

TOWN of LUCK
Polk County, Wisconsin

ORDINANCE # 06-2023

DRIVEWAY ORDINANCE

The Town of Luck, Polk County, Wisconsin, ordains as follows:

SECTION I. Purpose

The purpose of this ordinance is to regulate the location, design, and construction of driveways in the Town of Luck, Polk County, for the safe flow of traffic, ensure the integrity of the roadway surface, and provide effective drainage of surface water.

Section II. Authority

The Town Board of the Town of Luck has village powers under Section 60.10(2)(c), Wis Stats., that grants general police powers as set forth in Section 61.34(1), Wis Stats., to regulate certain uses, activities, businesses and operations that may affect the streets and highways in the Town of Luck.

SECTION III. Definitions

Residential/Recreational/Agricultural Driveway-Any driveway accessing a lot or parcel that's primary use is residential, recreational, or agricultural.

Temporary Driveway- A driveway that may be placed for a specific purpose such as logging but must be removed at the end of an allocated period of time.

Road Right-of-Way- A maximum of thirty-three (33) feet from the center line of a town road.

Public Roadway- A road that is maintained by a governmental entity.

SECTION IV. Jurisdiction

This ordinance shall apply to all driveways entering on to public roads in the Town of Luck whether existing or new, and temporary or permanent.

SECTION V. Driveway Permit Required.

- A. No person shall construct a driveway without first obtaining a driveway permit. Actions that will trigger the need to obtain a driveway permit for existing driveways including change in topography or width of the existing driveway.
- B. Applications for driveway permits shall be submitted to the Town of Luck town clerk. The application will be reviewed in a timely manner, and based upon the specifications set out in this ordinance the application will either be approved or rejected by an authorized official of the Town.
- C. A person whose application is rejected may, within 30 days, appeal that decision to the Town Board. The Town Board shall review the application, and, based upon the specifications set out in this ordinance, either approve or reject the appeal. Deviations from the specifications required by this ordinance may be approved by the Town Board in extenuating circumstances.

SECTION VI. Permit Fee

The fee for the driveway permits is \$75.00.

SECTION VII. Specifications within the Town Road Right of Way

- A. Width: Residential/Recreational/Agricultural driveways accessing a public roadway shall have a minimum road surface width of twenty-four (24) feet from edge of roadway back three (3) feet. All driveways exiting the road right-of-way shall be a minimum of twelve (12) feet in width.
- B. Road Bed Materials: All driveways shall have six to eight inches (6"-8") of class 5 material to the edge of the road right-of-way.
- C. Culverts: No driveway shall obstruct or impair drainage of any road side ditches. Driveway culverts shall be installed as determined by a town official to provide for adequate surface water drainage.

The culvert must have the diameter sufficient to accommodate the ditch and water runoff as determined by a town official.

The culvert must be placed in the lowest point of the drainage ditch.

The culvert must be a minimum of 30 feet in length and should include end walls.

The culvert shall be of galvanized steel or double wall plastic type.

The culvert shall have a minimum of 12 inches of material on top of the culvert where possible.
- D. Grade: A driveway from a hillside entering the road right of way must be crowned to ensure proper drainage and to minimize driveway material from entering the public roadway. The driveway surface should attempt to enter the road at the same level as the road shoulder. The surface of a driveway coming from a valley should attempt to enter the road right of way at the same level as the road shoulder.
- E. Distance Between Driveways and Intersecting Roadways: There shall be a minimum of 150 feet between access driveways on the same side of the road. There shall also be a minimum of 150 feet from a driveway and the centerline of an intersecting roadway.
- F. Distance from Property Line: There shall be a minimum of 15 feet distance between the edge of the driveway and the property line.
- G. Line of Sight: There shall be a minimum of 150 feet line of sight distance from both directions where a driveway enters a public roadway.
- H. Angular Placement: Driveways shall enter the roadway at a 90 degree angle with the roadway plus or minus 10 degrees.

SECTION VII. Inspection and Approval

The inspection and approval of any driveway application shall be a prerequisite to the issuance of a driveway permit. The complete and final construction of any driveway shall be subject to the review of an Official of the Town of Luck.

SECTION IX. Violation/Penalty

No person shall construct or install any driveway which violates any provision of this ordinance regardless of whether intent to violate was present. Any person failing to comply with the provisions of this ordinance shall be subject to penalties as deemed appropriate by the Town Board.

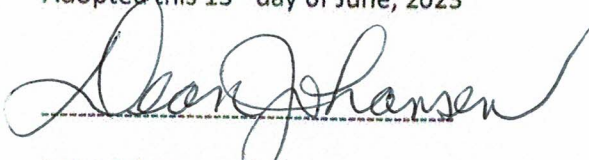
SECTION X. Existing Driveway Deficiencies

The Town Board of the Town of Luck reserves the right to enforce the provisions of this ordinance to driveways deemed to be a hazard or causing damage to the existing roadway. The owner of a driveway found not to be in compliance with this ordinance which creates a hazard or damage to a roadway will be notified in writing and given reasonable time to respond and/or correct the deficiency. If the owner does not respond or correct said deficiency, the Town Board of the Town of Luck reserves the right to either correct the deficiency or to hire a contractor to correct the deficiency at the owners expense.

Section XI. Effective Date

This ordinance shall take effect from and after its passage and legal publication.

Adopted this 13th day of June, 2023



Dean Johansen, Chairman



Greg Marsten, Supervisor



Gary Schauls, Supervisor



Attest: Patsy Gustafson, Clerk