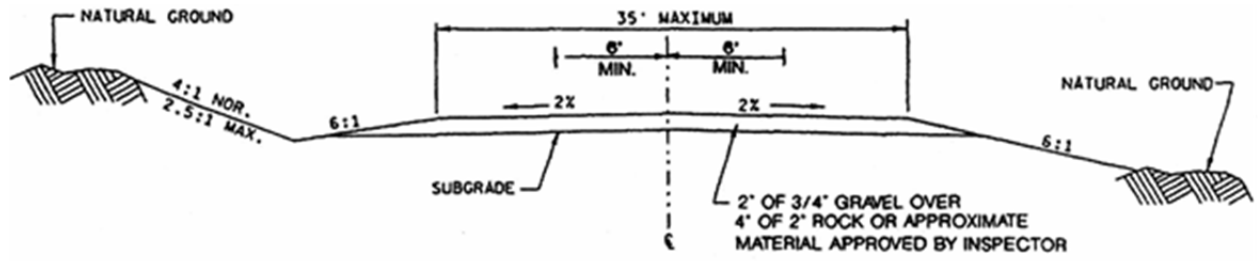




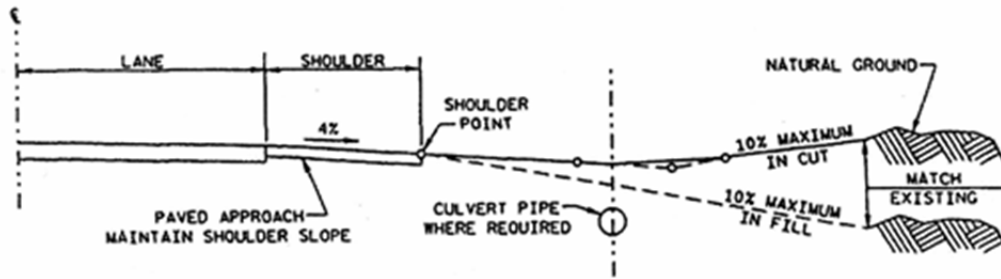
TYPICAL DRIVEWAY DETAIL  
NON-COMMERCIAL RURAL  
NOVEMBER 1997



TYPICAL DRIVEWAY DETAIL  
COMMERCIAL RURAL  
NOVEMBER 1997



TYPICAL CROSS SECTION FOR  
COMMERCIAL DRIVEWAY



TYPICAL DRIVEWAY PROFILES