

**TOWN OF WALWORTH, WALWORTH COUNTY, WISCONSIN**  
**AMENDED DRIVEWAY, FIELD ENTRANCE AND CULVERT INSTALLATION ON**  
**TOWN ROAD RIGHT-OF-WAY**  
**ORDINANCE 09-10-2013, Amended 06-13-2017, Further Amended 06-13-2019**

**Title/Purpose:** Entitled the “Town of Walworth Driveway, Field Entrance and Culvert Installation on Town Road Right-of-Way.” The purpose of this Ordinance is to provide for the regulation relating to the installation of new or reconstructed driveways, field entrances and culverts.

In this ordinance, the term “driveway” is defined as private driveway, road, field entrances, or other traveled way giving access from a public highway to one or more buildings located or to be constructed on adjacent lands and private properties.

**Section 1: Permit for New or Reconstructed Driveways.** No person shall hereafter lay, install or reconstruct any driveway or install or reconstruct a culvert in connection therewith in the Town Road Right-of-Way within the Town of Walworth without first obtaining a permit from the Town of Walworth. Permits must be obtained & any fees paid **before** the issuance of any building permit.

**Section 2: Driveway/Culvert Permit.** Every such permit application shall describe the public road adjacent to the culvert or driveway or location of the culvert or driveway, the nature of the work being undertaken by the applicant, the applicant’s name and address, the property owner’s name and address (if different from the applicant’s) and the estimated dates of commencement of work and completion of work. Permits shall be issued by the Town Board and/or Road Superintendent on its designated form.

**Section 3: New Driveway Permit Conditions:**

- A. Placement. The driveway shall be placed as near possible at a right angle to the roadway and shall be so located that there is a minimum of two hundred (200) feet of sight distance along the road in each direction. Any sight distance of less than two hundred (200) feet shall require a variance. A driveway shall not provide direct ingress or egress to or from a road intersection area and shall not occupy areas of the road right-of-way deemed necessary by the Town Board for effective traffic control or for highway signs or signals.
- B. Culvert. When required to provide for adequate surface water drainage along the road, the property owner shall provide and maintain any necessary culvert pipe at their own expense. The culvert, if needed, shall be steel or double wall plastic. Drain tile or PVC pipe is prohibited. The culvert shall be of such diameter to facilitate the drainage of water common to that area through said culvert.  
All driveway culverts shall be a minimum of 30 feet in length. All field entrances shall be a minimum of 40 feet in length. Any less of a length will require a variance from the Town Board. All excavation for culverts in the right-of-way will be done in a

workmanlike manner and said excavation will be completed in such a way as to cause minimal inconvenience to the public.

- C. Elevation. The elevation of the finished driveway surface directly atop the culvert shall be four (4) inches below the elevation of the road edge at the driveway. Width of the driveway at the culvert shall be a minimum of twenty-four (24) feet. The driveway shall be crowned so as to direct the runoff water away from the roadway and into the ditch. Any excavation or lawn seeding must slope away from the shoulder of the road for a minimum distance of four (4) feet at a minimum 6 to 1 grade. The property owner shall make another application to the Town for permission to place asphalt surfacing on the driveway if planned subsequent to the original culvert installation
- D. Obstructions. There will be no obstruction in connection with the construction of the driveway or the installation of a culvert to be placed in the right-of-way of any highway, street or road in the Town of Walworth at an elevation any higher than the finished grade of the roadway adjacent thereto.
- E. Material Specifications. All Driveway/Field Entrances will be constructed of a base material compacted then covered with a ¾" size compactable aggregate as to not track large aggregate into the roadway
- F. Use of Driveway. All driveways shall be in place **before** any type of egress or ingress begins. The driveway shall provide the only means of ingress to or egress from the construction site. Any damage to the town road right-of-way including the road surface shall be repaired at the property owner's expense and in accordance with the Town of Walworth Road Ordinance. All repairs must be completed before occupancy permit will be issued.

**Section 4: General Provisions, Field Entrances:**

- A. A field entrance is a way or path used to access farm land for agricultural purposes. Field entrances may not be used to access land for residential purposes unless a proper driveway is constructed. In order to assure that the natural flow of surface water is maintained, culverts are required for all field roads accessing Town roads. The Town Board may waive the requirement of a culvert where drainage conditions do not require a culvert to allow for unimpeded flow of surface water. All costs of constructing culverts involved are the responsibility of the property owner. A driveway permit is required from the Town Board or its' designee for all field roads prior to use.
- B. Use of Field (Agricultural) Entrances. All field entrances shall be in place **before** any type of egress or ingress begins. The field entrances shall provide the only means of ingress to or from the field. Any damage to the town road right-of-way including the road surface shall be repaired at the property owner's expense and in accordance with the Town of Walworth Road Ordinance.

**Section 5: Existing or Non-Conforming Driveways and Failing Culverts:**

- A. Any existing or non-conforming driveways, and failing culverts which are to be reconstructed in any manner shall also be required to comply with Section 3: B, C, D, and E of this ordinance. Any person who shall violate this provision shall remedy and correct such violation within thirty (30) days of notification in writing by the Town Board.
- B. Culvert Replacement:  
If the property owner fails to remedy and correct such violation after 30 days, the Town of Walworth Road Superintendent or his designee may replace any culvert deemed to be unserviceable due to damage or normal wear and tear. All labor costs and material expenses of said culvert replacement shall be paid by the property owner.
- C. Culvert Required:  
If a culvert is required by the Town Road Superintendent after inspection of an existing driveway or field entrance, the property owner shall have thirty (30) days of notification in writing by the Town Board to have a culvert put in, at the property owner's expense, and shall also be required to comply with Section 3: B, C, D, and E of this ordinance.  
If the property owner fails to correct or comply with the request after 30 days, the Town of Walworth Road Superintendent or his designee may install the required culvert. All labor costs and material expenses of said culvert installation shall be paid by the property owner.
- D. If the Town provides labor and/or materials per Section 5, the Town of Walworth will bill the cost of any culvert needed or replaced to the owner of the property, and upon failure to pay, the property owner shall be charged a special assessment upon the tax bill to the owner of the property from which the culvert was needed or replacement was necessitated.

**Section 6: Hardship:** If a property owner feels a hardship has been created due to the unusual slope or terrain of the property in the Town Road right-of-way, said property owner may appeal to the Town Board for a variance on the conditions set forth above.

**Section 7: Violation.** Any person who shall violate provisions of this ordinance shall remedy and correct such violation within thirty (30) days of notification in writing by the Town Board.

**Section 8: Additional Relief.** Any driveway or culvert installed upon, under, or over any highway right-of-way without a permit, or any such driveway or culvert which is installed contrary to the terms and conditions of the issued permit or of this ordinance shall be deemed a highway encroachment. The culvert shall be subject to removal, pursuant to Section 86.04 of the Wisconsin Statutes as it presently exists or as it may hereafter be amended or renumbered. Failure to obey an order for removal under Section 86.04 of the Wisconsin Statutes may result in a per diem forfeiture and the recovery of the Town's costs of removal.

**Section 9:** Any person or entity violating any provision of this Ordinance shall be penalized in accordance with Wisconsin Statutes Sec. 60.61. This fee, not to exceed \$197.00 per day, will be enforced by the Town Board.

**Section 10: Fees.** Permit fee shall be set at the amount stated on the Town of Walworth Driveway and or Alteration on Public Right of Way permit form.

Passed by majority and roll call vote of the Town of Walworth Town Board and signed this 13th day of June, 2019.

The town clerk shall properly post or publish this ordinance as required under s. 60.80 of Wisconsin Statutes.

\_\_\_\_\_/s/\_\_\_\_\_  
David J. Rowbotham, Chairperson

\_\_\_\_\_/s/\_\_\_\_\_  
Steve Santeler, Supervisor #1

(Seal)

\_\_\_\_\_/s/\_\_\_\_\_  
William Pearce, Supervisor #2

Attest: \_\_\_\_\_/s/\_\_\_\_\_  
Marie Baker, Clerk/Treasurer