

**Town Of Hayward**  
**Private Road Ordinance**  
**Ordinance #01-2013**  
As Amended December 8, 2015

**I. PURPOSE**

This Ordinance #01- 2013 supersedes the portions of Ordinance #06-2009, (Driveway and Private Road Ordinance adopted July 14, 2009), dealing with Private Roads. The intent of this Ordinance is to (1)ensure that all new private roads follows State Of Wisconsin codes, Sawyer County zoning and subdivision ordinances and (2) all new private roads provide swift, and unencumbered access of emergency vehicles to all properties. 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. Owners of property with existing private roads constructed before the date of the prior ordinance, July 14, 2009, that are not in compliance with this ordinance are encouraged to, but not required, to make changes except under the terms of Section III

**II. NEW PRIVATE ROADS**

**A. LAYOUT**

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

**B. ACCESS TO HIGHWAY/ROADS**

Highway/Road Classification

- Class A – All Federal or State highways
- Class B – All County highways
- Class C – All Town roads
- Class D - All private roads (Town definition)

**C. JURISDICTION and SEPARATION**

1. Private Road access to Class A highways must be approved by the State and the County, Class B by Sawyer County and Class C by the Town of Hayward

<b>Class of Highway</b>	<b>Minimum distance of Highway frontage between access driveways for Separate Land Uses (feet)</b>	<b>Minimum distance access driveways to be located to the right-of-way on the Intersecting Highway (feet)</b>
Class A Highways	500	250
Class B Highways	300	150
Class C & D Highways/Roads	75	75

2. All new private roads must meet requirements of this Ordinance regardless of which authority approves the access.

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D. SPECIFICATIONS and STANDARDS

1. All new private roads must be built to specifications included in Town of Hayward Highway Ordinance #2-92, Section D., and as amended.
2. All private roads constructed shall be constructed per Sections 6.1.5 of the Sawyer County Subdivision Ordinance as stated below: *Items in italics are Town of Hayward additional specific regulations*

6.1.5 – PRIVATE ROAD EASEMENTS: These provisions shall apply to all private roads intended to provide access to newly created parcels.

- a) Private roads are only allowed in minor subdivisions (by CSM) and shall meet the following requirements:
  - i) A minimum of 66 feet wide private road right of way shall provide access from a public road to no more than four (4) lots.
  - ii) A private road shall not exceed the greater of 1,320 feet in length or the length of a quarter-quarter section.
- b) Shall have a height clearance of 16 feet and shall have a minimum traveled road width of 20 feet. *Superseded by Town of Hayward Highway Ordinance #2-92 Section D which states "Road surface width of 22 feet and roadway width of 30 feet"*.
- c) Private roads serving County and State Subdivision are not allowed except as provided in Section 6.1.3 – "unless the governing municipality choose not to accept the roads"
- d) All private dead end roads shall have sufficient side and overhead clearance to allow access for emergency, police, fire, utility and school bus usage. Dead-end roads over 600 feet shall provide an approved turnaround or cul-de-sac at the end. *Applies to all private roads, not just dead-end roads.*
- e) Private roads that are existing and owned by the sub divider at the time of the effective date of this ordinance that are proposed to provide access to newly created parcels, shall meet the requirements as specified in this section. *See also section III, A, of this Ordinance.*
- f) Private roads from an existing public road to the newly created lot(s) shall be clearly labeled and the recorded access (volume and page) shall be shown on the map.

E. A Maintenance Agreement per section IV is required.

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**III. EXISTING PRIVATE ROADS**

- A. All existing private roads must be brought into compliance if, for any and all reasons, the number of lots serviced by the road increases. Road compliance will be from Town road access to new lot(s) access.
  
- B. NEW STRUCTURE CONSTRUCTION ACCESSED BY EXISTING PRIVATE ROAD
  - 1. Lots or parcel existing prior to July 14, 2009, (the effective date the superseded ordinance).  
Construction is allowed, however, owner must sign a release acknowledging existing road conditions
  - 2. Reconfigured lots where number of lots does not increase.  
Construction is allowed, however, owner must sign a release acknowledging existing road conditions
  - 3. Increasing number of lots accessed by private roads existing prior to July 14, 2009.  
Construction is only allowed after the existing road, from Town road access to the new driveway, referred to as “revised road” is brought up to specifications. Maintenance agreement as defined in section IV will also be required for the “revised road”.
  
- C. LIMITATIONS OF EXISTING PRIVATE ROADS.
  - 1. Can not be extended unless the road is brought into compliance of this Ordinance from Town road access to point of extension.
  - 2. Requires Maintenance agreement.

**IV. MAINTANENCE AGREEMENT & PENALTIES**

- A. An agreement forming a “Road Association” shall be filed between the property owners and all other deeded property owners who may be reasonably accessing their property by motorized vehicles via said private road, or listed on an easement as the private road right-of-way.
  
- B. The agreement shall include a minimum of the following:
  - a. description of maintenance of the said private road,
  - b. delineation and burden of road expenses,
  - c. the road shall continue to meet the standards in Section II D,
  - d. and signatures of the above listed parties and date.
  
- C. The agreement shall be kept current with any additional property owners and any other deeded property owners who may be reasonably accessing their property via said private road by motorized vehicles or listed on an easement of any private road right-of-way.
  
- D. The agreement must be approved by the Town Board and a copy of the agreement shall be placed on file with the Town of Hayward.

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- E. The agreement may be recorded at the Sawyer County Court House.
- F. Penalties for non-compliance of any section of this Ordinance, for which the non-compliance is not related to seasonal constraints, shall be:
  - a. Warnings will be issued for non-compliance. A penalty will not be assessed if the road is brought into compliance within a time determined by the Town Road Supervisor or the Town Board.
  - b. Failure to comply with the first warning will result in a penalty, the offender or offending association shall be assessed \$100 plus costs.
  - c. For continued non-compliance, the Town, at the discretion of the Town Board, may perform or hire all work necessary to bring the road into compliance.
  - d. All costs incurred by the Town of Hayward under items (b) and (c) of this section will be assessed to the offender or offending association, including but not limited to, labor, materials, legal fees and court costs.

**V. PERMIT & FEES**

The Town of Hayward form "Permit for Construction of a Town Highway or Private Road" must be submitted and the current fee paid prior to the start of construction of (1) a new road and (2) for either an extension or improvements to an existing private road.

**VI. ADMINISTRATION:**

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

**VII. ENFORCEMENT:**

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

**VIII. PERFORMANCE BOND**

Permitting any variance from this Ordinance could require a Performance Bond, amount to be determined by the Town Board.

**IX. 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.

7/9/2013: R2 Final, amended 12/8/2015

Dated this 9th day of July 2013, amended 8<sup>th</sup> day of Dec 2015 - *Signed copy on file at Town Hall*

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

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Harold Tiffany, Supervisor

\_\_\_\_\_  
Gary Gedart, Supervisor

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