

ORDINANCE 26A-06
TOWN OF CABLE
BAYFIELD COUNTY
WISCONSIN

**AN ORDINANCE TO PROVIDE FOR THE REGULATION OF PRIVATE
DRIVEWAYS AND PRIVATE ROADS IN THE TOWN OF CABLE**

Section 1. Authority.

This ordinance is adopted pursuant to the general police powers and other powers granted under Wis. Stat. §§ 60.22, 61.34 and 236.45.

Section 2: Purpose.

It is in the public interest to establish standards for private driveways and private roads that will provide for adequate access by fire truck, ambulance or other emergency vehicles from the public right of way to private developments. The establishment of such standards is critical to protect the safety of people and property. Therefore, this ordinance is adopted to establish such standards.

Section 3. Definitions.

- a. Improved parcel: A lot or parcel of land which is served by or has available electrical service or which is otherwise physically improved so that it is intended for, available for or capable of being a site for the location, erection, or construction of a principal building.
- b. Person: An individual person or a partnership, corporation, limited liability company, or any other entity.
- c. Principal building: A building or other structure, which is intended for, suitable for, or capable of being used for human dwelling or occupancy or business. An accessory building is not a principal building.
- d. Private driveway: A privately owned improved or unimproved path, road, driveway, or way, or other improved or other unimproved surface, extending from a public street, public highway, public road, or private road which provides the primary means of vehicular ingress and egress to one improved parcel or one principal building.
- e. Private road: A privately owned improved or unimproved path, road, drive, street, driveway, or way, or other improved or other unimproved surface, not dedicated as a public road, public street, or public highway, which provides the primary means of vehicular ingress and egress from a public road, public street, or public highway to two or more improved parcels, or two or more principal buildings.

Section 4. General Provisions.

- a. The primary means of vehicular ingress and egress as to one improved parcel or one principal building shall be a private driveway.
- b. The primary means of vehicular ingress and egress as to two or more improved parcels, or two or more principal buildings, or a combination of two or more improved parcels and principal buildings (e.g. one improved parcel and one principal building), shall be a private road.
- c. No person shall erect, construct, place, or allow the erection, construction, or placement of a principal building on any lot or parcel of land in the Town unless such principal building is served by a private driveway or private road which complies with the requirements of this ordinance.
- d. No building permit shall be issued for the erection, construction, for placement of a principal building on any lot or parcel of land in the Town unless the principal building located on such lot or parcel of land is served by a private driveway or private road which complies with the requirements of this ordinance.
- e. No building permit shall be issued for an addition to an existing principal building unless the principal building located on such lot or parcel of land is served by a private driveway or private road which complies with the requirements of this ordinance. This provision is applicable only to additions or a series of additions to the same building which result in the addition more than 500 square feet to the principal building.
- f. No person shall improve, or cause to be improved, a lot or parcel of land in the Town to make it an improved parcel unless such parcel of land is served by a private driveway or private road, which complies with the requirements of this ordinance.
- g. No person shall construct, or cause to be constructed, a private driveway, private road or other access to a public right of way without first obtaining a permit from the Town.

Section 5. Standards.

The following minimum construction and maintenance standards shall apply to private driveways and private roads in the Town of Cable:

- a. Minimum driveable surface width: 12 feet for private driveways and 22 feet for private roads.
- b. Minimum width clearance (area free of branches, wire, and other obstructions): 24 feet for private driveways and 66 feet for private roads.

- c. Minimum height clearance (area free of branches, wire, and other obstructions): 14 feet for private driveways and 18 feet for private roads.
- d. Minimum carrying capacity for bridges: 40,000 pounds for private driveways and 80,000 pounds for private roads.
- e. Maximum grade: As agreed upon by Town Board.
- f. Where a private driveway or private road intersects a public right of way, the portion of the private driveway or private roadway which is in the public right of way shall slope away from the public right of way at a minimum of 1% and a maximum of 5% to prevent/reduce erosion into the public right of way.
- g. For private driveways over 300 feet in length, wider segments shall be provided at least every 150 feet for the purpose of allowing safe passage of motor vehicles traveling in opposite directions. The size of such segments shall be at least 25 feet in length and 18 feet in width.
- h. A private driveway shall have a minimum of 6 inches of gravel covering an appropriate base material. A private road shall have a minimum of 10 inches of gravel covering an appropriate base material.
- i. The private driveway shall have such culverts as specified by the Town. Unless otherwise specified by the Town, each culvert required for a private driveway shall be at least 8 inches in diameter and 20 feet in length. Each culvert for a private road shall be at least 18 inches in diameter and 40 feet in length. Culverts placed at intersections for private driveways shall be a minimum of 8 inches in diameter and 24 feet in length for private driveways. Culverts placed at intersections for private roads shall be a minimum of 18 inches in diameter and 44 feet in length for private roads.
- j. The dead-end of each private driveway shall have a turn-around with a radius of at least 25 feet or another physical arrangement acceptable to the Town. The dead-end of a private road shall have a turn-around with a radius of at least 40 feet.
- k. At the location where a private driveway intersects a public highway, public road, or public street, there shall be a visibility of at least 250 feet for approaching traffic in each direction. A private roadway shall have a visibility of 500 feet in each direction.
- l. When a private driveway or private road intersects a public highway, public road, or public street, such intersection shall be laid out so that the intersection is perpendicular.

m. No private driveway shall contain a curve which restricts visibility less than 80 feet ahead. A private road shall not contain a curve which restricts visibility more than 300 feet ahead.

n. In addition to the standards set forth above, a the driveable surface of a private road which is the primary means of vehicular ingress and egress as to three or more improved parcels, or three or more principal buildings, or a combination of three or more improved parcels and principal buildings (e.g. one improved parcel and two principal buildings), shall be paved with a minimum of 2 inches of asphalt pavement.

Section 6. Application for Permit.

A person who desires to construct a private driveway or private road in the Town shall first:

a. File with the Town Clerk a properly completed and signed application for a private driveway/private road permit on what is then the form approved by the Town Board and pay the Town Clerk the appropriate application fee.

b. After a properly signed and completed application for a private driveway/private road is filed with the Town Clerk with the required application fee, such application will be examined by the Town Clerk, the Town Board, or its designee. If the application is not complete or is not completed properly or is otherwise insufficient, it may be returned to the applicant to correct the deficiencies.

c. If an application is determined to be properly completed and signed and the fee has been paid, the Town Board or its designee will inspect the site of the proposed private driveway/private road.

d. After an inspection has been made, the Town Board, or its designee, may, if it determines it necessary, obtain additional information and perform additional inspections.

e. The Town Board may approve the application, deny the application, or approve the application upon such conditions as the Town Board deems appropriate under the circumstances. The applicant will be informed in writing of the Town Board's decision.

f. If the application is approved by the Town Board, any private driveway/private road which is constructed shall be constructed and maintained in accordance with this ordinance. If the application is approved by the Town Board with conditions, any private driveway/private road which is constructed shall be constructed and maintained in compliance with the conditions placed on the permit.

g. If the Town Board issues the applicant a permit for the construction of a private driveway/private road, the applicant has twenty-four months from the date of issue within which to construct the same. If construction is not completed within that time, permit will lapse.

Section 7. Application Form and Fee.

a. The Town Board shall adopt an application form for persons to complete to apply for a private driveway/private road permit. Blank application forms shall be available from the Town Clerk and may also be available from the County Zoning Office.

b. The Town Board shall periodically set the amount of the application fee. The application fee shall be non-refundable.

Section 8. Compliance and Violations.

a. Any person who violates any term or provision of this ordinance may be subject to one or all of the following:

1. An order by the Town Board to cease and desist in such violation.
2. An order by the Town Board that the violator take action necessary to comply with the terms of this ordinance.
3. An order by the Town Board that the violator forfeit a maximum of \$100.00 for each violation.

b. A person in violation of this ordinance, or a person in violation of any conditions set forth in a permit issued pursuant to this ordinance, shall be given notice of the violation and a reasonable time to correct the violation. If not otherwise specified in the notice a reasonable time shall be not more than 30 days. Each day that a violation continues to exist after the time set forth in the notice shall constitute a separate violation.

c. The Town Board or its designee may order a person to apply to the Town for a permit for a private driveway/private road if a private driveway/private road has been constructed or it appears is being constructed without the required permit.

d. The Town Board or designee may order a person to cease and desist in constructing a private driveway/private road in the Town if such private driveway/private road is not being constructed in accordance with the permit, a condition of the permit, or this ordinance.

e. The Town Board or designee may order a person violating this ordinance to comply with this ordinance.

f. If a person in violation of this ordinance fails to comply with an order to correct the violation, the Town Board may undertake to correct the violation. The violator shall be ordered to reimburse the Town for cost of such an undertaking.

g. A person violating this ordinance will be required to pay or reimburse the Town for its actual reasonable attorney fees, costs, and disbursements associated with enforcing this ordinance.

Section 9. Severability.

If any provision of this ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provision in the ordinance.

Section 10. Effective Date.

This ordinance shall be effective upon its passage and publication.

Adopted this 12TH day of April, 2006:

Thomas W. Lutz

Bob Long

Arian Benson

AMENDMENT TO PRIVATE ROAD AND PRIVATE DRIVEWAY ORDINANCE NO. 26A-06

Section 5. A-D; F; H-M **Delete**

Section 5. A. **Addition**

The following minimum construction and maintenance standards shall apply to private driveways and private roads in the Town of Cable.

Description	Private Driveways	Private Roads	Explanation
Drivable surface	12 feet	22 feet	
Width clearance	24 feet	40 feet	12 feet each side of center of drivable surface
		66 feet	2-4 Improved Parcels and/or Principal Buildings. 20 feet each side of center of drivable surface
			5+ Improved Parcels and/or Principal Buildings 33 feet each side of center of drivable surface
Height clearance	14 feet	18 feet	
Bridge load cap.	40,000 lb	80,000 lb	
Base gravel	6 inches	10 inches	full width of drivable surface
Culverts	8"x 22'	18"x 40'	only when specified by Town
Dead end	25 feet radius	40 feet radius	cleared and graveled circle
Visibility	250 feet	500 feet	both directions intersecting public roadway
Curves visibility	80 feet	300 feet	both directions measured from center of roadway

Section 5 **Change as follows:**

Section 5E to 5B

Section 5G to 5C

Section 5N to 5D


Section 5. B. **Change**

Maximum grade: As agreed upon by Town Board or designee.

Section 6. G Change

If the Town Board issues the applicant a permit for the construction of a private driveway/private road, the applicant has twenty-four months from the date of issue within which to construct the same. If construction is not completed within that time, permit will lapse. Upon completion of the project there will be a final inspection by the Town Board or designee. Upon approval, permit will be finalized and recorded.

ADOPTED: Aug. 20th, 2008


Laura Bjork, Clerk

AMENDMENT TO PRIVATE ROAD AND PRIVATE DRIVEWAY ORDINANCE NO. 26A-06

Section 4. H Addition

Any county issued permit regarding short term rentals or commercial applications shall conform to the provisions set in this Driveway Ordinance.

Adopted: May 15, 2013

Signed: 
Town of Cable Clerk

Posted: May 20, 2013

AMENDMENT TO PRIVATE ROAD AND PRIVATE DRIVEWAY ORDINANCE NO. 26A-06-C

Section 4. H Addition

Any county issued permit shall conform to the provisions set in this Driveway Ordinance.

Adopted: February 11, 2013

Sandra Bink
TOWN CLERK