

Ordinance 21-0614
An Ordinance Requiring Driveway Permits and Access Requirements

The Evergreen Town Board hereby ordains the following driveway requirements:

GENERAL REQUIREMENTS:

1. The permittee certifies that any driveway or approach constructed by or for him is for the bona fide purpose of providing access to his property and not for the purpose of parking or servicing vehicles or for advertising, storage, or merchandising of goods on the highway right-of-way.
2. Except in cases where the indicated driveway access may be constructed by forces acting on behalf of the Town in relation to a highway construction or reconstruction project, the applicant shall furnish all materials, do all work, and pay all costs in connection with the construction of the driveway and its appurtenances on the highway right-of-way. In every instance, the subsequent maintenance of the driveway and of its appurtenances within the limits of the highway right-of-way shall be the responsibility of the indicated permittee, who shall be obligated to pay all costs and accomplish all works necessary in relation to the maintenance of the driveway facility. Materials used and the type and character of the work shall be suitable and appropriate for the intended purpose. The nature of construction shall be as designated and subject to approval of the Town Board. The driveway installation shall be made without jeopardy to or interference with traffic using the highway. Highway surfaces, shoulders, ditches, and vegetation which are disturbed by the driveway installation shall be restored to at least the preexisting conditions by the driveway constructor. Any such facilities disturbed by operations relating to the subsequent maintenance of the driveway shall be restored to the satisfaction of the Town Board by the permittee.
3. No revisions or additions shall be made to the driveway or its appurtenances on the right-of-way without the written permission of the Town Board.
4. The Town Board reserves the right to make such changes, additions, repairs and relocations with statutory limits to the driveway or its appurtenances on the right-of-way as may at any time be considered necessary to facilitate the relocation, reconstruction, widening, and maintaining of the highway, or to provide proper protection to life and property on or adjacent to the highway.
5. The permittee, his successors or assigns agree to hold harmless the Town of Evergreen and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit
6. The Town Board does not assume any responsibility for the removal or clearance of snow, ice, or sleet, or the opening of windrow of such material, upon any portion of any driveway or entrance along any Town road, even though snow, ice, or sleet is deposited or windrowed on said driveway or entrance by its authorized representatives engaged in normal winter maintenance operations.

LOCATION, DESIGN, AND CONSTRUCTION:

The location, design, and construction of the driveway shall be in accordance with the following policy and limits, which limits are in no case to be exceeded unless specifically authorized by the Town Board.

- A. A driveway shall be located and restricted as to width as necessary so that the entire driveway roadway and its appurtenances are contained within the frontage along the road of the property served. At public road intersections a driveway shall not provide direct ingress or egress to or from the public highway intersection area and shall not encroach on or occupy areas of the roadway or right-of-way deemed necessary for effective traffic control or for highway signs. A driveway shall be so located and constructed that vehicles approaching or using it will have adequate sight distance in both directions along the highway.
- B. The number of driveways permitted serving a single property frontage along a Town Road shall be one with reasonable service to the property without undue impairment of safety, convenience, and utility of the road and should be a minimum of 10 feet from the property line.
- C. The surface of the driveway connecting to the Town road shall slope down and away from the road shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flowing on the roadbed.
- D. The driveway shall not obstruct or impair drainage in road side ditches or roadside areas. Driveway culverts, are necessary and shall be adequate for surface water drainage along the road an in no case less that the equivalent of 15-inch diameter pipe. The distance between culverts under successive driveways shall be not less than 10 feet except as such restricted area is permitted to be filled in under the provisions of paragraph "F".
- E. The restricted area between driveways may be filled in or graded down only when the following requirements are fully complied with:
 - 1. The filling in or grading down shall be in grades approved by the Town Board and drainage shall be directed away from the highway roadbed in a suitable manner.
 - 2. Culvert extension under the restricted area shall be of like size and equivalent acceptable material of the driveway culvert, and intermediate manholes adequate for clean-out purposes may be required where the total culvert length exceeds 100'.
 - 3. Where no highway side ditch separated the restricted area from the highway roadbed, permanent provision may be required to separate the area from the highway roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail, or posts deemed adequate by the Town Board.

SPECIAL REQUIREMENTS:

Commercial-Rural:

Rural type highway cross section. Driveways servicing commercial or industrial establishments.

- 1. **WIDTH OF DRIVE.** No driveway except as provided shall have a width greater than 35 feet measured at right angles to the centerline of the driveway, except as increased by permissible radii. In no instance shall a driveway have a width greater than 62 feet measured along a line 10 feet from and parallel to the edge of the highway pavement.
- 2. **RETURN RADII.** No return radius projected between the edge of the highway pavement and the driveway shall be greater than 40 feet. Usually these radii will be determined by the restrictions given in Section Numbers 1, 3, and 4.
- 3. **ANGULAR PLACEMENT OF DRIVE.** The angel between the centerline of the

driveway serving two-way traffic and the edge of the pavement shall not be less than 45 degrees.

4. ISLAN AREAS. An island of a minimum length of 10 feet shall be maintained between driveways serving the same premises. (The measurement shall be along a line 10 feet from and parallel to the edge of the pavement.) The permit shall specify that the island area, if less than 20 feet in length and 10 feet in width, is to be defined by curbs, posts, boulders, masonry walls, rail, etc. Materials used to define an island shall be painted white. The side of the island next to the road shall not be less than 10 feet from the pavement edge. The side of the island farthest from the road shall be at the right-of-way line.

The area within 5 feet of a property line shall be a restricted area over which no driveway may be developed. The five-foot restriction shall be measured parallel to the pavement edge and shall be effective between the right-of-way line and a line 10 feet from and parallel to the pavement edge. This is to serve as an island area should the adjoining property owner request a permit for a driveway.

Noncommercial-Rural:

Rural type highway cross section. Driveways servicing farm or residence property:

1. WIDTH OF DRIVE. No noncommercial driveway or combination of driveways shall have a width of less than 20 feet nor greater than 24 feet measured at right angles to the centerline of the driveway.
2. RETURN RADII. No return radius projected between the edge of the highway pavement and the driveway shall be greater than 30’.
3. ANGULAR PLACEMENT. The centerline of that part of the driveway lying on the Town right-of-way shall always be approximately right angles to the pavement.

Any driveway constructed without a driveway permit and approval from the Town Board, will be assessed the \$40 permit fee plus and additional \$50.00. If fees are not paid within 45 days, the Town will remove the driveway and town costs will be assessed to the property owner’s taxes at the end of the year.

Adopted this 14th day of June, 2021.

Town Chairman

Town Clerk

This ordinance shall become into effect following the publication and posting of this ordinance.