



# City of Marion, Wisconsin

217 N. Main Street  
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Marion, WI 54950-0127  
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## Driveway Application and Permit

Pursuant to Sections 322 of the City of Marion Municipal Code, I, the undersigned, do hereby certify that:

- I represent all parties in interest, and that such proposed driveway is for the Bonafide purpose of securing access to my property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the City street, or for any other purpose.
- The City, notwithstanding, the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the City street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
- The permittee, successors or assigns, agrees to indemnify and hold harmless the City of Marion, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
- The City does not assume any responsibility for the removal or clearance of snow, ice, sleet or the opening of windrows of such material upon such portion of such driveway within the dedicated portion of the City street.

A drawing MUST accompany this application which accurately depicts the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof, and a statement of materials proposed to be used. A fee of \$25.00 is required to be submitted with this application.

Driveway Width: \_\_\_\_\_ Angular Placement: \_\_\_\_\_

Size of Island Areas: \_\_\_\_\_

Culvert Size: \_\_\_\_\_ Culvert gage: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Receipt Number: \_\_\_\_\_ Date Received: \_\_\_\_\_

Date Inspected: \_\_\_\_\_ Date Approved: \_\_\_\_\_

Approved by Streets Superintendent: \_\_\_\_\_

## Chapter 322. Driveways and Culverts

### § 322-1. Intent.

For the safety of the general public, the City shall determine the location, size, construction and number of access points to public roadways within the City limits. It is the City's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.

### § 322-2. Permit required.

No person, firm or corporation shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the City of Marion without first obtaining a permit therefor as provided by this chapter.

### § 322-3. Application for permit.

- A. Application for such permit shall be made to the City Clerk-Treasurer for referral to the Street Superintendent on a form provided by the City and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be used. The applicant shall pay a fee set by the Common Council. Upon receipt of the application and the fee if required, unless the proposed private driveway is a part of construction for a building or other structure for which a building permit has been applied for, in which case no additional fee is required, the Street Superintendent shall approve such application if the proposed driveway complies with the terms and conditions of this chapter and any other applicable City ordinance.
- B. Application provisions. All driveway permit applications shall contain the following statements:
- (1) That the applicant represents all parties in interest and such proposed driveway is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the City street or for any other purpose.
  - (2) That the City, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the City street at any time, including relocation, reconstruction, widening and maintaining the street, without compensating the owner of such private driveway for the damage or destruction of such private roadway.
  - (3) That the permittee and his successors or assigns agree to indemnify and hold harmless the City of Marion and its officials, officers, agents or employees against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.

- (4) That the City does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the City street.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

## § 322-4. General requirements.

The location, design and construction of driveways shall be in accordance with the following:

- A. General design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least 10 feet apart except by special permission from the Common Council, and driveways shall in all cases be placed wherever possible so as not to interfere with utilities in place.
- B. Number. The number of driveways to serve an individual property fronting on a street shall be one, except where deemed necessary and feasible by the Common Council for reasonable and adequate service to the property, considering the safety, convenience and utility of the street.
- C. Island area. The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection F.
- D. Drainage. The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed. No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches, or roadside areas or with any existing structure on the right-of-way.
- E. Reconstruction of sidewalks and curb and gutter. When the construction of a driveway requires the removal of a curb and gutter, the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in § 530-5 of this Code insofar as such requirements are applicable, including thickness requirements. Standard thickness of residential driveway approaches will be six inches thick.
- F. Restricted areas. The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
- (1) The filling or draining shall be to grades approved by the City Engineer, and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
  - (2) Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.
  - (3) Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Common Council.

- G. Relocation of utilities. Any costs of relocating utilities shall be the responsibility of the property owner, with approval of the Common Council necessary before any utility may be relocated and the driveway installed.<sup>[1]</sup>

[1] *Editor's Note: Original Sec. 6-3-2(a)(8), Construction across sidewalks, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See Subsection E of this section.*

- H. Variances. Any of the above requirements may be varied by the Common Council in such instances where the peculiar nature of the property or the design of the street may make rigid adherence to the above requirements impossible or impractical.

## § 322-5. Special requirements for commercial and industrial driveways.

The following regulations are applicable to driveways serving commercial or industrial establishments:

- A. Width of drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than 24 feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Common Council in its discretion may permit a driveway of additional width.
- B. Angular placement of driveway. The angle between the center line of the driveway and the curblines shall not be less than 45°.
- C. Island area. Where the public sidewalk is adjacent to the curb, an island of a minimum length of six feet measured along the curblines shall be placed between each entrance to a City street. The curb shall be left intact for the length of this island. Where the public sidewalk is remote from the curb, an island of a minimum length of 10 feet measured along the right-of-way line shall be maintained along each entrance to the City street. All flares shall be tangent to the curblines. A curb length of not less than three feet shall be left undisturbed adjacent to each property line to serve as an island area in the event that an adjoining property owner applies for a driveway permit to serve his property.

## § 322-6. Special requirements for residential driveways.

The following regulations are applicable to driveways serving residential property:

- A. Width. Unless special permission is first received from the Common Council or committee thereof, a residential single-type driveway shall be no greater than 24 feet wide at the curblines and 18 feet wide at the outer or street edge of the sidewalk; residential double-type driveways shall be no greater than 24 feet wide at the curblines and 18 feet wide at the outer or street edge of the sidewalk.
- B. Angular placement. The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curblines.

## § 322-7. Appeals.

Any person feeling himself aggrieved by the refusal of the Street Superintendent to issue a permit for a private driveway may appeal such refusal to the Common Council within 20 days after such refusal to issue such permit is made.

## § 322-8. Prohibitions.

- A. No person, firm or corporation shall place, construct, or locate, or cause to be placed, constructed or located, any obstruction or structure within the limits of any public road, highway or street in the City of Marion except as permitted by this chapter. As used herein the word "structure" includes a private driveway, a portion of which extends into any public road, highway or street and which is in nonconformance with this chapter.
- B. No driveway shall be closer than 15 feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the City for effective traffic control or for highway signs or signals.
- C. The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
- D. No driveway apron shall extend out into the street further than the facing of the curb, and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be constructed so as not to interfere with the drainage of streets, side ditches or roadside areas or with any existing structure on the right-of-way.
- E. No portion of any curb, parapet or retaining wall, rising above the grade of the driveway, erected by the owner of the premises involved shall extend beyond the culvert spanning the watercourse located in such public way.

## § 322-9. Culvert construction standards.

- A. Size. Culverts shall be installed prior to construction work being commenced on the property served. No pipe smaller than 12 inches in diameter (or equivalent elliptical or arch pipe) will be allowed. All culverts shall be constructed of galvanized steel or reinforced concrete and shall be of new manufacture, unless specifically excepted by the Street Superintendent.

- B. Gauge.

- (1) The minimum wall thickness for the galvanized steel pipe culverts shall be in accordance with the following:

<b>Pipe Diameter</b> <b>(inches)</b>	<b>Gauge</b>
15 to 24	16
30 to 36	14
42 to 54	12
60 to 72	10
78 to 84	8

- (2) The class of reinforced concrete pipe shall be in accordance with the following:

<b>Height of Cover</b> <b>(feet)</b>	<b>Class of Pipe</b>
0 to 2	IV
2 to 3	III
3 to 6	II

- C. Drainage. The culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- D. Endwalls. Culverts shall be provided with concrete or metal apron endwalls as directed by the Street Superintendent.
- E. Backfill material. Material used for backfill shall be of a quantity acceptable to the Street Superintendent and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six inches.
- F. Erosion control. Erosion control measures shall be implemented as necessary to control erosion or as directed by the City Engineer.
- G. Distance. The distance between culverts under successive driveways shall not be less than 10 feet, except as such restricted area is permitted to be filled pursuant to § 322-4F.
- H. Cost. The property owner shall install the culvert and be responsible for the cost thereof. The property owner shall keep his culverts unobstructed and clean.
- I. Appeal. Persons may request a variance from the culvert requirements of this section by filing a written appeal request with the City Clerk-Treasurer, who shall place the matter as an agenda item for the Common Council's next meeting. The Common Council may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The City Engineer may be asked to render an opinion on the request.