

**STATE OF WISCONSIN  
TOWN OF CABLE  
BAYFIELD COUNTY**

**ORDINANCE 26A-AMENDED 2023  
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 ordinance is adopted to establish such standards.

**Section 3. Definitions**

- a. Any 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, which includes accessory structures.
- 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 any parcel.
- 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 any group of parcels.

**Section 4. General Provisions.**

- a. The primary means of vehicular ingress and egress as to one parcel shall be a private driveway.
- b. The primary means of vehicular ingress and egress as to two or more parcels shall be a private road.

- c. No person shall improve, or cause to be improved, a lot or parcel of land in the Town to make 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.
- d. 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 travel 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 50 feet for private roads. Clearance is the total from the center of the travel surface. If the private road is turned over to town jurisdiction, it must comply with town road standards.
- 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. 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.
- f. 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.
- g. 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.
- h. 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.

- i. The dead end of a private road shall have a turn-around with a radius of at least 40 feet.
- j. 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.
- k. 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.
- l. A private road shall not contain a curve which restricts visibility more than 300 feet ahead.
- m. In addition to the standards set forth above, the drivable surface of a private road is the primary means of vehicular ingress and egress as to any group of parcels. If paved, it is recommended asphalt pavement be a minimum of 2 inches.
- n. If a private road is turned over to the jurisdiction of the town, it must comply with town road standards.

**Section 5.A. Addition**

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

<u>Description</u>	<u>Private Driveways</u>	<u>Explanation</u>
Travel surface	12 feet	
Width clearance	24 feet	12 feet each side of center of travel surface
Height clearance	14 feet	
Bridge load capacity	40,000 lbs.	
Base gravel	6 inches	Full width of drivable surface
Culverts	8" x 22'	Only when specified by the Town
Curves visibility	250 feet	Both directions measured from center of travel surface

<u>Description</u>	<u>Private Roads</u>	<u>Explanation</u>
Travel surface	22 feet	
Width clearance	40 feet	2-4 Parcels and/or Principal Buildings. 20 feet each side of center of travel surface.
Width clearance	50 feet	5+ Parcels and/or Principal Buildings 25 feet each side of center of travel surface
Height clearance	18 feet	
Bridge load capacity	80,000 lbs.	
Base gravel	10 inches	Full width of drivable surface
Culverts	18" x 40'	Only when specified by the Town
Curves Visibility	500 feet	Both directions measured from center of roadway

## **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/Treasurer 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 a permit for the construction of a private driveway/private road is issued, 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, the permit will lapse.

## **Section 7. Application Form and Fee.**

- a. The Town Board shall adopt an application form for a person to complete to apply for a private driveway/private road permit. Blank application forms shall be available from the Town Clerk.
- 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 not be 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 its 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 the 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.**

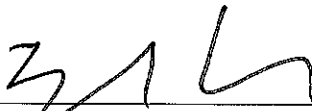
This amended ordinance shall be effective upon its passage and publication.

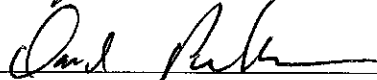
Adopted this 19<sup>th</sup> day of April, 2023.

  
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Malcolm Haag, Chairman


  
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Dean Hambrecht, Supervisor

  
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Jamie Holly, Supervisor

  
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Zachary Larson, Supervisor

  
\_\_\_\_\_  
David Popelka, Supervisor

ATTEST:

  
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Bobbi McCauley, Clerk/Treasurer