

TOWN OF DRAPER

WWW.TOWNOFDRAPER.COM

6994 N MAIN STREET
LORETTA, WI 54896

(715) 266-2110
INFO@TOWNOFDRAPER.COM

PERMIT FOR ACCESS DRIVEWAY to TOWN OF DRAPER Road, Sawyer County, Wisconsin

Installation of driveway by _____ Contractor
_____ Land Owner

NAME of Contractor (if applicable) _____

NAME of Land Owner _____

ADDRESS _____

PHONE # and Email of Applicant _____

LOCATION OF DRIVEWAY/ PROPERTY ADDRESS/TAX ID #

QUADRANT _____ SECTION _____ NORTH _____ RANGE _____

_____ SIDE OF TOWN ROAD

NUMBER OF DRIVEWAYS _____

TYPE OF DRIVEWAY _____

LENGTH OF DRIVEWAY _____

REQUIRED DRAINAGE STRUCTURE SIZE _____ IF NO DRAINAGE STRUCTURE, STATE WHY _____

PROPOSED LAND USE _____

PROPOSED START DATE _____ PROPOSED COMPLETION DATE _____

DESCRIPTION OF PROPOSED WORK (INCLUDE SPECIAL RESTRICTIONS, INTERSECTION CLEARANCES, OTHER DETAILS AND REFERENCE TO ANY SKETCHES WHICH MAY BE ATTACHED):

Any driveways shall be constructed in accordance with Wisconsin Statutes 66.0425 and 86.07 and all requirements stated on page 2 below, and any special conditions stated herein. New driveways shall meet a minimum **clearance** requirement of **20 feet in width x 20 feet in height, with no overhead obstructions, and must permit access by emergency vehicles.** Proper culverts for drainage and water management must be utilized to avoid degradation of the existing town road. Maintenance of the driveway and liability incurred by the construction of such driveway shall be the responsibility of the applicant.

This application and the proposed site will be reviewed by the Town Board, and the driveway shall be inspected upon notification of completion. If any aspect of the driveway fails to meet the requirements, the applicant agrees to correct it at his own expense within 60 days.

Issuance of this permit shall not be construed as a waiver of the applicant's obligation to comply with any more restrictive requirements imposed by local ordinances.

SIGNATURE OF APPLICANT

DATE

Please enclose application fee of \$15.00.

Checks payable to Town of Draper, 6994N Main St., Loretta, WI 54896.

PROPOSED SITE INSPECTED BY _____ DATE _____

_____ CONSTRUCTION APPROVED

_____ CONSTRUCTION DENIED

RECOMMENDED CORRECTIONS: _____

FOLLOW-UP BY _____ DATE _____

FINISHED SITE INSPECTED BY _____ DATE _____

_____ CONSTRUCTION OK

_____ CONSTRUCTION NOT OK

RECOMMENDED CORRECTIONS: _____

FOLLOW-UP BY: _____ DATE _____

ACCESS DRIVEWAY PERMIT REQUIREMENTS

GENERAL REQUIREMENTS

Conditions of Issuance

FIRST: The permittee, indicated on the reverse side hereof, represents all parties in interest, and that any driveway or approach constructed by or for him is for the bona fide purpose of providing access to his property, and not for the purpose of parking or servicing vehicles, or for advertising, storage, or merchandising of goods on the highway right of way.

SECOND: Except in cases where the indicated driveway access may be constructed by forces acting on behalf of the State in relation to a highway construction or reconstruction project, 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 highway right of way. In every instance, the subsequent maintenance of the driveway and of 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 said maintenance of the driveway facility. Materials used and the type and character of the work shall be suitable and appropriate for the intended purpose. The nature of construction shall be as designated and subject to approval of the District Engineer. The driveway installation shall be made without jeopardy to or interference with traffic using the highway. Highway surfaces, shoulders, ditches, and vegetation which are disturbed by the driveway installation shall be restored to at least the preexisting conditions by the driveway constructor. Any such facilities disturbed by operations relating to the subsequent maintenance of the driveway shall be restored to the satisfaction of the District Engineer by the permittee.

THIRD: No revisions or additions shall be made to the driveway or its appurtenances on the right of way without the written permission of the District Engineer.

FOURTH: The Division of Highways 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.

FIFTH: The permittee, his successors or assigns agree to hold harmless the State of Wisconsin 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.

SIXTH: The Division of Highways does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of windrows of such material, upon any portion of any driveway or entrance along any state highway, even though snow, ice or sleet is deposited or windrowed on said driveway or entrance by its authorized representatives engaged in normal winter maintenance operations.

Location, Design and Construction

The location, design, and construction of the driveway shall be in accordance with the following policy and limits, which limits are in no case to be exceeded unless specifically authorized by the Division of Highways.

(A) A driveway shall be located and restricted as to width as necessary so that the entire driveway roadway and its appurtenances are contained within the frontage along the highway of the property served. At public highway intersections a driveway shall not provide direct ingress or egress to or from the public highway intersection area and shall not encroach on or occupy areas of the roadway or right of way deemed necessary for effective traffic control or for highway signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it will have adequate sight distance in both directions along the highway.

(B) The number of driveways permitted serving a single property frontage along a state trunk highway shall be the minimum deemed necessary by the District Engineer for reasonable service to the property without undue impairment of safety, convenience, and utility of the highway.

(C) The island area on the right of way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way line shall remain unimproved for vehicular travel or parking. Such areas shall be considered as restricted and may be filled in or graded down only as hereinafter provided in paragraph (G).

(D) 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.

(E) The driveway shall not obstruct or impede drainage in highway side ditches or roadside areas. Driveway culverts, where necessary, shall be adequate for surface water drainage along the highway and in no case less than the equivalent of 15-inch diameter pipe. The distance between culverts under successive driveways shall be not less than 10 feet except as such restricted area is permitted to be filled in under the provisions of paragraph (G).

(F) When curb or gutter is removed for constructing a driveway, the new connections shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. The driveway surface shall connect with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include replacement of sidewalk areas which are inadequate or become damaged by reason of vehicular travel across the sidewalk.

(G) The restricted area between successive driveways may be filled in or graded down only when the following requirements are fully complied with:

1. The filling in or grading down shall be to grades approved by the District Engineer and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the highway roadbed in a suitable manner.

2. Culvert extension under the restricted area shall be of like size and equivalent acceptable material of the driveway culvert, and intermediate manholes adequate for clean-out purposes may be required where the total culvert length exceeds 100 feet.

3. Where no highway side ditch, separates the restricted area from the highway roadbed, permanent provision may be required to separate the area from the highway roadbed, to prevent its use for driveway or parking purposes by construction of a border, curb, rail, or posts deemed adequate by the District Engineer.

SPECIAL REQUIREMENTS

Commercial - Rural:

Rural type highway cross section. Driveways serving commercial or industrial establishments.

1. **WIDTH OF DRIVE:** No driveway except as hereinafter provided shall have a width greater than 35 feet measured at right angles to the centerline of the driveway, except as increased by permissible radius. In no instance shall a driveway have a width greater than 62 feet (including flare of return radii) measured along a line 10 feet from and parallel to the edge of the highway pavement.

2. **RETURN RADII:** No return radius projected between the edge of the highway pavement and the driveway shall be greater than 40 feet. Usually these radii will be determined by the restrictions given in Section Numbers 1, 3 and 4.

3. **ANGULAR PLACEMENT OF DRIVE:** The angle between the centerline of a driveway serving two-way traffic and the edge of the pavement shall not be less than 45 degrees. Where suitable precautions are taken, or one-way operation along divided highways permits only one-way operation of the driveways, the angle of the entrance drive to grantee's property may be decreased. The angle of the exit drive with the highway pavement shall be not less than 45 degrees.

4. **ISLAND AREAS:** An island of a minimum length of 10 feet shall be maintained between driveways serving the same premises. (The measurement shall be along a line 10 feet from and parallel to edge of pavement.) The permit shall specify that the island area, if less than 20 feet in length or 10 feet in width, is to be defined by curbs, posts, boulders, masonry walls, guard rail, etc. Materials used to define the island, except concrete curbs, shall be painted white. The side of the island next to the highway shall be not less than 10 feet from the pavement edge. The side of the island farthest from the highway shall be at the right-of-way line.

The area within 5 feet of a property line shall be a restricted area over which no driveway may be developed. The 5-foot restriction shall be measured parallel to the pavement edge and shall be effective between the right of way line and a line 10 feet from and parallel to the pavement edge. This is to serve as an island area should the adjoining property owner request a permit for a driveway.

Noncommercial - Rural:

Rural type highway cross section. Driveway serving farm or residence property.

1. **WIDTH OF DRIVE:** No noncommercial driveway or combination of driveways shall have a width less than 16 feet nor greater than 24 feet measured at right angles to the centerline of the driveway except as increased by permissible radius.

2. **RETURN RADII:** No return radius projected between the edge of highway pavement and the driveway shall be greater than 30 feet.

3. **ANGULAR PLACEMENT:** The centerline of that part of the driveway lying on the state right of way shall always be at approximately right angles to the pavement.

Commercial - Urban:

Urban type highway cross section. Driveway serving commercial or industrial establishment.

1. **WIDTH OF DRIVE:** No driveway shall have a width greater than 35 feet measured at right angles to the centerline of the driveway, except as increased by permissible radius.

2. **RETURN RADII:** The return radii projected between the line of face of curb of the highway and the driveway shall be determined by the Engineer, basing his decision on the type of traffic and the restrictions given in Section Numbers 1 and 4. In all cases, the entire flare shall fall within the right of way.

3. **ANGULAR PLACEMENT OF DRIVE:** The angle between the centerline of the driveway and the curb line shall be not less than 45 degrees.

4. **ISLAND AREAS:** Case I: *Sidewalk adjacent to curb.* An island of a minimum length of 6 feet, measured along the curb line, shall be placed between each entrance to a state highway. The curb shall be left intact for this length.

Case II: *Sidewalk remote from curb.* An island of a minimum length of 10 feet measured along the right-of-way line shall be maintained between each entrance to a state highway. All flares shall be tangent to the curb line.

A curb length of not less than 3 feet shall be left undisturbed adjacent to each property line to serve as an island area should the adjoining property owner request a permit for an entrance.

Noncommercial - Urban:

Urban type highway cross section. Driveway serving residence property.

1. **WIDTH OF DRIVE:** No noncommercial driveway or combination of driveways shall have a width greater than 24 feet measured at right angles to the centerline of the driveway, except as increased by permissible radius.

2. **RETURN RADII:** The radius of the return connecting the line of face of curb of the highway and the edge of driveway shall not exceed 10 feet. In all cases the entire flare shall fall within the right of way.

3. **ANGULAR PLACEMENT:** The centerline of the driveway may be either parallel to the property line of the lot for which access is requested or at right angles to the curb line.

Wisconsin statute 86.07(2)

(2)(a) Subject to par. (b) and s. [86.16 \(1m\) \(a\) 2.](#) and (c) and (6), no person shall make any excavation or fill or install any culvert or make any other alteration in any highway or in any manner disturb any highway or bridge without a permit therefor from the highway authority maintaining the highway. Such permit shall contain the statement and be subject to the condition that the work shall be constructed subject to such rules and regulations as may be prescribed by said authority and be performed and completed to its satisfaction, and in the case of temporary alterations that the highway or bridge shall be restored to its former condition, and that the permittee shall be liable to the town or county or state, as the case may be, for all damages which occur during the progress of said work or as a result thereof. Nothing herein shall abridge the right of the department, the county board or its highway committee, or any other local authority to make such additional rules, regulations and conditions not inconsistent herewith as may be deemed necessary and proper for the preservation of highways, or for the safety of the public, and to make the granting of any such permit conditional thereon. If any culvert is installed or any excavation or fill or any other alteration is made in violation of the provisions of this paragraph, the highway or bridge may be restored to its former condition by the highway authority in charge of the maintenance thereof at the expense of the violator; and any person who violates this paragraph shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment not exceeding 6 months, or both.

(b)

1. In this paragraph:

- a. "Manure hose" means any hose, pipeline, or other conduit, whether temporary or permanent in nature, for the transmission of liquid manure within or across the right-of-way of a highway to a destination for spreading in a farm field or for storage.
 - b. "State trunk highway" has the meaning given in s. [340.01 \(60\)](#).
 - c. "Support structure" means a bridge, a box culvert, or any other structure that is less than 20 feet in length and capable of supporting a manure hose.
2. A permit may not be issued by a local highway authority under par. (a) for a manure hose that is subterranean. Section [86.16](#) applies with respect to any manure hose that is subterranean and that is laid out or installed within or across the right-of-way of a highway maintained by the local highway authority.
3. For a manure hose that is not subterranean and is not laid out or installed within or across the right-of-way of a state trunk highway, a permit issued under par. (a) that authorizes the permittee to lay out or install the manure hose within or across the right-of-way of a highway may also authorize the permittee to temporarily affix to a support structure under the jurisdiction of the local highway authority issuing the permit hooks, flanges, fasteners, or other devices to or by which a manure hose may be attached or supported. The local highway authority may require the applicant for the permit to submit with the application, for the local highway authority's approval, a plan specifying how the manure hose would be attached to or supported by the support structure. The permit may impose reasonable conditions related to the authorization under this subdivision, including any of the following:
- a. Requiring removal of the hooks, flanges, fasteners, or other devices, at the permittee's expense, at any time, or under any circumstances, specified in the permit.
 - b. Making the permittee liable to the issuing authority for any damage caused to the support structure by the installation or removal of the hooks, flanges, fasteners, or other devices

Wisconsin statute 66.0425 Privileges in streets.

- (1) In this section, "privilege" means the authority to place an obstruction or excavation beyond a lot line, or within a highway in a town, village, or city, other than by general ordinance affecting the whole public.
- (2) A person may apply to a town or village board or the common council of a city for a privilege. A privilege may be granted if the applicant assumes primary liability for damages to person or property by reason of the granting of the privilege, is obligated to remove an obstruction or excavation upon 10 days' notice by the state or the municipality and waives the right to contest in any manner the validity of this section or the amount of compensation charged. The grantor of the privilege may require the applicant to file a bond that does not exceed \$10,000; that runs to the town, village, or city and to 3rd parties that may be injured;

and that secures the performance of the conditions specified in this subsection. If there is no established lot line and the application is accompanied by a blue print, the town or village board or the common council of the city may impose any conditions on the privilege that it considers advisable.

- (3) Compensation for a privilege shall be paid into the general fund and shall be fixed by the governing body of a city, village or town or by the designee of the governing body.
- (4) The holder of a privilege is not entitled to damages for removal of an obstruction or excavation, and if the holder does not remove the obstruction or excavation upon due notice, it shall be removed at the holder's expense.
- (5) Third parties whose rights are interfered with by the granting of a privilege have a right of action against the holder of the privilege only.
- (6) Subsections (1) to (5) do not apply to telecommunications carriers, as defined in s. [196.01 \(8m\)](#), telecommunications utilities, as defined in s. [196.01 \(10\)](#), alternative telecommunications utilities, as defined in s. [196.01 \(1d\)](#), public service corporations, or cooperatives organized under ch. [185](#) to render or furnish gas, light, heat, or power, or to cooperatives organized under ch. [185](#) or [193](#) to render or furnish telecommunications service, but the carriers, utilities, corporations and associations shall secure a permit from the proper official for temporary obstructions or excavations in a highway and are liable for all injuries to person or property caused by the obstructions or excavations.
- (7) This section does not apply to an obstruction or excavation that is in place for less than 90 days, and for which a permit has been granted by the proper official. This section does not apply if a permit has been issued under s. [86.07 \(2\)](#) with respect to a manure hose, or written consent has been given under s. [86.16 \(1\)](#) with respect to a pipe or pipeline, transmitting liquid manure within or across the right-of-way of a highway.
- (8) This section applies to an obstruction or excavation by a city, village or town in any street, alley, or public place belonging to any other municipality.
- (9) Any person who violates this section may be fined not less than \$25 nor more than \$500 or imprisoned for not less than 10 days nor more than 6 months or both.
- (10) A privilege may be granted only as provided in this section.

History: [1985 a. 297](#); [1991 a. 316](#); [1993 a. 184, 246](#); [1997 a. 27](#); [1999 a. 150](#) ss. [111, 114](#); Stats. 1999 s. 66.0425; [2005 a. 441](#); [2015 a. 231](#).

When the plaintiff fell due to a depression in a street enclosed as a temporary sidewalk, the city, not the indemnitor contractor, was primarily liable since the contractor did no excavation in the street and its enclosing of the street did not cause the defect.

Webster v. Klug & Smith, [81 Wis. 2d 334, 260 N.W.2d 686](#) (1978).