

# Menominee County Highway Department



## County/Town Road Access Permit Policy

**Developed by:**

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05 Jul 2013

**Approved by:**

Menominee County Highway Committee on:  
July 9, 2013

And the County and Town Board on:  
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# Menominee County Highway Department

## County/Town Road Access Permit Policy

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# Menominee County Highway Department

## County/Town Road Access Permit Policy

1. **PURPOSE.** The purpose of this policy is to (a) establish terms and conditions under which public and private access may be provided to County and Town roads; (b) create a simplified application and permit process for providing such access; and (c) establish a reasonable fee structure to help offset the costs of Menominee County Highway Department personnel responsible for inspecting road access sites pre- and post-construction.
2. **AUTHORITY.** Access permits are governed by Section 20.070 of the County and Town Zoning Ordinance.
3. **DEFINITIONS.** The following words and terms shall have the following meaning:
  - 3.01 "Access" or "connection" means the intersection between a County or Town road and a residential driveway, commercial driveway, trail entrance, or private or public road.
  - 3.02 "Applicant" and "permit holder" shall be the owner or company representative legally authorized to apply for and obtain a permit.
  - 3.03 "MCHD" means the Menominee County Highway Department.
4. **PERMIT REQUIRED TO ACCESS COUNTY/TOWN ROADS.** An access permit issued by the MCHD is required for any residential or commercial driveway, public or private road, or recreational trail that connects to a county road or town road. Such access permits may be for the construction of a new connection (e.g. driveway or road), to convert a connection from one type to another, to validate an unpermitted access, or to remove an existing connection.
5. **RESIDENTIAL ACCESS (DRIVEWAYS)**
  - 5.01 Residential access is typically provided to individuals installing driveways and its primary purpose is to provide residents with access to their homes.
  - 5.02 Access is limited to one driveway per parcel. An additional connection may be permitted upon payment of an additional fee. An application and permit for each connection is required.
  - 5.03 Driveway entrances under this section are defined as the first six feet from the pavement or gravel road edge, and shall conform to the following requirements (refer to illustration below):
    - A. Each driveway entrance shall be a minimum of twelve feet (12') wide and not more than a maximum of sixteen feet (16') wide. Residents requiring greater driveway entrance widths will have to apply for commercial access.
    - B. Each driveway entrance shall have a minimum of six feet (6') of gravel, asphalt, or concrete surface from the edge of the gravel road or edge of a paved road.
    - C. Gravel driveway entrances shall be a minimum of six inches (6") deep and consist of compacted three-quarter inch (3/4") gravel.
    - D. Asphalt and concrete driveway entrances shall be constructed on a compacted gravel base of four inches (4") or more of three-quarter inch (3/4") gravel.

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- 1. Asphalt pavement depth shall be a minimum of two inches (2"); and
- 2. Concrete pavement depth shall be a minimum of three inches (3").
- E. Driveway entrances shall attach to the road between 70 and 110 degrees.
- F. Driveway entrances shall provide a minimum height clearance of fifteen feet (15').
- G. Not more than one driveway is permitted per fifty feet (50') of road frontage (per Zoning ordinance).
- H. The dimensions described above will ensure that emergency vehicles (e.g. ambulance, fire trucks, etc.) are able to access the driveway and reach the residence without obstruction.
- I. The County and Town does not recommend the construction of a driveway in the public right-of-way surfaced with any other material than gravel, concrete or asphalt. If the driveway constructed in the public right-of-way is of brick paver/decorative concrete/embossed or colored asphalt it will be the owner's sole responsibility to maintain, repair, and replace if necessary, due to any damage by the MCHD or other public agencies, or due to normal wear.
- J. Driveway connections shall be placed as far away from an inside road corner as possible so as to minimize sight line obstructions for oncoming traffic or traffic exiting the driveway connection. In instances where a driveway connection on or near a corner is unavoidable, the Highway Department may permit such driveway connection with adequate tree and brush removal from the property and right-of-way.

- K. If a culvert is deemed necessary by the MCHD, the culvert shall be installed in the manner specified in Section 13 of this Policy. If no culvert is required, the natural ditch line beyond the driveway entrance shall not be filled in or otherwise obstructed.
- L. Adequate erosion control measures shall be employed during construction. Refer to Section 14 of this Policy to learn more about basic erosion control measures.



- M. All driveway entrances shall be constructed in such a manner as to not direct drainage onto the roadway or shoulder.
- N. Existing driveways not conforming to the standards prescribed above shall be exempt from these requirements until they are altered or reconstructed.

5.04 Beyond the driveway entrance the driveway width shall be a minimum of ten feet (10') and provide a minimum height clearance of fifteen feet (15').

- 5.05 Driveway entrances serving more than one residence may be constructed, but a signed agreement between both residents describing terms of use and maintenance must be filed with the application and each resident must file an application.
- 5.06 The applicant shall be responsible for all erosion control measures necessary in the affected area for a period of one year from the date of construction. In the event the applicant fails to adequately control erosion or seed the affected area, the MCHD will implement erosion control measures and seed the affected area at the applicant's expense; provided that, MCHD provides at least thirty (30) calendar days written notice to the permit holder informing him/her of the department's plans to conduct such erosion control measures or seeding.
- 5.07 The MCHD may, on a case-by-case basis, allow deviations on the width, depth, composition, and length of driveway/trail entrances if, in its sole judgment, determines that such deviations will not compromise the integrity of the County or Town road, or jeopardize the health and safety of the traveling public.

**6. COMMERCIAL ACCESS (DRIVEWAYS)**

- 6.01 Commercial access is typically provided to businesses so that their customers, employees, and vendors can gain access to a place of business. It is sturdier in construction than residential access, allowing for heavier vehicles and greater traffic. Residents may opt for commercial access in lieu of residential access if they prefer larger driveway entrances and/or need to accommodate heavier vehicles, such as semi-trailer trucks, logging vehicles, recreational vehicles, and campers.
- 6.02 Access is limited to one driveway. An additional connection may be permitted upon payment of an additional fee. An application and permit for each connection is required.
- 6.03 Driveway entrances under this section are defined as the first twelve feet from the pavement or gravel road edge, and shall conform to the following requirements (refer to illustration on page 2):
  - A. Each driveway entrance shall be a minimum of sixteen feet (16') wide and not more than a maximum of twenty-four feet (24') feet wide.
  - B. Each driveway entrance shall have a minimum of twelve feet (12') of gravel, asphalt, or concrete surface from the edge of the gravel road or pavement edge.
  - C. Gravel driveways entrances shall be a minimum of nine inches (9") deep and consist of compacted three-quarter inch (3/4") gravel.
  - D. Asphalt and concrete driveway entrances shall be constructed on a compacted gravel base of six inches (6") or more of three-quarter inch (3/4") gravel.
    - 1. Asphalt pavement depth shall be a minimum of two inches (3"); and
    - 2. Concrete pavement depth shall be a minimum of three inches (4").
  - E. Driveway entrances shall attach to the road between 70 and 110 degrees.
  - F. Driveway entrances shall provide a minimum height clearance of fifteen feet (15').
  - G. Not more than one driveway is permitted per fifty feet (50') of road frontage (per Zoning ordinance).
  - H. The dimensions described above will ensure that emergency vehicles (e.g. ambulance, fire trucks, etc.) are able to access the driveway and reach the residence without obstruction.

- I. The County and Town does not recommend the construction of a driveway in the public right-of-way surfaced with any other material than gravel, concrete or asphalt. If the driveway constructed in the public right-of-way is of brick paver/decorative concrete/embossed or colored asphalt it will be the owner's sole responsibility to maintain, repair, and replace if necessary, due to any damage by the MCHD or other public agencies, or due to normal wear.
  - J. Driveway connections shall be placed as far away from an inside road corner as possible so as to minimize sight line obstructions for oncoming traffic or traffic exiting the driveway connection. In instances where a driveway connection on or near a corner is unavoidable, the MCHD may permit such driveway connection with adequate tree and brush removal from the property and right-of-way.
  - K. If a culvert is deemed necessary by the MCHD, the culvert shall be installed in the manner specified in Section 13 of this Policy. If no culvert is required, the natural ditch line beyond the driveway entrance shall not be filled in or otherwise obstructed.
  - L. Adequate erosion control measures shall be employed during construction. Refer to Section 14 of this Policy to learn more about basic erosion control measures.
  - M. All driveway entrances shall be constructed in such a manner as to not direct drainage onto the roadway or shoulder.
  - N. Existing driveways not conforming to the standards prescribed above shall be exempt from these requirements until they are altered or reconstructed.
- 6.04 Beyond the driveway entrance the driveway width shall be a minimum of fourteen feet (14') and provide a minimum height clearance of fifteen feet (15').
- 6.05 The permit holder shall be responsible for all erosion control measures necessary in the affected area for a period of one year from the date of construction. In the event the applicant fails to adequately control erosion or seed the affected area, the MCHD will implement erosion control measures and seed the affected area at the permit holder's expense; provided that, MCHD provides at least thirty (30) calendar days written notice to the permit holder informing him/her of the department's plans to conduct such erosion control measures or seeding.
- 6.06 The MCHD may, on a case-by-case basis, allow deviations on the width, depth, composition, and length of driveway/trail entrances if, in its sole judgment, determines that such deviations will not compromise the integrity of the County or Town road, or jeopardize the health and safety of the traveling public.

## 7. PRIVATE ROAD ACCESS

- 7.01 A private road is a road owned and maintained by a private individual, organization, or company rather than by a municipality, and its principal purpose is designed to provide restricted, non-public access to an individual, group or business hauling goods and supplies, or accessing private driveways and residences, cottages, and campsites. Private road access allows for sturdier construction similar to commercial access, but allows for narrower access than commercial.
- 7.02 The commercial access requirements shall apply to all private road access permits; however, the minimum width requirements shall be between twelve feet (12') and twenty-four feet (24'), and the minimum height clearance shall be fifteen feet (15').

**8. PUBLIC ROAD ACCESS**

- 8.01 Public road access is intended to be used by municipalities to construct public roads, bike lanes, and sidewalks.
- 8.02 Only a municipality can apply for Public Road access.
- 8.03 The municipality shall include plans, specifications, and engineering diagrams with their application, and provide “as built” plans, specifications and engineering diagrams upon completion of any public road.
- 8.04 The MCHD will review each application on a case-by-case basis, may require such changes as it deems necessary and appropriate, and may approve or deny such application.

**9. TRAIL ACCESS**

- 9.01 Trail access is intended to provide individuals, groups, businesses, and organizations with access to a county or town road for use as a bike trail, ATV trail, snowmobile trail, and/or hiking trail. Light vehicles (e.g. cars and small pickups) may also use such access but the trail access shall not be used in lieu of residential or commercial access.
- 9.02 Access is limited to one per parcel.
- 9.03 The residential access requirements shall apply to all trail access permits; however, the minimum width requirements shall be between six feet (6') and twelve feet (12'), and the minimum height clearance shall be ten or more feet.

**10. ACCESS CONVERSION.** An access may be converted to residential, trail, or commercial access upon application, issuance of a permit, and payment of the proper fee.

**11. UNPERMITTED ACCESS; VALIDATION**

- 11.01 Any access to any County or Town road constructed after the effective date of this policy without a valid permit shall be promptly removed by the party that installed the access unless the party applies for and obtains a permit validating the access. The application fee for validation will be twice the regular rate established for the type of access required.
- 11.02 If the MCHD identifies an access as being unpermitted, it shall provide the party responsible for the access thirty (30) calendar day's written notice of its intent to remove the access at the party's own expense unless the unpermitted access is validated. If the access is not validated within thirty (30) calendar days, the MCHD shall remove the access, restore the area to its original state, and invoice the party for the costs associated with removal and restoration of the site.

**12. REMOVAL OF ACCESS**

- 12.01 A permit is required if a residential or commercial driveway entrance, trail entrance, or public or private road access is being removed.
- 12.02 All asphalt, concrete, gravel, fill, and culverts shall be removed and properly disposed of.
- 12.03 The ditch line shall be brought to grade (e.g. sloped, leveled and shaped consistent with the rest of the ditch line) with a minimum of four inches of top soil and seeded with a cool weather grass type (Kentucky Bluegrass is recommended). Ideally, residential or commercial driveway entrance, trail entrance, or public or private road access removals will occur in early spring and early fall to ensure that grass germinates.

- 12.04 Adequate erosion control measures shall be employed during removal of the access. All disturbed ground and side banks shall be seeded promptly to control erosion.
- 12.05 The permit holder shall be responsible for all erosion control measures necessary in the affected area for a period of one year from the date of construction. In the event the permit holder fails to adequately control erosion or seed the affected area, the MCHD will implement erosion control measures and seed the affected area at the permit holder's expense; provided that, MCHD provides at least thirty (30) calendar days written notice to the permit holder informing him/her of the department's plans to conduct such erosion control measures or seeding.

**13. CULVERTS**

- 13.01 If an access requires a culvert, MCHD shall prescribe the following:
  - A. The culvert's minimum number of inches in diameter;
  - B. The culvert's minimum and maximum number of feet in length; and
  - C. The slope of the culvert.
- 13.02 Culverts will be placed so as to conform to the existing ditch line(s) or as otherwise directed by MCHD.
- 13.03 The culvert shall be placed on top of a minimum of three inches (3") of three-quarters inch (3/4") gravel. The bottom edge of the culvert shall be either flush with or no more than two inches above the ditch line grade. This may require some excavation below the ditch line grade for optimal culvert placement.
- 13.04 The top and sides of the culvert shall be filled with three-quarters inch (3/4") crushed gravel. Soil or sand cannot be used as cover, except for landscaping.
- 13.05 The permit holder shall remove leaves, brush, and other debris from the culvert at least once each year so that water can properly drain.

**14. BASIC EROSION CONTROL MEASURES.** The following are some basic erosion control measures that can be employed by permit holders to minimize the amount of erosion experienced out on a construction site. This list is not all inclusive.

- 14.01 Schedule construction to avoid rainy periods;
- 14.02 Limit grading and plant removal to the areas under construction;
- 14.03 Preserve the natural contours of the land and disturb the earth as little as possible;
- 14.04 Minimize the length and steepness of slopes by benching, terracing, or constructing diversion structures;
- 14.05 Promptly plant vegetation and grass;
- 14.06 Using jute netting and other erosion matting;
- 14.07 Use straw bales to create a dike thereby slowing water movement; and
- 14.08 Use temporary fencing to discourage pedestrian traffic in the area.

**15. OTHER**

- 15.01 Permit holders shall protect, indemnify, and hold Menominee County harmless against all suits or damages arising out of the permit holder's installation of the access driveway, connection or culvert.



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- 15.02 Permit holders are required to contact Digger's Hotline at 811 to check for buried utilities at least three business days prior to any excavation.
- 15.03 If trees are being cut/trimmed as part of the permit holder's work, the permit holder must contact the County Forester at 715-799-5710 prior to the start of that work.
- 15.04 In the event of any conflict between the provisions of this policy and any ordinance of the County or Town of Menominee, the ordinance of the County or Town of Menominee shall prevail.

### 16. FEE SCHEDULE

| No.   | Access Type         | Individual/Commercial Cost |            |                                       |                                       | Municipal Cost |
|-------|---------------------|----------------------------|------------|---------------------------------------|---------------------------------------|----------------|
|       |                     | First/Single               | Additional | Validation                            |                                       |                |
|       |                     |                            |            | County                                | Town                                  |                |
| 16.01 | Trail Access        | \$10.00                    | N/A        | \$30.00                               | \$20.00                               | \$0.00         |
| 16.02 | Residential Access  | \$25.00                    | \$75.00    | \$75.00 (Single);<br>\$225.00 (Add'l) | \$50.00 (Single);<br>\$150.00 (Add'l) | 0.00           |
| 16.03 | Commercial          | \$125.00                   | \$125.00   | \$375.00                              | \$250.00                              | 0.00           |
| 16.04 | Private Road Access | \$100.00                   | N/A        | \$300.00                              | \$200.00                              | 0.00           |
| 16.05 | Public Road Access  | N/A                        | N/A        | N/A                                   | N/A                                   | 0.00           |
| 16.06 | Removal of Access   | 0.00                       | 0.00       | 0.00                                  | 0.00                                  | 0.00           |

- 16.07 All fees shall be paid to the Menominee County Treasurer's Office before a permit will be issued. The MCHD will not accept payments.

### 17. DENIAL OF PERMITS BY THE MCHD

- 17.01 MCHD will deny applications for a permit for any of the following reasons:
- A. Incomplete or unsigned applications; and/or
  - B. Applications proposing to construct an access in a manner inconsistent with the terms, conditions and specifications provided for in this policy; and/or
  - C. Applications filed by persons who are not authorized to submit such applications (e.g., the applicant is not the land owner or acting with the consent of the land owner).
- 17.02 Prior to denying a permit, the MCHD will attempt to work with the applicant for a permit on adjustments to the application that will meet the needs of the applicant and address the concerns of MCHD.
- 17.03 Any applicant can appeal a denial of a permit by the MCHD directly to the Highway Committee.
- 17.04 With respect to permits for access to County roads, the Highway Committee may accept the decision of the MCHD to deny a permit, direct the MCHD to issue a permit, and/or negotiate on a revised application that meets the needs of the applicant and addresses the concerns of the MCHD.
- 17.05 With respect to permits for access to Town roads, the Highway Committee shall recommend to the Town Board that it accept the MCHD's denial of the permit, or may direct the MCHD to issue a permit, and/or may negotiate on a revised application and permit that meets the needs of the applicant and addresses the concerns of the MCHD.

**18. APPLICATION AND PERMIT FORM**

18.01 The MCHD is authorized to create a simplified application and permit, and to make such changes to that form as it deems necessary and proper. That form shall be attached to this policy as Exhibit "A".

18.02 Applicants can pick up the application and permit form from the Menominee County Highway Department, Conservation/Zoning Department, or online at [www.co.menominee.wi.us](http://www.co.menominee.wi.us).

18.03 Although the application is designed to provide most information needed by MCHD to evaluate the access request, MCHD will also conduct a site inspection and may require additional information from the applicant.

**19. EFFECTIVE DATE.** This policy shall become effective immediately upon approval by the Highway Committee, Menominee County Board of Supervisors, and Town Board of Supervisors.

**County/Town Road Access Permit Policy**

**Exhibit "A" – Application and Permit  
MENOMINEE CO. HIGHWAY DEPARTMENT  
Application and Permit to Access Road**

| Mailing Address of Applicant:   |          |                    |                          |                                      |  | Physical Address Where Work Will Be Performed:   |   |                          |  |                |
|---|----------|--------------------|--------------------------|--------------------------------------|--|--|---|--------------------------|--|----------------|
| 1. Name   |          |                    | 2. Fire #/Street Address |                                      |  | 6. Name  |   | 7. Fire #/Street Address |  |                |
| 3. City   | 4. State | 5. Zip Code        | 8. City                  |                                      | 9. State   | 10. Zip Code   |   |                          |  |                |
| 11. Phone Number  |          | 12. e-mail address |                          |                                      | 13. Best day(s) of week & time to contact you    |  |   |                          |  |                |
| 14. Did you review the County/Town Road Access Permits Policy?  |          |                    |                          |                                      |  | <input type="checkbox"/> YES <input type="checkbox"/> NO   |   |                          |  |                |
| 15. What do you need a permit for?  |          |                    |                          |                                      |  | <input type="checkbox"/> Trail Access <input type="checkbox"/> Residential Access <input type="checkbox"/> Commercial Access<br><input type="checkbox"/> Private Road Access <input type="checkbox"/> Public Road Access <input type="checkbox"/> Validate Unpermitted Access <input type="checkbox"/> Access Removal<br><input type="checkbox"/> Access Conversion (From type: _____ to: _____) |   |                          |  |                |
| 16. Does this access serve more than one resident (e.g. is it a shared driveway)?   |          |                    |                          |                                      |  | <input type="checkbox"/> YES <input type="checkbox"/> NO<br>If you answered "YES", attach a signed copy of the agreement on shared use. Each resident must submit an application for a permit.   |   |                          |  |                |
| 17. Briefly describe the type of work you propose to perform:   |          |                    |                          |                                      |  |  |   |                          |  |                |
| -----   |          |                    |                          |                                      |  |  |   |                          |  |                |
| 18. When do you propose to begin the work?  |          |                    |                          |                                      | 19. When do you propose to complete the work?    |  |   |                          |  |                |
| 20. Do you have a map or sketch of the work you propose to perform? If so, please attach map/sketch.  |          |                    |                          |                                      |  | <input type="checkbox"/> YES <input type="checkbox"/> NO   |   |                          |  |                |
| 21. What work will be performed by you?   |          |                    |                          |                                      | 22. What work will be performed by a contractor? |  |   |                          |  |                |
| 23. Name and contact information of contractor:   |          |                    |                          |                                      |  |  |   |                          |  |                |
| Printed name of Applicant   |          |                    | Signature                |                                      |  | Date   |   |                          |  |                |
|   |          |                    | X                        |                                      |  |  |   |                          |  |                |
| <b>*** THIS PART TO BE COMPLETED BY MENOMINEE COUNTY HIGHWAY DEPARTMENT ***</b>   |          |                    |                          |                                      |  |  |   |                          |  |                |
| Permission to access County/Town road by the Applicant in the manner described above is <input type="checkbox"/> NOT APPROVED for the reasons described below:  |          |                    |                          |                                      |  |  |   |                          |  |                |
| -----   |          |                    |                          |                                      |  |  |   |                          |  |                |
| Permission to access County/Town road is <input type="checkbox"/> APPROVED and is subject to the "County/Town Road Access Permit" policy, a copy of which is incorporated herein by reference, and the following additional terms and conditions: |          |                    |                          |                                      |  |  |   |                          |  |                |
| 1 The access type permitted is (refer to Access Permit Policy for detailed description): _____  |          |                    |                          |                                      |  |  |   |                          |  |                |
| 2 Access dimensions shall be:   |          |                    |                          |                                      |  |  |   |                          |  |                |
| Width   |          | Length             |                          | Adjustments (please describe): _____ |  |  |   |                          |  |                |
|   |          |                    |                          |                                      |  |  |   |                          |  |                |
| 2 Culvert dimensions are as follows (insert zero or "N/A" if not applicable):   |          |                    |                          |                                      |  |  |   |                          |  |                |
| Culvert Diameter in Inches  |          |                    | Culvert Length in Feet   |                                      | Slope In Inches                                  |  | Slope Down As Facing Road   |                          |  |                |
|   |          |                    |                          |                                      |  |  | <input type="checkbox"/> Left <input type="checkbox"/> Right <input type="checkbox"/> N/A |                          |  |                |
| 3 This permit is valid for only six months after the date of issuance.  |          |                    |                          |                                      |  |  |   |                          |  |                |
| 4 Other: _____  |          |                    |                          |                                      |  |  |   |                          |  |                |
| <b>This permit is not effective until and unless signed and dated by both parties.</b>  |          |                    |                          |                                      |  |  |   |                          |  |                |
| Accepted by Owner:  |          |                    | Date                     |                                      | Approved by MCHD:                                |  |   | Issue Date:              |  | Permit Number: |
| X   |          |                    |                          |                                      | X  |  |   |                          |  |                |

NOTE: Actual Application Appears Larger