

TOWN OF HAYWARD  
HIGHWAY ORDINANCE

NO 2-92

As amended through March 8, 2016

Adopted May 5, 1992; Amended May 2, 1995

Revised July 3, 1996; and Amended Dec 8, 1999,

Apr 12, 2005, May 12, 2015, Mar 8, 2016

An ordinance establishing rules and regulations for the acceptance of roadways as Town Highways by the Town of Hayward Board of Supervisors.

**SECTION A - "PURPOSE AND INTENT"**

The Town Board of Supervisors of the Town of Hayward, Sawyer County, Wisconsin, do hereby find, determine and ordain that in order to promote the public safety, general welfare and convenience, it is necessary that certain requirements be established and followed in the creation of new highways. Only roadways built to the requirements of this ordinance may be accepted by the Town of Hayward.

Nothing in this ordinance shall require the Town to improve existing private roads which do not conform to this ordinance.

It is not intended by this ordinance to repeal, abrogate, annul, or interfere with any existing highway rules, or regulations issued pursuant to law in regards to any public highway.

**SECTION B - "DEFINITIONS"**

In order to clarify this ordinance the following words are defined:

**APPROACH:** That portion of road extending 100 feet on each side of a culvert or bridge.

**BASE COURSE:** The supporting part of a road or bottom. The course of gravel that provides a base for the surface course in paved applications or is the surface course in gravel applications. Typically, aggregate used for the base course has more binder to hold the surface together and to allow water to run off instead of permeate and soften the road surface.

**CAPPING MATERIAL:** Aggregate used to smooth out any uneven surfaces after the sub-grade has been established, creating an even surface for the sub-base to be applied upon, allowing for a consistent thickness of sub-base material to be applied.

**CLEARING:** Removal of all woody vegetation, stumps, rocks or other obstructions that may inhibit safe mowing operations.

**DRAINAGE:** To make gradually dry, by trenches, channels, etc.

**ELEVATION:** Average roadway height above shoulders.

**ENGINEER'S CERTIFICATION:** The signature of a registered, professional engineer, stating that the design, plans, and specifications were assembled with a 10 year design life criteria for the improvement and the design uses current WisDOT specifications and that the road meets all criteria of this ordinance.

**GRADE:** The rate of ascent or descent of a road.

**HIGHWAY:** A road or way over which the public generally has a right to pass.

**RIGHT OF WAY:** the entire property that has been established for the roadway to be constructed within, extending in both directions from the roadway. For the purpose of this document, all new right-of-ways shall be no less than 66 feet in width, and shall be of adequate width to accommodate curves or side hills on a proposed roadway to allow for appropriate drainage.

**ROAD BED:** The whole material laid in place and ready for travel.

**ROADWAY:** The traveled portion of the road including the surface and shoulders.

**SURFACE COURSE:** The top of the roadway or traffic course. The top of the roadway that is travelled on. This may be a hard surface such as pavement or it may be the top of the base course in a gravel application.

**SUB-GRADE:** The existing material that is the foundation for the Sub-base. This is the depth that at which excavation has stopped prior to placing Sub-Base material.

**SUB-BASE COURSE:** Crushed or angular aggregate placed between the sub-grade and the base course to provide adequate support for the base course.

### SECTION C -“ADMINISTRATION/PERMIT/FEES”

*Town of Hayward Road Permit:* Any person or entity wishing to build a new Private Road, build a new roadway for acceptance by the Town, or transfer an existing Private Road to the Town shall obtain a Town of Hayward Road Permit. The permit is an acknowledgement that the developer of the roadway understands all of the requirements expected during road construction. For existing roads, the permit establishes which parts of the roadway may not be constructed to specifications, allowing the Town Board to make an informed decision on acceptance. The permit may be used by the developer as a checklist of what criteria must be met and a timeline of events, but shall not be construed as the only checklist or timeline.

**WDNR Permit:** It is the applicant responsibility to obtain any and all required permits prior to start of construction. Permits should include but are not limited to any and all issued by WDNR, other State, Federal, and or County which pertain to soil disturbance.

### SECTION D - “STANDARDS”

The following are the minimum standards for any highway to be accepted by the Town of Hayward, in compliance with good practice, general construction, and safety.

**HIGHWAY LAYOUT:** Right –of-way width shall be a minimum of 66 feet. Surface course shall be no less than 22 feet wide. Roadway width shall be no less than 30 feet wide : Cul-du-sacs of at least 120 feet diameter deeded right of way shall be required every ¼ mile, or as determined by the Town of Hayward, and at the end of a dead end road.

**CLEARING:** The entire right-of-way shall be cleared to provide adequate safe travelling area, allow sunlight to aid in thawing the road surface, and to allow for mowing and minimize the costs of other maintenance procedures.

**GRADE:** The maximum shall not be more than 11%.

**DITCHING:** A ditch shall be present on both sides of the road with a minimum depth of 6 inches below the bottom of the base course. Ditches shall have a trapezoidal shape with a flat bottom. Ditches shall allow for adequate drainage away from the roadway so that the ditch does not develop standing water and shall be designed to protect the roadway from erosion during a 10-year storm event and so that water velocity in the ditch doesn’t exceed 5 feet per second. Ditch slope shall not exceed 6% on the road side of the ditch. Ditches shall be cleared of woody vegetation and loose rocks except for in areas that require such for erosion control.

SUBGRADE: Shall be suitable for road building. Capping material may be used to create a level surface over the Sub-Grade when necessary.

SUB-BASE COURSE: Shall be of gravel or aggregate suitable for supporting large truck traffic.

BASE COURSE: Must consist of crushed packing gravel of a quality and composition suitable for traffic loads. The amount of gravel necessary for acceptance must be at least 3000 cubic yards per mile.

SURFACE COURSE: The base course may be compacted adequately and be the finished surface of a gravel road. If the road surface is gravel, the road shall have a Gravel PASER Rating of no less than 4 upon acceptance. If the road surface is paved, the road shall have an Asphalt PASER Rating of no less than 7 upon acceptance.

CULVERTS: Any culvert necessary for proper drainage shall be installed so that the depth of cover over the culvert is no less than the diameter of the culvert. Culverts shall be of double-walled plastic construction or single walled galvanized steel construction and shall be installed with proper end pans and adequate erosion control for the culvert flow path. Culverts shall be installed per DNR design in waterways, and installed perpendicular to the roadway in overflow or equalizing applications. Culverts exceeding 36" in diameter or bridges of any size shall be engineered and installed for an expected life span not less than 40 years under heavy truck traffic.

EROSION CONTROL: Any landowner or developer improvement or action to roadways or land abutting roadways shall not increase or contribute to erosion of the roadway or right of way. WDNR Best Management Practices for Erosion Control (BMP) must be followed for all construction regardless of size of disturbing activity.

#### SECTION E - "ACCEPTANCE"

Acceptance of a road by the Town of Hayward will occur only after:

- (1) Receipt of an engineer's certification of ordinance compliance,
- (2) Receipt of an as-built CSM including all pertinent roadway stakings,
- (3) Completion of a final inspection of the entire right-of-way by the Road Supervisor, and
- (4) Review of all documents by the Town Board.

Final acceptance will be by action of the Town Board and only after the owner or the owners transfer ownership all the land necessary for the right-of-way by Warranty deed, inclusive of Title Insurance, to the Town of Hayward. All costs associated with surveying, engineering, development, Title Insurance and deed recording shall be the sole responsibility of the party making application and not the Town of Hayward.

#### SECTION F - "HARDSURFACING"

If a present town road is of gravel construction and the adjoining landowner's desire the road to be hardsurfaced or seal coated prior to the time that the Town of Hayward hardsurfaces or seal coats the road, the landowners may pay up to 100%, and no less than 50%, of the cost of the hardsurfacing. All payments shall be prepaid prior to hardsurfacing.

#### SECTION G - "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. Where any section or part or section of this ordinance is amended, voided or superseded thereby, the remaining sections not so specifically amended or voided or superseded shall remain in effect.

SECTION H – “PENALTIES”

Any person or entity found in non compliance with any of the sections of this ordinance shall be given a written notice to correct the problem. If the problem is not corrected within 30 days of the date of the written notice, a \$100.00 fine will be assessed. If the problem is not corrected within 60 days of the written notice, an additional \$100.00 fine plus a \$25.00 per day fine for each day after the 60 days will be assessed. Any court cost incurred by the Town will also be assessed.

SECTION I - “ENFORCEMENT”

The Town of Hayward Town Chairperson, the Town Road Supervisor, the Town Police Dept. and the Town Clerk have the authority to enforce this ordinance.

SECTION J – “EFFECTIVE DATE”

This ordinance shall take effect upon its passage and publication as provided by law.

Approved this 8th day of March, 2016

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Jeff Homuth, Chairman	Harold Tiffany, Supervisor	Gary Gedart, Supervisor

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

2-22-2016

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