

**Town of Burns**  
**Ordinance #2-3-04 #1**  
**Driveway & Culvert Ordinance**

An ordinance to establish  
driveway and culvert location, design and  
construction requirements  
in the Town of Burns.

The Town of Burns Board of Supervisors does ordain as follows:

**Section 1. Purpose.** For the safety of the general public, the Town of Burns shall determine the location, size, construction and number of access points to public roadways within the Town limits. It is the Town'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.

**Section 2. Culvert Requirements.** No person shall construct any driveway, field entrance(s) (this also includes logging entrance(s)), or private road in a public right-of-way of the Town of Burns without installing a culvert in full compliance with this Section. Included within the scope of this requirement are commercial driveways.

**Section 3. Driveway and Culvert Location, Design and Construction Requirements.**

(a) **General Requirements.** The location, design and construction of driveways shall be in accordance with the following:

- (1) **General design.** All driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of 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 approached or using it shall have adequate sight distance along the street. Driveway approaches shall be at least ten (10) feet apart except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
- (2) **Driveway Approach to Town Road.**
  - a. See attached diagram.
  - b. The sides of the apron, at least to the culvert, should be beveled down to grade so as to have no abrupt surface that could damage a snow plow or create a hazard to any vehicle that should travel off the pavement.
  - c. No barricade, fence or guard that extends higher than the roadbed may be constructed in the area from the pavement to the center of the culvert.
  - d. A driveway may not be elevated more than one (1) foot above or below the elevation of the edge of the road to the end of the right-of-way and shall meet the grade of the existing road.
- (3) **Restricted Areas.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
  - a. The filling or draining shall be to grades approved by the Town Board upon Town

Patrolmen recommendation 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.

- b. 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 Town Board.
- (4). **Relocation of Utilities.** Any costs of relocating utilities shall be the responsibility of the property owner with the approval of the Town Board necessary before any utility may be relocated and the driveway installed.
- (5). **Variations.** Any of the above requirements may be varied by the Town Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.
- (b). **Special Requirements of Commercial and Industrial Driveways.** The following regulations are applicable to driveways serving commercial or industrial establishments:
  - (1). **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 thirty (30) 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 Town Board in its discretion may permit a driveway of additional width.
  - (2). **Angular Placement of Driveway.** The angle between the center line of the driveway and the curb line or road edge shall not be less than 70°.
- (c). **Special Requirements for Residential Driveways.** The following regulations are applicable to driveways serving residential property:
  - (1). See attached diagrams.
- (d). **Prohibited Driveways and/or Filling.**
  - (1). No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the Town of Burns except as permitted in this Section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which is in non-conformance with this Ordinance.
  - (2). No driveway shall be closer than twenty-five (25) 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 Town for effective traffic control or for highway signs or signals.
  - (3). The grade or that portion of any private driveway 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. See attached diagram (approach pad specifications).
  - (4). Drainage from driveways shall run into adjacent ditches and not onto the road pavement.
  - (5). Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town.
- (e). **Culvert Construction Standards.**
  - (1). **Size.** Culverts shall be installed prior to construction work being commenced on the property served. Culvert size and type shall be determined by the Town Maintenance Supervisor. All culverts shall be of new manufacture, unless specifically excepted by the

Town Maintenance Supervisor.

- (2). **Gauge.** The minimum wall thickness for the galvanized steel or ribbed plastic pipe culverts shall be in accordance with the following:

Pipe Diameter	Gauge
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8


The class of reinforced concrete pipe shall be in accordance with the following:

Height of Cover (in feet)	Class of Pipe
0-2	IV
2-3	III
3-6	II

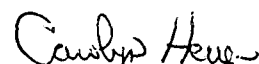
- (3). **Drainage.** The culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- (4). **Backfill Material.** Material used for backfill shall be of a quality acceptable to the Town Maintenance Supervisor and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
- (5). **Erosion Control.** Erosion Control measures shall be implemented as necessary to control erosion, or as direct by the Town Board.
- (6). **Cost.** The property owner shall install the culvert and be responsible for the cost thereof.
- (7). **Appeal.** Persons may request a variance from the culvert requirements of this Section by filing a written appeals request with the Town Clerk, who shall place the matter as an agenda item for the Town Board's next meeting. The Town Board may only waive the requirement for a culvert upon finding that unique physical characteristics of the location in question render the culvert unnecessary. The Town Maintenance Supervisor may be asked to render an opinion on the request.

**Section 4.** This ordinance shall take effect the day after passage and posting and/or publication.

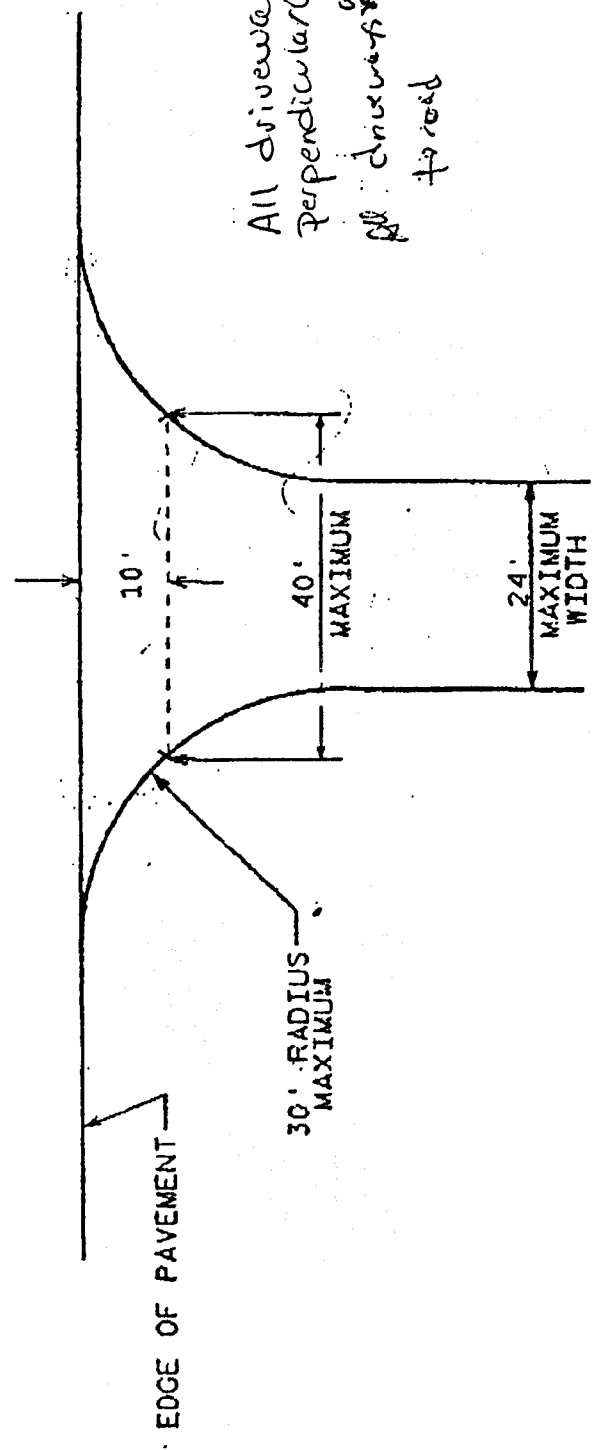
Dated this 3<sup>rd</sup> day of February, 2004.

  
Paul Kitmans, Town Chairman

Attest:

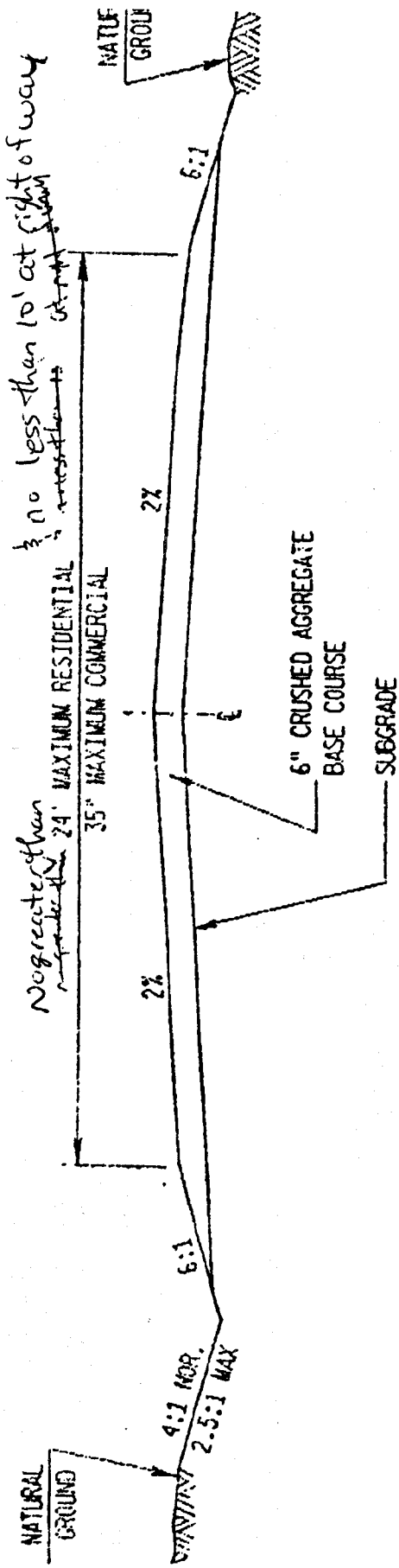
  
Carolyn Heier, Town Clerk

ROAD CENTERLINE

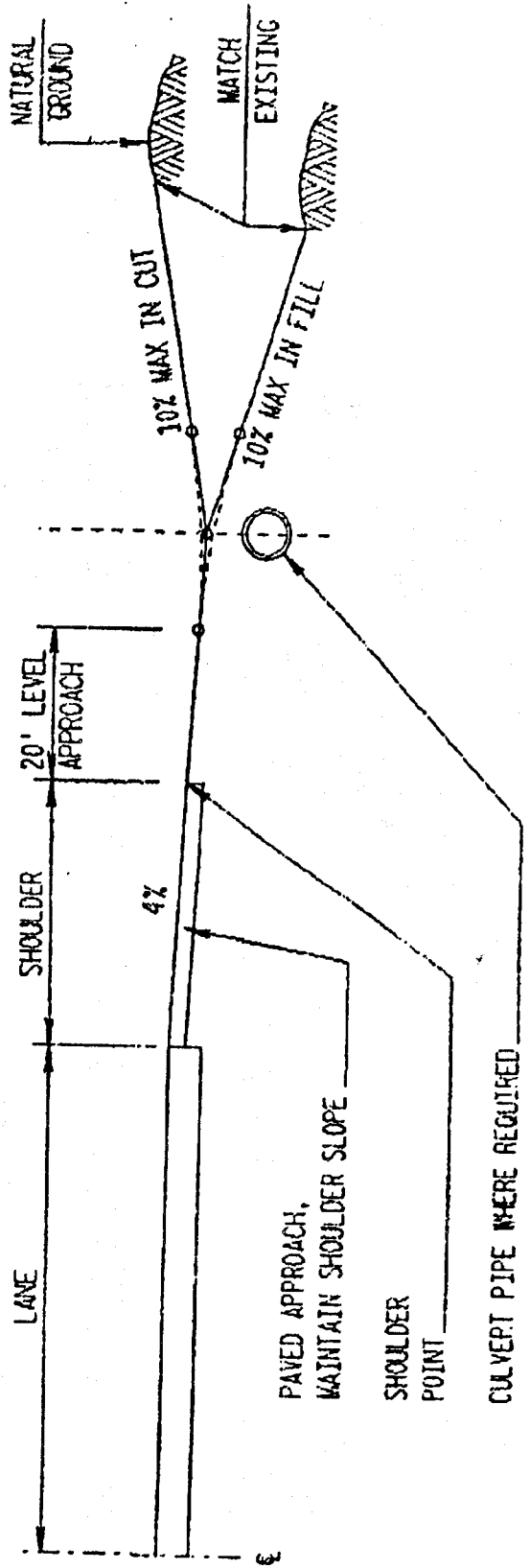


All driveways are perpendicular (90°) to road.  
All driveways are perpendicular (90°) to road

TYPICAL DRIVEWAY DETAIL  
NON-COMMERCIAL RURAL  
NOVEMBER 1997



TYPICAL CROSS SECTION FOR RESIDENTIAL OR COMMERCIAL DRIVEWAY



TYPICAL DRIVEWAY PROFILE