



ROSEMARY RUECKERT

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SHAWANO COUNTY CLERK

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CERTIFICATION

STATE OF WISCONSIN }

COUNTY OF SHAWANO }

I, Rosemary Rueckert, County Clerk, in and for the County of Shawano, State of Wisconsin, do hereby certify that Ordinance No. 1-11, is a true and correct copy of the original Ordinance No. 1-11 duly adopted by the Shawano County Board of Supervisors at a meeting held on January 26, 2011 in the City of Shawano.

Given under my hand and official seal, at the Shawano County Courthouse, in the City of Shawano, this 25th day November, 2013.

Signed: Rosemary Rueckert, Shawano County Clerk



ORDINANCE NO. 1-11 (as Amended)

ESTABLISHING A COUNTY HIGHWAY ACCESS POLICY

The County Board of Shawano County, State of Wisconsin, does hereby ordain as follows:

SECTION 1: AUTHORITY AND GENERAL

- 1.1 Driveway permits are issued under the authority of Section 86.07(2), Wisconsin Statutes, and counties have the authority to regulate access to county roadways under Chapters 83, 84 and 86, as well as Section 59.03 of the Wisconsin Statutes.

The Shawano County Highway Department (hereinafter "Highway Department") has the authority over and is responsible for the maintenance of the county trunk lettered highway system and all other county owned town roads (both referred to hereinafter "county highway"). The Highway Department oversees the driveway permit process, including surveillance and issuance of permits.

- 1.2 Driveway changes noted through monitoring are investigated to ensure that they have been authorized and that they do not adversely affect the use of the highway. All changes must conform to the standards set forth by this policy and the Highway Department's discretion.

The purpose of the design standards are to promote orderly and safe movement in and out of private and public properties, to minimize interference with highway traffic, and to preserve the physical structure of the highway for convenience, general welfare, and economic viability.

SECTION 2: PERMIT PROCESS

- 2.1 Any owner of the land adjacent to county highway right-of-way who wishes to construct or alter a "new driveway" as defined in Section 2.2 below, shall apply to the Highway Department for a permit. Anyone requesting a permit must complete an application in compliance with this policy and the Wisconsin Statutes and file the application with the Highway Department. The Highway Department will review the application using the following guidelines: No person shall commence or continue construction of any driveway, or request or allow others to commence or continue construction of any driveway on that person's property, unless a permit has been issued in accordance with this policy.
- 2.2 This Ordinance applies to all "new driveway" construction. A "new driveway" is defined as a driveway that did not previously exist, as well as the expansion or relocation of an existing driveway where either edge or both

edges of the driveway will be moved twenty (20) feet or more from the location of the corresponding edge of the existing driveway, or when the expansion or relocation would result in any violation of section 5 of this policy.

2.3 Procedure to follow in considering a permit for a driveway:

- a) The property owner or owner's agent shall apply for a permit. The application should be filled out completely and returned to the Highway Department.
- b) The permit application will be reviewed by the Highway Department for conformance with this policy and with all applicable state, federal, and local laws, regulations, and policies.
- c) The Highway Department shall review the permit request with the applicant so that all needed information can be obtained and all requirements and restrictions can be explained.
- d) Applications for permits may be approved only by the Shawano County Highway Commissioner or by an assistant if such assistant is so designated by the Highway Commissioner. The Highway Commissioner or the designated assistant shall indicate approval by signature before any permit may be issued.
- e) The Highway Department will retain a copy of the application on file. The permittee shall retain the original.

2.4 During the review process, the following criteria should be considered:

- a) Zoning - The Highway Department shall support local zoning ordinances and shall not conflict with local zoning restrictions. Any conflicts with future projects, access control, scenic easements, certified survey map restrictions, subdivision plat restrictions, highway easements or recorded covenants, shall be resolved before issuance of permit.
- b) Access to Property - Normal limits are one driveway per parcel.
- c) Pull-out Distance - A minimum safe pull-out distance of eight seconds at 55 mph, is required to provide a safe entry onto a highway.
- d) Driveway Grade - A driveway approach grade or intersecting area at the edge of the shoulder shall be provided adjacent to the highway to insure drainage away from the highway surface.
- e) Driveway Spacing - Spacing of driveways as noted in location, designs, and construction.

- 2.5 If the application is approved as provided in section 2.3(d), a permit will be issued. The applicant shall construct the driveway utilizing a pre-approved traffic control procedure explained by an authorized Highway Department employee. Each permit will be valid for one driveway location only.
- 2.6 Construction must proceed in accordance with this policy, and in conformance with all specifications, limitations, and conditions set out in the application and permit, unless modification is approved in writing by the Highway Commissioner or the person designated under section 2.3(d). The Highway Department shall inspect the site of each driveway before and during construction to ensure compliance.
- 2.7 If the application is denied, the Highway Department shall notify the applicant and explain the reason for denial.
- 2.8 A permit is valid for construction of a driveway within one year of issuance. After one year has expired, the permit will no longer be valid and a new permit must be applied for and issued before construction may be commenced or continued.
- 2.9 The applicant shall pay to the Highway Department a fee for each permit application according to a fee schedule as established by the Shawano County Highway Committee.

SECTION 3: EXISTING DRIVEWAY REGULATIONS

- 3.1 This section applies only to driveways which were constructed prior to the effective date of this ordinance.
- 3.2 No driveway constructed before the effective date of this ordinance may be altered unless a permit has been issued for the driveway and the driveway meets the standards prescribed by this policy. This does not pertain to surface maintenance. Driveway surface maintenance is permissible without issuance of a permit.
- 3.3 The county shall not be liable for injury to persons or property due to headwalls or riprap at the ends of driveway culverts. This type of construction is not permitted under this policy and existing conditions should be removed by the property owner.
- 3.4 Maintenance of driveways, including the culvert pipe is the responsibility of the property owner or occupant, and maintenance of side roads is the responsibility of the local governing body.

SECTION 4: PERMIT REQUIREMENTS

4.1 The permittee in making the application agrees to the following:

- a) The permittee shall furnish all materials, do all work, and pay all costs in connection with the construction of the driveway and its appurtenances on the right-of-way.
- b) The permittee shall make the installation without jeopardy to or interference with traffic using the highway. Highway surfaces, shoulders, ditches, and vegetation disturbed shall be restored to equivalent of original condition by the permittee.
- c) No revisions or additions shall be made to the driveway or its appurtenances on the right-of-way without the written permission of the Highway Commissioner or the person designated under section 2.3(d) of this policy.
- d) The Highway Department 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 permit the relocation, reconstruction, widening, and maintaining of the highway or to provide proper protection to life and property on or adjacent to the highway.
- e) The permittee, his successors, and/or assigns agree to defend, indemnify and hold harmless the County of Shawano and its agents and employees against any action, claim, lawsuit and/or damages for personal injury and/or bodily injury and/or property damage sustained by reason of the exercise of the permit and/or any work related thereto.
- f) The Highway Department does not assume any responsibility for the removal or clearance of snow, ice, or sleet or the opening of windrows of such materials upon any portion of any driveway or entrance along with any county 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.
- g) The permit shall contain the statement and be subject to the condition that the work shall be constructed subject to the rules and regulations prescribed by the County Highway Department and be performed and completed to the county Highway Department's satisfaction.
- h) In case of temporary alterations the highway shall be restored to its former condition and the permittee shall be liable to Shawano County for all damages which occur during the progress of said work or as a result thereof.

- i) Nothing herein shall abridge the right of the Highway Department, the county board, or highway committee to make such additional rules, regulations and conditions as may be deemed necessary and proper for the preservation of highways and for the safety of the public.

SECTION 5: LOCATIONS, DESIGNS, AND CONSTRUCTION

5.1 Spacing standards for access driveways. Access driveways to highways from abutting properties shall comply with sight distance requirements that are consistent with The Wisconsin Department of Transportation Facility Development Manual (FDM).

5.2 Number and Width of Driveways per Land Use. The maximum number and width of access driveways per land use to highways and service roads shall be as follows:

Type of Access Definitions:

- o Commercial - an application occupied with or engaged in commerce or work intended for commerce. The following are intended to be examples and are not all inclusive: retail businesses, businesses, apartment complexes (more than four (4) units) or condominium complexes (more than four (4) units), service businesses.
- o Schools – An access established for an elementary school, middle school, junior high school, and high school or accredited College/Technical School.
- o Industrial – an operation that is engaged in industrial production, something has to be made or assembled at this location.
- o Churches – a place of assembly for religious observances specifically built to accommodate more people than may legally reside on the property.
- o Park Uses – an area open for use by the general public for recreation.
- o Residential Uses – when the sole use of the property is for a residence.
- o Agricultural Uses –for uses concerned with the practices producing/raising crops and/or raising livestock.

| Type of Access Driveway | Maximum Number of Access Driveways | Maximum Width at R/W |
|---|------------------------------------|----------------------|
| Commercial, Schools, Industrial, Churches and Park Uses | 2* | 35 feet |
| Residential Uses | 1 per parcel | 24 feet |
| Agricultural Uses | 1 per parcel | 35 feet |

*Requires approval by County Highway Commissioner or his / her designee. All access points will try to be limited to one. Two will be allowed on special occasions where existing layout does not allow only one access point.

- 5.3 Driveway Surfaces. The surface of the driveways can be a flexible bituminous asphalt type of pavement or gravel type. There will not be any portland cement surfaces accepted within the right-of-way unless the county trunk highway had been laid with portland cement.
- 5.4 Driveway Slope. 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. Every driveway shall have sloped sides at a minimum of 4:1 grade ratio or flatter.
- 5.5 Culverts, Drainage, Curbs, and Gutters. The driveway shall not obstruct or impair drainage in highway side ditches or roadside areas. Driveway culverts, where necessary, shall in no case be less than the equivalent of 15-inch diameter pipe. Endwalls are required. When any curb or gutter is removed for constructing a driveway, the new connection shall be restored.
- 5.6 Corner Lots. Where a parcel abuts more than one public road and where such roads are classified differently, access shall be required onto the road with the lowest classification, where possible.

SECTION 6: PENALTIES AND REMEDIES

- 6.1 Any property altered by construction or other action in violation of this policy must be restored to its former condition at the property owner's expense. If the owner of the property fails to restore such property to its former condition within 30 days after notice to do so is given by the Highway Department, then the Highway Department may in its discretion restore the property to its former condition and recover the cost of doing so from the owner. Shawano County may take other steps and actions as allowed by law to ensure compliance with this Ordinance and to recoup any and all expenses relating thereto.

SECTION 7: DATE EFFECTIVE

- 7.1 The county driveway policy shall be effective upon the date of publication.

SECTION 8: EXCEPTIONS

Exceptions to the Ordinance can be determined by the Highway Parks Committee.

Submitted by, Rick Giese Bill Letter
 Dennis Knaak Marlin Noffke
 Marion Wnek

HIGHWAY & PARKS COMMITTEE

