

STATE OF WISCONSIN  
Town of Namakagon  
Bayfield County

Driveway and Highway Access Ordinance  
Ordinance # 37

SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of Namakagon Driveway and Highway Access Permit Ordinance. The purpose is to regulate, for public health and safety reasons, the establishment, repair, construction, improvement, modification, and reconstruction of private driveways, to assure that the methods of repair, construction, improvement, modification, and reconstruction practices used in any driveway will protect properly the public health, safety, and general welfare of persons in the town, and to limit and regulate highway access by motor vehicles to any town highway in the town. This is not a Town Zoning Ordinance.

SECTION II - AUTHORITY

The town board has the authority under its village powers under s. 86.06, Wis. stats., to adopt a Town Highway Access Permit Ordinance, and the general authority under its village powers under s.60.22, Wis. stats., to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the town to regulate and permit certain driveways and highway access locations in the town.

SECTION IV - DEFINITIONS

- Prime agricultural land means any land within the town that is currently being farmed, including cropland and pastureland, or land that is included in a government set-aside program.
- Driveway means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide service to a residence, business, recreational site, or other similarly appropriate uses.
- Town means the Town of Namakagon, Bayfield County, Wisconsin.
- Town board means the board of supervisors for the Town of Namakagon, Bayfield County, Wisconsin and includes designees of the board authorized to act for the board.
- Town clerk means the clerk of the Town of Namakagon, Bayfield County, Wisconsin. Wis. stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

## SECTION V - COVERAGE

No person shall establish or construct a driveway or reconstruct, reroute, or alter the existing slope of any driveway or any town or other highway or highway right-of-way in the town without first obtaining a Town Driveway Permit to be issued by the town board. No person shall establish or construct a driveway or reconstruct, reroute, or alter any highway access onto a town highway without first obtaining a Town Highway Access Permit.

Any person seeking a Town Driveway Permit or a Town Highway Access Permit must own or have a legal interest in and current access to the land to which the permit will apply.

## SECTION VI - APPLICATION/PERMIT PROVISIONS

The town board shall approve a form for application for both the Town Driveway Permit and the Town Highway Access Permit, which shall be available from the town clerk. The applicant for a Town Driveway Permit or a Town Highway Access Permit shall submit to the town clerk a completed application for each with the appropriate fee at least 10 working days in advance of the intended installation. The town clerk shall be the official to issue such Driveway and Highway Access Permits. In the event the application is not approved by the town clerk, the applicant may appeal to the town board.

The application must be submitted with the following attachments:

- Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions must be submitted. The sketch map may be submitted to the town board prior to the preparation or submission of the other supporting documents in order for the town board to provide initial comments and review of the proposal. However, formal approval for a Driveway Permit or Town Highway Access Permit will not be granted without the submission of complete supporting documents.
- Driveway Construction Plan (If required).
- Highway Access Location Plan. (If required).
- Other Documents. The town board may require other documents to be attached to the Driveway Permit application. Such permit shall be issued in a timely manner upon a form provided by the Town. Applications for a permit should be made at least ten working days in advance of intended installation.

## DRIVEWAY PERMIT REQUIREMENTS.

### Driveways and culverts

1. Driveways and Culverts Required. No person, partnership, company or corporation shall, be means of a vehicle, enter or cause to enter any parcel or parcels of land from any Town road or highway, unless a culvert and gravel driveway has been provided for said parcel(s) of land, unless deemed unnecessary by the Town road department.

2. Driveway/Culvert Permit Required. No person shall in the right-of-way construct, repair or reconstruct any driveway or install any culvert without having first obtained a permit from the Town, the fee for which shall be determined by resolution of the Town

Board. The Town shall not issue driveway permits for private easements that provide access to land locked parcels.

#### General Requirements and Conditions of Issuance

1. 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 its appurtenances 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 work necessary in relation to the maintenance of the driveway. Materials used and type of character of the work shall be suitable and appropriate for the intended purpose. The nature of construction shall be as designed and subject to approval of the road department. The driveway installation shall be made without jeopardy to or interference with traffic using the highway. Highway surfaces, shoulder, ditches and vegetation which are disturbed by the driveway installation shall be restored to at least the preexisting conditions by the driveway construction. Any such facilities disturbed by operations relating to the subsequent maintenance of the driveway shall be restored by the permittee to the satisfaction of the road department.
2. 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 department.
3. The Town of Namakagon 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.
4. The permittee, his successors or assigns agree to hold harmless the Town of Namakagon 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.
5. The Town of Namakagon does not assume any responsibility for removal or clearance of snow, ice or sleet, or the opening of wind rows of such material upon any portion of any driveway or entrance along any state highway, even though snow, ice or sleet is deposited or wind rowed on said driveway or entrance by its authorized representatives engaged in normal winter maintenance operations.

#### Installation Requirements

All driveways installed, altered, changed, replaced, or extended shall meet the following requirements and must be approved as to location by the Town.

1. Openings for vehicular ingress and egress shall be:
  - a. For residential properties, a minimum of 24 feet at the lot line and a maximum of twenty five feet at the roadway. The 24foot minimum is that which shall be cleared of brush with 12 foot required each side of center of the driveway surface.

- b. Driveable surface must be a minimum of 12 feet wide.
  - c. For agricultural and commercial properties, a minimum of thirty five feet at the lot line and maximum of fifty feet at the roadway.
  - d. Overhead clearance shall be maintained at 14 feet.
2. Islands between driveway openings shall be provided with a minimum of twelve feet between all driveway culverts.
3. No driveway apron shall extend out into the street farther than the near edge of the town road pavement and under no circumstances shall such driveway apron extend above any road pavement surface. All driveway entrances and approaches shall be constructed as not to interfere with the drainage of streets, side ditches or roadside areas or with any existing structure on the right-of-way.
4. The surface of the driveway connecting with rural type highway sections shall slope down and away from the highway a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flowing onto the highway roadbed.
5. Driveways shall in all cases be placed wherever possible as to not interfere with utilities in place. Any costs of relocating utilities shall be the responsibility of the property owner. Approval of the town is necessary for relocating utilities.
6. Driveway pavement materials within the town right-of-way shall be compatible with adjacent town pavement material, limiting it to crushed gravel, crushed rock and bituminous products. Concrete pavements shall end a minimum of ten feet from the town road pavement. Oil or petroleum products shall not be used in right-of-way areas where it can be tracked onto the affect the town highway. The bottom course of the driveway may be constructed of large-size crushed stones or rock, except along that part adjacent to the culvert pipe, and the upper course, at least, shall consist of medium well-graded crushed gravel or fine-to-medium well-graded crushed rock. In no case, shall the granular material or subsequent permanent surfacing be constructed higher than the adjacent highway pavement.
7. The maximum number of driveway openings for vehicular ingress and egress permitted for lots with a continuous road frontage of less than two hundred feet shall be one and for lots with a continuous road frontage of two hundred feet or greater may be two if the driveway does meet an arterial road as defined by the Land Use Plan. Agricultural parcels upon which actual agricultural activities are practiced may average one driveway per field.
8. All culverts shall be a minimum of ten inches, but adequate to handle any drainage as determined by the road department.
  - a. Maximum length shall be thirty feet for residential, fifty feet for others.
  - b. Minimum length shall be twenty feet.
  - c. Distance between culvert ends is twelve feet.

- d. Culvert materials shall be a minimum of 10 inches in diameter, made of corrugated steel, double wall plastic or of a material and size approved in writing by the road department.
  - e. Any bridges must have a 40,000 pound capacity.
9. The Town of Namakagon may issue a temporary permit allowing access to a road way during construction in accordance with this section.
- a. The permittee must complete a proper application and pay the same fee as for a permanent driveway.
  - b. When the temporary access driveway is terminated, the gravel and culvert shall be removed and the area restored with topsoil, seed and mulch.
  - c. This section may be used for such temporary installations such as logging roads.

#### REGULATIONS FOR PRIVATE ROADS

All rules and regulations listed for driveways also pertain to private roads with these except for the following:

1. Drivable surface must be 22 ft. wide
2. If the road serves 2-4 improved parcels and/or principal buildings, the width clearance must be 40 feet which is 20 feet each side of center of the road.
3. If the road serves 5 or more improved parcels and/or principal buildings, the width clearance must be 66 feet which is 33 feet each side from center of road.
4. In all cases private roads must have a height clearance of 18 feet.
5. Any bridges must have an 80,000 lb. capacity
6. Culverts must be 18 inches in diameter

#### STRUCTURES AND CONSTRUCTION IN TOWN RIGHT-OF-WAY REGULATED

1. Permit required. No Person, partnership, company or corporation shall erect or install any structure, sign, fence, wall, pavement or other vehicle access nor perform or arrange for any construction within or upon the town highway right-of-way without first obtaining a written permit from the town, with the exception of a mailbox and boxes installed for the delivery of newspapers.
2. Mailboxes. Mailboxes shall be installed in accordance with U.S. Postal Service regulations, but as far from the town highway pavement as those regulations allow. No mailbox or its support may encroach on the road surface or on the shoulder of the road. Mailbox supports and attachments shall be strong enough to withstand the pressure and thrust of plowed, wet snow, but shall not be so formidable and massive as to damage vehicles and cause serious injury to people who may accidentally strike them.
3. Existing Structures and Obstructions. Any existing structure, sign, fence, wall pavement or other obstruction (including trees) which, in the judgment of the town, which is a hazard to public safety, or will prevent proper snow removal from the pavement and shoulders or mowing of the ditches of the town highway shall be removed by the owner or occupant of the adjacent property within fifteen days of receiving written

notice from the town. If the owner or occupant does not remove said structure of obstruction within the allotted time, the town shall remove or make arrangements to have the obstruction removed and the expense of removal shall be charged to the adjacent property as a special assessment, after notice and hearing.

#### PLOWING OF SNOW FROM DRIVEWAYS ONTO TOWN ROADS.

Wisc. Statutes 86.07 and Transportation Administrative rule 941.03 state the regulations and assumed liability from plowing snow onto town roads. Anyone plowing snow onto town roads is liable for any damage done to property as a result of the snow in the roads, Furthermore the person plowing snow into town roads is subject to a fine from \$50 to not more than \$350 or 30 days in jail or both.

#### PROCEDURES FOR THE EVALUATION OF THE TOWN DRIVEWAY PERMIT APPLICATION AND ANY REQUIRED TOWN HIGHWAY ACCESS PERMIT.

A completed permit form shall be considered by the Town Clerk in a timely manner. The Town Clerk shall work with the road department in evaluating the placement and construction of a driveway and highway access. Application may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the applicant/permittee.

Reasons for denying a Town Driveway Permit Application or Town Highway Access Permit Application may include:

1. The inconsistency or nonconformance of the proposed driveway or highway access with this ordinance, with the town comprehensive plan, master plan, or land use plan, with town laws, ordinances, rules, regulations, or plans, or applicable county, state, or federal laws, ordinances, rules, regulations, or plans.
2. The driveway, bridge, culvert, or highway access, or any combination, when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for use by persons in the town. The application as filed and submitted is incomplete or contains false material as determined by the town board.
3. Alternative driveway locations, culverts, and highway access locations will be safer for persons by motor vehicle ingressing or egressing on the driveway and access point.
4. Alternative driveway locations and town highway locations will preserve more agricultural land in the town.

In the event of a denial by the Town Clerk, the applicant may appeal to the town board. In event of a denial, the Town Clerk shall recite in writing the particular facts upon which he/she bases the denial of the permit. The town board shall afford the applicant an opportunity to review the clerk's decision and present evidence to the town board refuting the determination. Thereafter, the town board may affirm or modify the decision.

The town board shall recite in writing findings for any decision to modify or override its initial determination.

If the town board denies two consecutive applications for Town Driveway Permit or denies two consecutive applications for a Town Highway Access Permit on the same parcel, no subsequent re-application for a permit of the same type that was denied for that parcel will be considered within six months of the second denial.

Both the Town Driveway Permit and the Town Highway Access Permit are effective for one year from the date of issuance. Each permit shall expire after one year unless renewed.

Each permit may be renewed for an additional period of one year. If the driveway or highway access has not been constructed by the end of the renewal period, a new application must be submitted and approved.

The applicant shall notify the town road foreman within 30 days of completion of the construction, reconstruction, rerouting, or alteration of the driveway or highway access. Within 30 days of notification, the Town will conduct an inspection of the driveway or highway access to ensure full compliance with all of permit conditions and provisions of this ordinance.

An application fee in an amount determined by a resolution of the town board will be charged for each permit. These fees are specified as follows: Driveway permit - \$20.00. Highway Access permit - \$20.00.

#### SECTION VII - CONSTRUCTION PLAN OR HIGHWAY ACCESS PLAN

The town board may in writing require a driveway construction plan or highway access plan prior to any proposed driveway or highway access construction, reconstruction, rerouting, or alteration. A driveway construction plan is required for any of the following unless the requirement is waived by the town board in writing:

1. A driveway or segment of a driveway that requires a retaining wall or other special erosion control measure as determined by the town board or town road foreman.
2. A driveway that crosses a waterway or has the potential to significantly alter existing drainage patterns or quantity of runoff.
3. When construction or modification of the driveway necessitates construction or improvement of a bridge or culvert.
4. When the town board in writing requests a driveway construction plan or town highway access plan.

A highway access plan is required for all sections of any proposed driveway by the applicant that will enter onto a town highway.

If required, a driveway construction plan or highway access plan will include a scale plan showing all of the following:

1. Location. The precise location of the driveway or the segment of the driveway for which the driveway construction plan is required.
2. Retaining Walls. The location and structure of any retaining walls.

3. Bridges. The location, size, and design calculations of any bridges.
4. Culverts. The location, size, and design calculations of any culverts.
5. Cross-section. Typical cross sections of the driveway.
6. Erosion Control. Required mulching, matting, or other erosion control.
7. Storm Water Management. Drainage methods engineered for the particular surface type, including location and dimensions of ditches, proper grading technique, projected water handling capability, and water loads at the point of access to the public highway.
8. Other Access Points. The location of any other access points onto the town highway within one mile of proposed access point.

No construction, reconstruction, rerouting, or alteration of a driveway nor construction of a highway access onto a town highway may commence until all of the following conditions are met:

1. The driveway construction plan or highway access plan, if required, is approved by the town board.
2. A Town Driveway Permit is issued by the town, and if applicable, a Town Highway Access Permit is issued by the town.
3. When applicable, any other necessary approvals are obtained from Bayfield County or the State of Wisconsin.

The preparation of a driveway construction plan or a highway access plan does not guarantee the towns approval of a Driveway Construction Permit or Town Highway Access Permit.

After the driveway has been completed, a delegated member of the town road crew shall inspect the driveway and any town highway access locations to determine whether they were constructed according to the plans and are consistent with the requirements of this ordinance. As a condition of any Town Driveway Permit and any Town Highway Access Permit, the driveway and highway access shall be constructed and maintained by the owner of occupant to ensure access by emergency vehicles.

The town's approval of a Town Driveway Permit or Town Highway Access Permit application does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for the public, or that public access is authorized. No person may rely on the issuance of either permit to determine that a driveway, bridge, culvert, or highway access location is fit or safe for any purpose.

The approval of the Town Driveway Permit or Town Highway Access Permit application does not establish future approval of any driveway as a public road in the Town of Namakagon.

#### SECTION VIII - PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$50 nor more than \$250, plus the applicable surcharges, assessments, and costs for each violation.



Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

**SECTION IX - EFFECTIVE DATE**

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 10th day of May, 2011.

**TOWN OF NAMAKAGON, BAYFIELD COUNTY, HIGHWAY ACCESS  
PERMIT AND TOWN DRIVEWAY PERMIT APPLICATION FORM Fee \$20.00**

Applicant's Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone # \_\_\_\_\_

Driveway to be located on a town road named \_\_\_\_\_

located \_\_\_\_\_ miles(north-south-east-west)of its junction

with \_\_\_\_\_ in Section \_\_\_\_\_ Township \_\_\_\_\_ North,

Range \_\_\_\_\_ West in the Town of Namakagon, Bayfield County.

Parcel ID # \_\_\_\_\_

Proposed Land Use \_\_\_\_\_

\*\*\*\*\*

Approximate starting date \_\_\_\_\_

Approximate completion date \_\_\_\_\_

Applicant shall accompany this form with the following: 1) The indicated fee attached. 2) A rough sketch showing the conceptual idea of the project and approximate location and dimensions 3) The applicant shall place a flag or marker with the name of the Applicant on the flag in the road ditch visible from the road at the location of the proposed work. A representative of the Town of Namakagon, in company with the applicant if deemed necessary, will make a field inspection.

Signed \_\_\_\_\_ Date \_\_\_\_\_

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TO BE COMPLETED BY ROAD DEPARTMENT

Type of Driveway (Commercial-Industrial-Residential-Agricultural)

Additional Driveway (Yes-No) If yes, explain\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Culvert Required (Yes-No) Size\_\_\_\_\_

Exceptions\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Approved by\_\_\_\_\_

Date\_\_\_\_\_

Mail to: Town of Namakagon 43670 County Highway D Cable, WI. 54821