

**Town Of Hayward**  
**Driveway Permit and Specification Ordinance**  
**Ordinance # 03-2013**

**I. PURPOSE**

a. This Ordinance #03-2013 supersedes the portions of Ordinance #06-2009, (Driveway and Private Road Ordinance, adopted July 14, 2009) dealing with Private driveways. The purpose of this Ordinance is to ensure (1) that all driveways follow State Of Wisconsin codes, Sawyer County zoning, and subdivision ordinances; and (2) swift and unencumbered access of emergency vehicles to all properties.

b. The Town of Hayward accepts no liability for injury or damage to life or property that may have been prevented with full compliance of this ordinance.

**II. DEFINITIONS**

a. New Driveway – Any driveway for which a permit is issued after the date of the ordinance. All new driveways are subject to the terms and conditions of this Ordinance and are required to secure a “Driveway Permit” for construction.

b. Existing Driveway – Driveways constructed prior to the date of this Ordinance. Owners of property with existing driveways, constructed before the date of this ordinance that are not in compliance with this ordinance, are encouraged but not required to make changes or secure a “Driveway Permit” except under the terms of Section (VI) of this Ordinance.

c. Driveways are described as an access from any of the highways/roads defined below serving no more than two properties (residential or commercial or any combination). Driveways existing prior to the effective date of this Ordinance are exempt from the two property limit except under the terms of Section (VI) of this Ordinance.

d. Highway/Road Classifications

Class A – All Federal or State highways

Class B - All County highways

Class C – All Town roads

Class D - All private roads (Town definition)

**III. JURISDICTION/ LAYOUT/ACCESS**

a. All driveways must meet requirements of this Ordinance regardless of which authority approves the access.

b. Driveway access to Class A highways must be approved by the State, Class B by Sawyer County, and Class C & D by the Town of Hayward.

c. Driveways shall be laid out so as to intersect all highway/road classes as nearly as possible at right angles. Deflections of up to twenty (20) degrees may be acceptable depending upon conditions.

d. Separation:

<b>Class of Highway/Roads</b>	<b>Minimum distance of Highway frontage between access drive ways for Separate Land Uses (feet)</b>	<b>Minimum distance access drive ways to be located to the right-of-way on the Intersecting Highway (feet)</b>
Class A Highways	500	250
Class B Highways	* See note below	150
Class C & D Highways	75	75

\* No specific separation –depends on roads conditions.

#### IV. MAXIMUM NUMBER and ACCESS WIDTH

a. Commercial and Industrial land uses shall be permitted a maximum of two access driveways, each having a maximum access width of 35 feet.

b. All other land uses shall be permitted a maximum of one driveway having an access width of 24 feet.

c. Where cross-over's in median strip have been provided, access driveways shall be directly opposite these cross-over's.

#### V. SPECIFICATIONS and STANDARDS for NEW DRIVEWAYS

a. All driveways shall have at least a minimum width clearance of 20 feet and an unobstructed height of 16 feet. Driveways should remain clear of debris year-round and snow accumulation in excess of four (4) inches should be removed.

b. Driveways longer than 300 feet shall provide enough turn-around space for a 30 foot emergency vehicle no more than 100 feet but no less than 50 feet from the primary building and shall have passing areas (driving surface areas of no less than 30 feet wide and 75 feet long) located at approximately 300 foot intervals. All required turn-around spaces and passing areas shall be kept clear to the width of the driving surface and to a height of 16 feet.

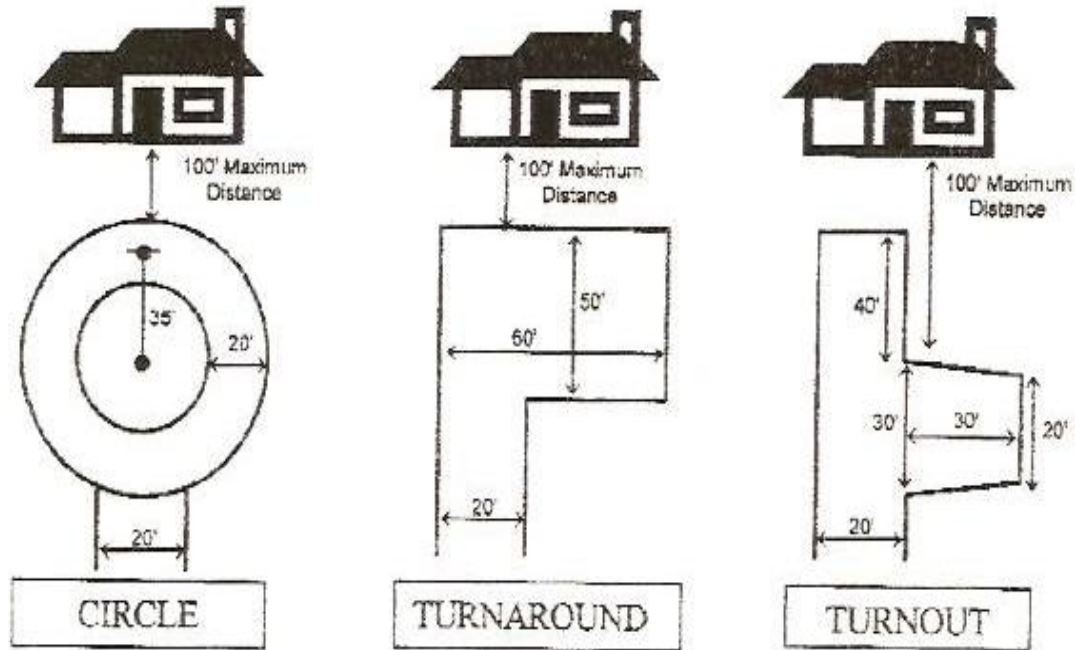
c. Turn-around space can be provided by one of the following methods:

1. **CIRCLE.** If a circle drive is constructed, it must have a radius of no less than 35 feet to the centerline of the driveway.

2. **TURN-AROUND.** A turn-around must have dimensions no less than 50 feet wide and 60 feet deep.

3. **TURNOUT.** A turnout shall be no less than 30 feet long. The width of the turnout shall be no less than 34 feet at the front and may taper down to no less

than 20 feet at the rear. In addition, a minimum of 40 feet of driveway must extend beyond the turnout to allow for backing a vehicle into the turnout.



*Thank you for your cooperation in this process!*

- d. Any curves in driveways must not have less than a 50 foot radius.
- e. Exemptions from the TURN-AROUND and PASSING LANES provisions of this article (V) would include:
  - 1. Access to new buildings that are no more than 100 feet from a public or private road.
  - 2. Those portions of driveways which are restricted by an existing easement of less than 20 feet in width.
- f. In addition to the above standards, a permit E-M-04-68 or its subsequent revision must be filed with the Wisconsin State Department of Transportation for access to all state highways. Approval must be given by the above agency before the county will consider and give approval to the applicant's request. Access to county highways must be approved by the Sawyer County Highway Department prior to construction of a driveway connecting to a county highway.

## VI EXISTING DRIVEWAYS - Conditions of compliance to this ordinance:

- a. Existing driveways should be brought into compliance for safety purposes.

b. An existing driveway serving a single lot or parcel must be brought into compliance with this Driveway Ordinance and must secure a "Driveway Permit" for any construction/reconstruction if, for any and all reasons, the lot, or parcel, is split or reconfigured and the driveway serves no more than one additional lot.

c. An existing driveway serving a single lot or parcel must be converted to a Private Road, and follow conditions in the Private Road Ordinance, if the lot or parcel is split or reconfigured so the existing driveway serves more than two (2) lots or parcels.

d. Existing driveways serving multiple lots or parcels must be converted to a Private Road, and follow conditions in the Private Road Ordinance, if the lots or parcels are reconfigured and the number of lots serviced by the driveway increases.

## VII. DRIVEWAY PERMIT CONDITIONS

a. All new driveways or modifications to existing drive ways require the issuance of a Town of Hayward "Driveway Permit." The following is the information from the Driveway Permit form.

### b. Conditions and Issuance

i. The permittee, indicated on the permit, represents all parties in interest, and that any driveway or approach constructed by or for him/her is for the bona fide purpose of providing access to his/her 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.

ii. 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 permittee shall furnish all materials, do all work and pay all costs in connection with the construction of the driveway and its appurtenance on the highway right of way. In every instance, the subsequent maintenance of the driveway and of it's appurtenance 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 relationship to the said maintenance of the driveway facility. Materials used and the type of 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 road supervisor. The driveway installation shall be restored to at least the pre-existing conditions by the driveway construction. Any such facilities disturbed by operations relating to the subsequent maintenance of the driveway shall be restored to the satisfaction of the road supervisor by the permittee.

iii. No revisions or additions shall be made to the driveway, or its appurtenances on the right of way, without the written permission of the road supervisor.

iv. The Town of Hayward reserves the right to make such changes, additions, repairs, and relocations within 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.

v. The permittee, his successors or assigns, agree to hold harmless the Town of Hayward 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.

vi. The Town of Hayward does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of windrows of such material, upon any portion of any driveway or entrance along any highway, even though snow, ice or sleet is deposited and windrowed on said driveway or entrance by its authorized representatives engaged in normal winter maintenance operations.

c. 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 of Hayward.

i. 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 highway of the property served. At public highway 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 to the roadway or right of way deemed necessary for effective traffic control or for highway signs or signals. 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.

ii. The number of driveways permitted serving a single property frontage along a town highway shall be one (1). Commercial and Industrial land uses shall be permitted a maximum of two access driveways.

iii. The island area on the right of way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way line shall remain unimproved for vehicular travel or parking. Such areas shall be considered as restricted and may be filled in or graded down only as hereinafter provided in paragraph (VII c. vii.).

iv. The surface of the driveway connecting with rural-type highway sections shall slope down and away from the highway shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flowing onto the highway roadbed.

v. The driveway shall not obstruct or impair drainage in highway side ditches or road-side areas. Driveway culverts, where necessary, shall be adequate for surface water drainage along the highway and in no case less than the equivalent of a 12 inch diameter pipe. The distance between culverts under successive driveways shall be not less than 12 feet except as such restricted area is permitted to be filled in under the provisions of paragraph (VII c. vii.).

vi. When curb and gutter is removed for constructing a driveway, the new connections shall be of equivalent acceptable material and curb returns provided a restored in a neat, workmanlike manner. The driveway surface shall connect with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include replacement of sidewalk areas which are inadequate or become damaged by reason of vehicular travel across the sidewalk.

vii. The restricted area between successive driveways may be filled in or graded down only when the following requirements are fully complied with:

- The filling in or grading down shall be to grades approved by the road supervisor and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the highway roadbed in a suitable manner.
- Culvert extension under the restricted area shall be of like size and equivalent acceptable material of the driveway culvert, and intermediate manholes adequate for cleanout purposes may be required where the total culvert length exceeds 100 feet.
- Where no highway side ditch separates 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 purpose by constructing of a border, curb, rail or posts deemed adequate by the road supervisor.

d. Special Requirements – Driveway serving commercial or industrial establishment.

i. WIDTH OF DRIVE ACCESS. No driveway shall have a width greater than 35 feet measured at right angles to the centerline of the driveway, except as increased by permissible radii.

ii. RETURN RADII. The return radii projected between the line of face of curb of the highway and the driveway shall be determined by the road supervisor, basing his decision on the type of traffic and the restrictions given in sections (VII d. i. and VII d. iv.). In all cases, the entire flare shall fall within the right of way.

iii. ANGULAR PLACEMENT OF THE DRIVE. The angle between the centerline of the driveway and the curb line shall not be less than 90 degrees. See Section III (c).

iv. ISLAND AREAS.

*Case I: Sidewalk adjacent to curb.* An island of a minimum length of six (6) feet measured along the curb line shall be placed between each entrance to highway. The curb shall be left in tact or this length.

*Case II: Sidewalk remote from curb.* An island of a minimum length of 10 feet measured along the right-of-way line shall be maintained between each entrance to a state highway. All flares shall be tangent to the curb line.

A curb length of not less than three (3) feet shall be left undisturbed adjacent to each property line to serve as an island area should the adjoining property owner request a permit for an entrance.

e. Special Requirements – NON-COMMERCIAL Driveway serving residence property.

i. WIDTH OF DRIVE ACCESS. No non-commercial driveway or combination of driveways shall have a width greater than 24 feet measured at right angles to the centerline of the driveway, except as increased by permissible radii.

ii. RETURN RADII. The radius of the return connecting the line of face of curb of the highway and the edge of driveway shall not exceed 10 feet. In all cases the entire flare shall fall within the right of way.

#### VIII. FEES:

The Town of Hayward shall assess a \$25 fee for all new Driveway Permits. The \$25 fee will also be assessed for any driveway modification required under Section VI (b) of this Ordinance.

#### IX. ADMINISTRATION:

a. This ordinance will be administered by the Town Road Supervisor and the Town Board of the Town of Hayward.

b. Copies of any and all Sawyer County issued “driveway permits” issued for County or State roads within the Town of Hayward are required to be forwarded to the Town of Hayward for additional processing and fees.

#### X. ENFORCEMENT:

Enforcement shall be done by the Town of Hayward Chairman and/or the Town of Hayward Police Department.

#### XI. PENALTIES:

a. For the first notice of non-compliance, the offender shall be assessed \$50 and any additional court costs accrued by the Town of Hayward relating to the incident. Offender shall be given 90 days, subject to weather condition to comply.

b. For the second notice of non-compliance, the offender shall be assessed \$200 and any additional court costs accrued by the Town of Hayward relating to the incident.

c. Certificate of Occupancy required under the then current Town of Hayward Building Permit or UBC Ordinances may be withheld.

d. Failure to comply with Section VII- DRIVEWAY PERMIT CONDITIONS may result in Town’s removal of the driveway access”.

**XII. SEVERABILITY:**

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

*12/3/13 Final: R7*

*Dated this 10<sup>th</sup> day of December 2013 - Signed copy on file at Town Hall*

\_\_\_\_\_  
*Jeff Homuth, Chairman*

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*Harold Tiffany, Supervisor*

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*Gary Gedart, Supervisor*

Attested by: \_\_\_\_\_  
*Bryn Hand, Clerk*