

Ordinance No: 03

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Attest: February 20, 2014  
Cheryl Koenig DEPUTY  
County Clerk

**ADAMS COUNTY ORDINANCE  
ESTABLISHING A COUNTY HIGHWAY DRIVEWAY ACCESS POLICY**

The County Board of Adams 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.

The Adams 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 insure 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 a driveway, or change its surface type, or work in Right of Way shall apply to the Highway Department for a permit. Anyone requesting a permit should 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 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 property owner or owner's agent shall obtain a zoning determination. That zoning determination must accompany the completed permit application when it is turned into the Highway Department. A zoning determination will not be required for surface change to an existing approved driveway.
- c) 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.
- d) The Highway Department if requested may review the permit request with the applicant so that all needed information can be obtained and all requirements and restrictions can be explained.
- e) Applications for permits may be approved only by the Adams County Highway

56 Commissioner or by one assistant if such assistant is so designated by the Highway  
57 Commissioner and approved by the Adams County Highway Committee. The Highway  
58 Commissioner or the designated assistant shall indicate approval by signature before any  
59 permit may be issued.

60  
61 f) The Highway Department will retain a copy of the application on file. The permittee  
62 shall retain the original.

63  
64 2.3 During the review process, the following criteria should be considered:

- 65 a) Zoning - The Highway Department shall support local zoning ordinances and shall not  
66 conflict with local zoning restrictions. Any conflicts with future projects, access control,  
67 scenic easements, certified survey map restrictions, subdivision plat restrictions, highway  
68 easements or recorded covenants, shall be resolved before issuance of permit.
- 69 b) Access to Property – Conforms to section 5.2.
- 70 c) Sight Distance – Conforms to table in section 5.1.
- 71 d) Driveway Grade - A driveway approach grade or intersecting area at the edge of the  
72 shoulder shall be provided adjacent to the highway to insure drainage away from the  
73 highway surface.

74  
75 2.4 If the application is approved as provide in section 2.2(c), a permit will be issued. The applicant  
76 shall construct the driveway utilizing a pre-approved traffic control procedure explained by an  
77 authorized Highway Department employee. Each permit will be valid for one driveway location  
78 only.

79 2.5 Construction must proceed in accordance with this policy, and in conformance with all  
80 specifications, limitations, and conditions set out in the application and permit, unless  
81 modification is approved in writing by the Highway Commissioner or the person designated  
82 under section 2.2(d). The Highway Department shall inspect the site of each driveway before and  
83 during construction to ensure compliance.

84  
85 2.6 If the application is denied, the Highway Department shall notify the applicant and explain the  
86 reason for denial.

87  
88 2.7 A permit is valid for construction of a driveway within one year of issuance. After one year has  
89 expired, the permit will no longer be valid and a new permit must be applied for and issued  
90 before construction may be commenced or continued.

91  
92 2.8 The applicant shall pay to the Highway Department a fee for each permit application according to  
93 a fee schedule as established by the Adams County Highway Committee.

94  
95 2.9 This section applies to all new driveway construction. A new driveway is defined to include  
96 expansion, surface type change, and or relocation of an existing driveway where either edge or  
97 both edges of the driveway will be moved twenty (20) feet or more from the location of the  
98 corresponding edge of the existing driveway, or when the expansion or relocation would result in  
99 any violation of section 5 of this policy.

100  
101 **SECTION 3: EXISTING DRIVEWAY REGULATIONS**

102  
103 3.1 This section applies only to driveways which were constructed prior to the effective date of  
104 Adams County Ordinance 10-1992.

105  
106 3.2 No driveway constructed before the effective date of Adams County Ordinance 10-1992 may be  
107 altered unless a permit has been issued for the driveway and the driveway meets the standards

113 prescribed by this policy. This does not pertain to surface maintenance, for example grading  
114 existing gravel or sealing the existing asphalt surface. Driveway surface maintenance is  
115 permissible without issuance of a permit. A surface type change does require a permit.  
116

117 3.3 The county shall not be liable for injury to persons or property due to headwalls or ripraps at the  
118 ends of driveway culverts, if the owner is notified to remove them. This type of construction is  
119 not permitted under this policy.  
120

121 3.4 Maintenance of driveways is the responsibility of the property owner or occupant, and  
122 maintenance of side roads is the responsibility of the local governing body.  
123

124 SECTION 4: PERMIT REQUIREMENTS  
125

126 4.1 The permittee in making the application agrees to the following:  
127

128 a) The permittee shall furnish all materials, do all work, and pay all costs in connection with  
129 the construction of the driveway and its appurtenances on the right-of-way.  
130

131 b) The permittee shall make the installation without jeopardy to or interference with traffic  
132 using the highway. Highway surfaces, shoulders, ditches, and vegetation disturbed shall  
133 be restored to equivalent of original condition by the permittee.  
134

135 c) No revisions or additions shall be made to the driveway or its appurtenances on the right-  
136 of-way without the written permission of the Highway Commissioner or the person  
137 designated under section 2.2(d) of this policy.  
138

139 d) The Highway Department reserves the right to make such changes, additions, repairs, and  
140 relocations within statutory limits to the driveway or its appurtenances on the right-of-  
141 way as may at any time be considered necessary to permit the relocation, reconstruction,  
142 widening, and maintaining of the highway or to provide proper protection to life and  
143 property on or adjacent to the highway.  
144

145 e) That the permittee, his successors, or assigns agree to hold harmless the county of Adams  
146 and its duly appointed agents and employees against any action for personal injury or  
147 property damage sustained by reason of the exercise of the permit.  
148

149 f) The Highway Department does not assume any responsibility for the removal or  
150 clearance of snow, ice, or sleet or the opening of windrows of such materials upon any  
151 portion of any driveway or entrance along with any county highway even though snow,  
152 ice, or sleet is deposited or wind rowed on said driveway or entrance by its authorized  
153 representatives engaged in normal winter maintenance operations.  
154

155 g) The permit shall contain the statement and be subject to the condition that the work shall  
156 be constructed subject to the rules and regulations prescribed by the county highway  
157 department and be performed and completed to the county highway department's  
158 satisfaction.  
159

160 h) In case of temporary alterations the highway shall be restored to its former condition and  
161 the permittee shall be liable to Adams County for all damages which occur during the  
162 progress of said work or as a result thereof.  
163

164 i) Nothing herein shall abridge the right of the Highway Department, the county board, or  
165 highway committee to make such additional rules, regulations and conditions as may be  
166 deemed necessary and proper for the preservation of highways and for the safety of the  
167 public.  
168  
169

170 SECTION 5: LOCATIONS, DESIGNS, AND CONSTRUCTION

171  
 172 5.1 Sight Distance Requirement. Access driveways to highways from abutting properties shall  
 173 comply with the following sight distance requirements that are consistent with AASHTO  
 174 Geometric Design of Highways and Streets Stopping Sight Distance:  
 175

176	Design Speed	Stopping Sight Distance
177	(mph)	(feet)
178		
179		
180	25	155
181	30	200
182	35	250
183	40	305
184	45	360
185	50	425
186	55	495
187	60	570
188	65	645
189	70	730

- 190
- 191 • Stopping Sight Distance. Will be determined by the following method. Sight distance  
 192 shall be measured from a point 10' from the edge of the traveled way in the proposed  
 193 access location, and measured from a height of 3.50 feet to the height of an object  
 194 3.50 feet on the County Trunk Highway.  
 195

196 5.2 Number and Width of Driveways per Land Use. The maximum number and width of access  
 197 driveways per land use to highways and service roads shall be as follows:  
 198

199 Type of Access Definitions:

- 200 ○ Commercial - an application occupied with or engaged in commerce or work intended for  
 201 commerce. The following are intended to be examples and are not all inclusive: retail  
 202 businesses, whole sale businesses, apartment complexes (more than four (4) units) or  
 203 condominium complexes more than four (4) units, service businesses.
- 204 ○ Schools – An access established for an elementary school, middle school, junior high  
 205 school, and high school or accredited College/Technical School.
- 206 ○ Industrial – an operation that is engaged in industrial production, something has to be  
 207 made or assembled at this location.
- 208 ○ Churches – a place of assembly for religious observances specifically built to  
 209 accommodate more people than may legally reside on the property.
- 210 ○ Park Uses – an area open for use by the general public for recreation.
- 211 ○ Residential Uses – when the sole use of the property is for a residence or residences up to  
 212 four units.
- 213 ○ Agricultural Uses –for uses concerned with the practices producing/raising crops and/or  
 214 raising livestock.  
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 224

225	Type of Access	Maximum Number of	Maximum/Minimum
226	Driveway	Access Driveways	Width
227			
228			
229	Commercial, Schools,	2	40/24 feet
230	Industrial, Churches		
231	and Park Uses		
232	Residential Uses	1	36/16 feet
233	Agricultural Uses	1 per parcel	50/24 feet
234			
235	5.3	<u>Driveway Surfaces.</u> 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.	
236			
237			
238			
239	5.4	<u>Driveway Slope.</u> 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 and should be laid as shown on figure 15.	
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244			
245	5.5	<u>Culverts, Drainage, Curbs, and Gutters.</u> The driveway shall not obstruct or impair drainage in highway side ditches or roadside areas. Driveway culverts, where necessary, require endwalls and shall in no case be less than the equivalent of 15-inch diameter pipe. When any curb or gutter is removed for constructing a driveway, the new connection shall be restored.	
246			
247			
248			
249			
250	5.6	<u>Backfill Material.</u> Backfill material for all types of driveways shall be a cohesive granular gravel type material not exceeding 1" in diameter. Construction debris and or waste concrete shall not be allowed.	
251			
252			
253			
254	5.7	<u>Pre-existing Lots of Record.</u> This policy shall not be enforced in such a way as to deny access to lots of record which are in existence prior to the adoption of Adams County Ordinance 10-1992.	
255			
256			
257	5.8	<u>Corner Lots.</u> 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.	
258			
259			
260	5.9	<u>Vision.</u> Corners must be free of all obstructions at each access point.	
261			
262	5.10	<u>Identified Bicycle Routes.</u> Driveway accesses proposed and approved on identified bicycle routes per the Adams County Bicycle Plan will require a paved apron. The apron width will be 8' and the responsibility of the applicant. Failure to comply with this condition will result in the revocation of the driveway permit.	
263			
264			
265			
266			
267	<u>SECTION 6: COMMERCIAL</u>		
268			
269	6.1	<u>Application.</u> Section 6 applies to rural type highway classification driveways serving commercial or industrial, schools, churches, and park establishments.	
270			
271			
272	6.2	<u>Width of Drive.</u> Commercial driveways will not have a width less than 24' or greater than 40' measured at right angles to the centerline of the driveway, except as increased by radii.	
273			
274			
275	6.3	<u>Return Radius.</u> No return radius projected between the edge of highway pavement and the driveway shall be greater than 40 feet.	
276			
277			
278	6.4	<u>Angular Placement of Drive.</u> The centerline of that part of the driveway lying on the county right of way shall be at approximately right angles to the pavement.	
279			
280			

281 SECTION 7: RESIDENTIAL

- 282  
283 7.1 Application. Section 7 applies to rural type highway classification driveways serving residential  
284 property.  
285  
286 7.2 Width of drive. Residential driveways shall not have a width less than 16 feet or greater than 36  
287 feet measured at right angles to the centerline of the driveway except as increased by radii.  
288  
289 7.3 Return Radius. No return radius projected between the edge of highway pavement and the  
290 driveway shall be greater than 30 feet.  
291  
292 7.4 Angle Placement. The centerline of that part of the driveway lying on the county right of way  
293 shall be at approximately right angles to the pavement.  
294

295 SECTION 8: AGRICULTURAL

- 296  
297 8.1 Application. Section 8 applies to rural type highway classification driveways serving agricultural  
298 property.  
299  
300 8.2 Width of driveway. Agricultural driveways shall not have a width less than 24 feet or greater  
301 than 50 feet measured at right angles to the centerline of the driveway except as increased by  
302 radii.  
303  
304 8.3 Return Radius. No return radius projected between the edge of highway pavement and the  
305 driveway shall be greater than 40 feet.  
306  
307 8.4 Angle Placement. The centerline of that part of the driveway lying on the county right of way  
308 shall be at approximately right angles to the pavement.  
309

310 SECTION 9: REVIEW OF DENIAL OF PERMIT

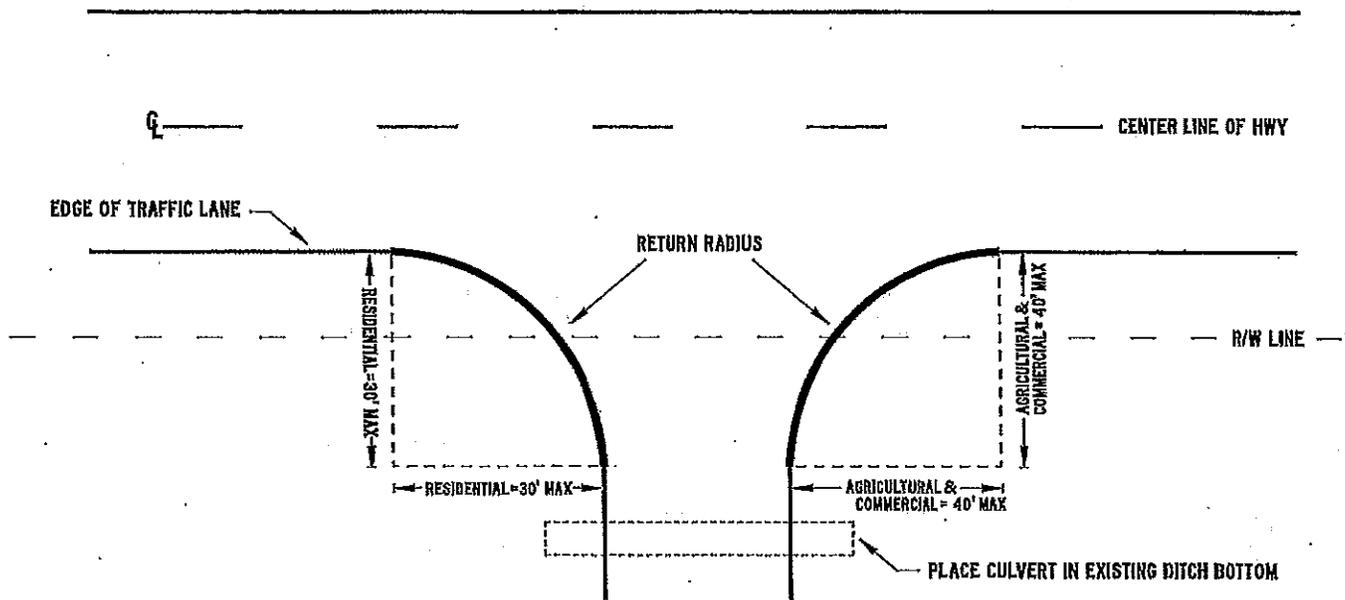
- 311  
312 9.1 If the Highway Department denies a request for a permit under this policy or revokes a permit  
313 issued under this policy, the Adams County Highway Committee shall, upon written request by  
314 the applicant within 30 days after the denial, review the Highway Department's decision. A  
315 written request shall be deemed made when it is received at the Highway Department office.  
316  
317 9.2 The Adams County Highway Committee shall schedule a hearing at which it will consider such a  
318 request to be held within 60 days after receipt of the request. The person making the request shall  
319 be given notice of that hearing, and at the hearing shall have the opportunity to present evidence  
320 to the committee concerning the reasons for the request.  
321  
322 9.3 Within 30 days after the hearing the Adams County Highway Committee shall make its decision  
323 regarding the request. It may reverse, confirm, or modify the decision of the Highway  
324 Department. The Highway Department shall thereafter take action in conformance with the  
325 committee's decision.  
326

327 SECTION 10: PENALTIES AND REMEDIES

- 328  
329 10.1 Any person who violates section 2.1, 2.5, or 3.2 of this policy shall be punished by a forfeiture of  
330 not less than \$50.00 nor more than \$500.00 for each offense. In case of a continuing violation,  
331 each day that the violation continues may be considered a separate violation.  
332  
333 10.2 This policy may be enforced by injunction issued by the Adams County Circuit Court or any  
334 other court having jurisdiction.  
335  
336 10.3 Any property altered by construction or other action in violation of this policy must be restored to  
337 its former condition at the property owner's expense. If the owner of the property fails to restore  
338 such property to its former condition within 30 days after notice to do so is given by the Highway

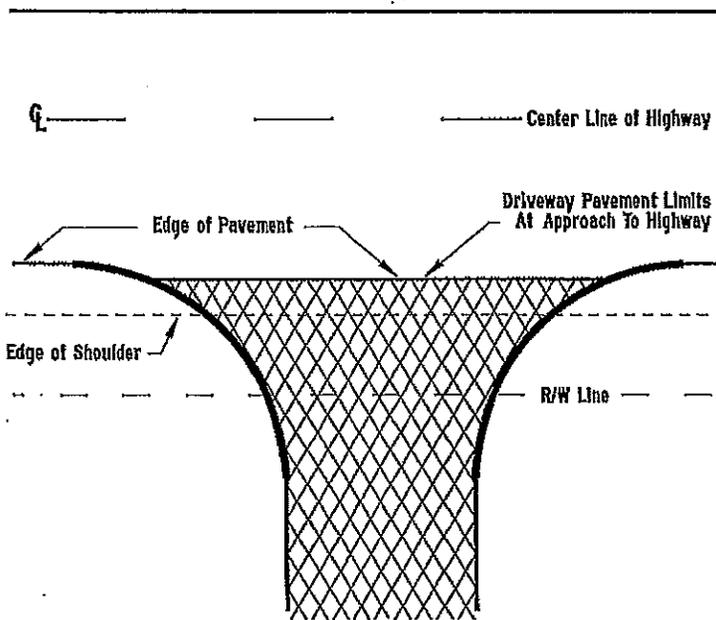


# RURAL DRIVEWAY INTERSECTION DETAIL



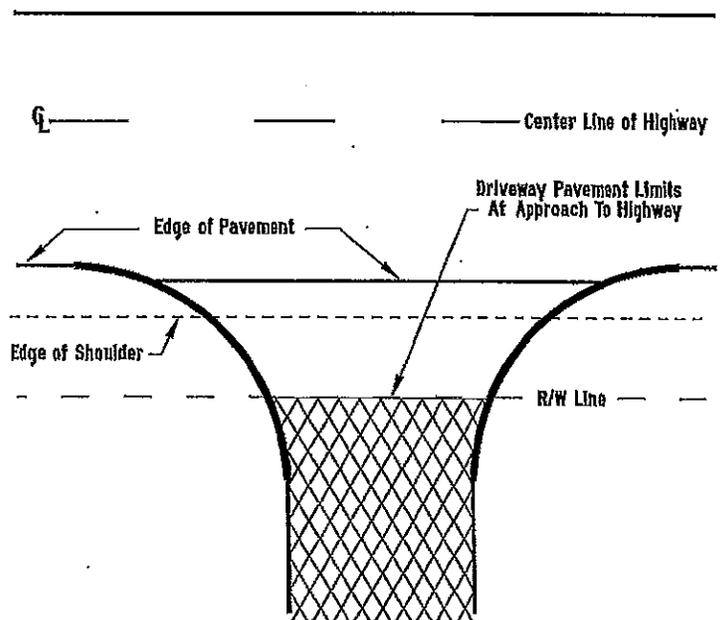
**RETURN RADIUS FOR RESIDENTIAL DRIVEWAY SHALL NOT EXCEED 30 FEET**  
**RETURN RADIUS FOR AGRICULTURAL AND COMMERCIAL DRIVEWAYS SHALL NOT EXCEED 40 FEET**

## PLAN VIEW FOR FLEXIBLE ASPHALTIC PAVEMENT



**FLEXIBLE ASPHALTIC PAVEMENT  
MAY CONNECT TO HIGHWAY PAVEMENT**

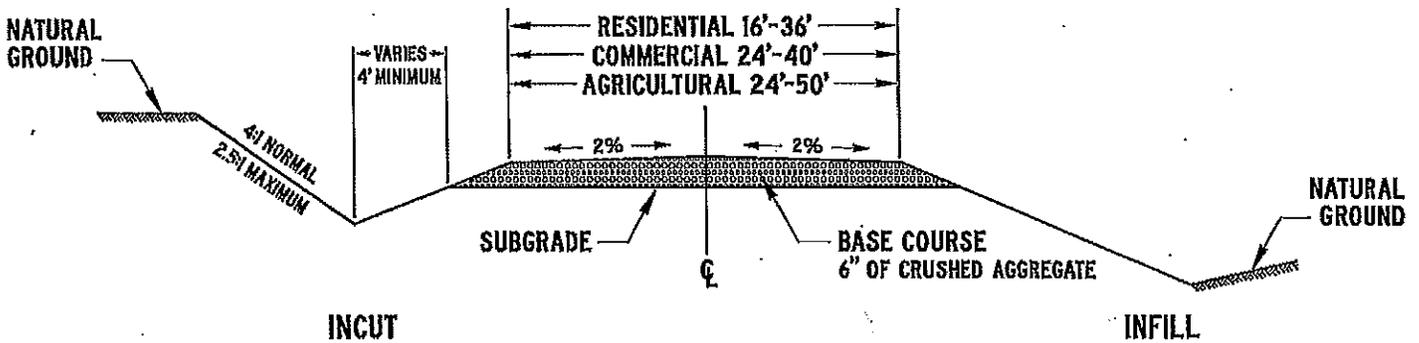
## PLAN VIEW FOR CONCRETE CEMENT



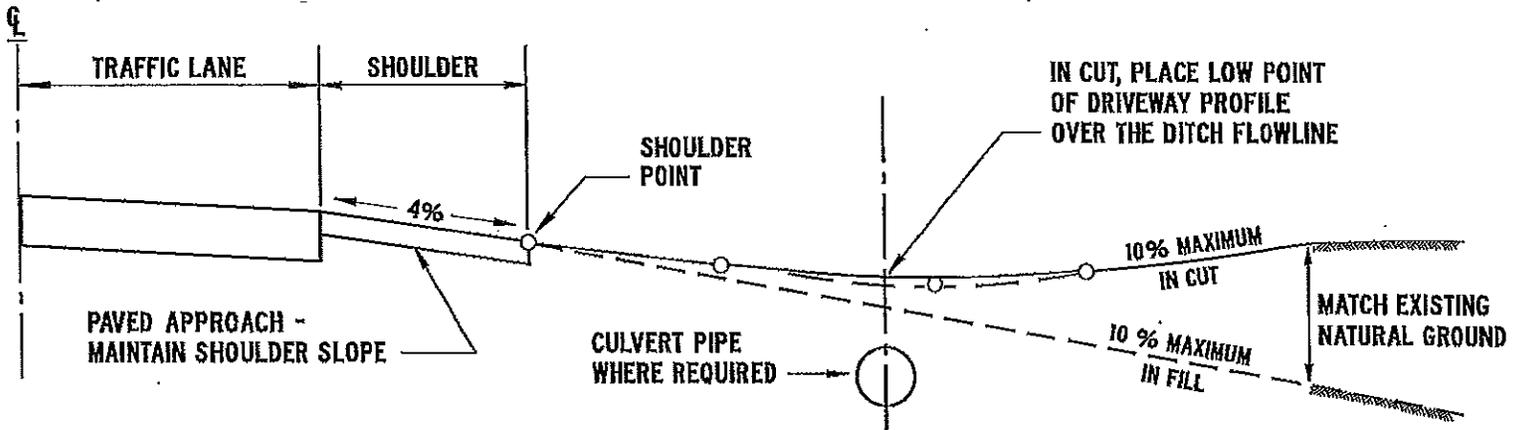
**CONCRETE CEMENT SHALL NOT BE UTILIZED  
BETWEEN R/W LINE AND HIGHWAY PAVEMENT**

**FIGURE 15**

**TYPICAL CROSS SECTION FOR PRIVATE DRIVE OR FIELD ENTRANCE**



**TYPICAL DRIVEWAY PROFILE**



THE CULVERT DEPTH DEPENDS ON THE DEPTH THE PIPE IS BELOW THE SURFACE  
 $WIDTH + (DEPTH \times 4) \times (2) = \text{MINIMUM LENGTH}$