

### **SECTION I – TITLE AND PURPOSE**

The title of this ordinance is the Town of Winchester Driveway Ordinance. The purpose is to regulate, for public health and safety reasons, the establishment, repair, construction, improvement, modification, and reconstruction of private driveways, to assure that the methods of repair, construction, improvement, modification, and reconstruction practices used in any driveway will protect properly the public health, safety, and general welfare of persons in the Town of Winchester.

### **SECTION II – AUTHORITY**

The town board has the authority under the controlled access highway power granted pursuant to ss. 66.0425, 83.027(10), 84.25(1) Wis. stats., to adopt a town driveway and highway access ordinance and has the general authority under its village powers under ss. 60.10(2)(c), 60.22(3), and 61.34(1) Wis. stats., to adopt this ordinance.

### **SECTION III – ADOPTION AND ABORGATION**

- A. This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by Town Board of certain driveways and private roads and their access to public roadways in the Town of Winchester.
- B. This ordinance supersedes all prior Town of Winchester Driveway Ordinances. However, where another ordinance imposes greater restriction, the provisions of the more restrictive ordinance shall prevail.

### **SECTION IV – DEFINITIONS**

- A. “Driveway” means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public roadway, and will provide vehicular access from the public roadway to a residence, business, recreational site, or other similarly appropriate use including temporary driveways.
- B. “Emergency Vehicle” means any fire, police, ambulance, or first responder vehicle used in emergency of hazard activities in the town.
- C. “Town” means the Town of Winchester, Vilas County, Wisconsin.
- D. “Town Board” means the board of supervisors for the Town of Winchester, Vilas County, Wisconsin, and includes any designee of the board authorized to act for the board.
- E. “Town Clerk” means the clerk of the Town of Winchester, Vilas County, Wisconsin.
- F. “permit” means the Town of Winchester Driveway Permit

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- G. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

**SECTION V – COVERAGE**

- A. This ordinance applies to all driveways which occur or are proposed to occur in the Town of Winchester, Vilas County, Wisconsin.
- B. A private road providing access to more than 3 (three) residences will have separate requirements found in the Town of Winchester Road Ordinance.
- C. No person may establish or construct a driveway or reconstruct, reroute, or alter the existing slope of any existing driveway without first obtaining a permit from the Town Board.
- D. Any person prior to and at the time of seeking a driveway permit must own or have legal interest in and current legal access to the land to which the permit will apply.
- E. Driveways accessing onto a County Highway must obtain approval from the proper authority, Vilas County Zoning and Planning Department.

**SECTION VI – SPECIFICATIONS**

- A. All work shall be performed without danger to or interference with traffic using a public roadway.
- B. Town road surfaces, slopes, shoulders, ditches, and vegetation disturbed by work on a driveway shall be restored by the property owner.
- C. All costs of installation and maintenance of culverts as well as public roadway restoration shall be the sole responsibility of the property owner.
- D. The edge of all driveways and private roads shall be located at least 15 (fifteen) feet from the nearest side lot line except in the case of a driveway abutting a public road and providing access to two adjacent parcels. Said driveway can be on the lot line or split between parcels. A maintenance agreement and easement agreement must be recorded at Vilas County Register of Deeds.
- E. Driveways for a single property require:
1. A roadbed of 12 (twelve) feet in width
  2. An unobstructed overhead clearance of 15 (fifteen) feet for ingress and egress of Emergency Vehicles

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- F. Private roads for more than one property require:
1. A 66 (sixty-six) foot easement width, 33 (thirty-three) feet in each direction from the center of the road
  2. Graveling to a minimum width of 12 (twelve) feet with a minimum of 4 (four) inches of compacted gravel over an appropriate base with sufficient drainage
  3. Bridges to be inspected and rated to pass a 30 (thirty) ton fire apparatus safely and to have a minimum width of 10 (ten) feet
  4. A 50 (fifty) foot diameter turn around on all new or reconstructed private roads, if space is not available for a 50 (fifty) foot diameter turn around, agreements with adjacent landowners must be established to allow for the largest possible turn to be built in the space available
  5. An unobstructed overhead clearance of 15 (fifteen) feet for ingress and egress of Emergency Vehicles
- G. Unless otherwise stated, a minimum of 12 (twelve) inch diameter by 24 (twenty-four) foot long culvert installed and maintained by the property owner under the proposed driveway to provide proper drainage under the entrance and along the public roadway
1. Fill shall not cover the ends of the culvert
  2. Both culvert ends shall be riprapped or sodded to prevent fill material from spilling into the ditch and clogging the culvert
  3. Work of placing culverts and riprap/sod shall proceed diligently and be completed promptly after it is begun and shall present a neat appearance when completed.
- H. Entryways within 50 (fifty) feet of the centerline of any public roadway shall not exceed a 5% (five-percent) up or down slope. However, when existing property slopes exceed 10% (ten-percent) the Town Board may allow entryway slope to be increased to minimize grading damage to the property, but in no case shall entryways exceed 15% (fifteen-percent) up or down slope and entryways exceeding 10% (ten-percent) shall provide rounding at the intersection with the public road to prevent rear-end or mid-wheel dragging to vehicles entering or leaving the property
- I. Driveways should align with the public roadway at right angles to facilitate turning moves from both directions and entryways should not be located adjacent to sharp vertical or horizontal curves in the public roadway but shall be in positions where adequate stopping sight is available to all vehicles.
- J. Unless otherwise documented, the Town road right-of-way at the place of construction is assumed to extend 33 (thirty-three) feet from the centerline of the Town road.
- K. Permits for temporary driveways/roadways shall require the permit holder to return the affected area to its natural state within 6 (six) months after use is halted.

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- L. Construction of blacktop roads to town specification shall be completed prior to the Town Board recommending approval of any land division
- M. Prior to a transfer of a private road to the Town of Winchester the road must meet all the requirements of a Town blacktopped/seal coated road.
- N. All work shall be carried out to the satisfaction of the Town Board as to compliance with any permits.
- O. Failure to maintain driveways to the minimum standards listed in Section VI could result in the inability of the Emergency Vehicles to provide prompt and effective emergency response to private properties in the Town of Winchester.

**SECTION VII – APPLICATION AND PERMIT PROVISIONS**

- A. An application for the Town of Winchester Driveway Permit is available from the Town Clerk or on the Town website.
- B. The permit applicant shall submit to the Town Clerk a completed application for each with the appropriate fee and with the following attachments:
  - 1. Sketch map: A rough sketch showing the conceptual area of the project and approximate location and dimensions of the project. The sketch map may be submitted to the Town Board prior to the submission of the other supporting documents in order for the Town Board to provide initial comments and review of the proposal. Formal approval for a permit will not be granted without the submission of complete supporting documents.
  - 2. The Town Board may require other documents to be attached to the application including but not limited to: plat map, aerial photo/site analysis, soil/slope analysis, construction plan.
- C. The Town Board shall approve or deny every permit application and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the permittee.
- D. Denial of permit
  - 1. A denial of permit by the Town Board shall accompany an explanation of the facts on which the permit has been denied.
  - 2. The applicant may re-apply for the permit at any time after denial, but after two consecutive denials on the same parcel another application may not be considered for 60 (sixty) days.
- E. The applicant shall notify the Town Board within 30 (thirty) days after completion of the construction, reconstruction, rerouting, or alteration of the driveway/driveway access. Within 30 days of notification the Town Board shall conduct an inspection of the driveway to ensure full compliance with the permit and this ordinance.

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- F. Permits expire 1 (one) year after issuance and all approved construction must be completed before the permit expires. Each permit may be renewed for a period of 6 (six) months, if work is not completed by the end of the 6 (six) month renewal period, a new application and fee must be submitted and approved.
- G. Driveway permits will be valid for the original applicant and non-transferrable.
- H. The applicant, his successor, or assignee agrees to hold harmless the Town of Winchester, its agents and employees, against any action for personal injury or property damage sustained by reason or exercise of this permit.

**SECTION VIII – SEVERABILITY CLAUSE**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**SECTION IX – EFFECTIVE DATE**

This ordinance is effective on publication or posting.

The town clerk shall properly post/publish this ordinance as required under s. 60.80, Wis. stats.

Adopted June 3, 2024