

## **ORDINANCE NO. 96-4**

AN ORDINANCE TO PROVIDE FOR THE PROTECTION OF THE INVESTMENT IN COUNTY HIGHWAYS AND SAFETY AND WELFARE OF THE PUBLIC BY REGULATING THE USE OF RIGHT TO ACCESS FROM PUBLIC AND PRIVATE TRACTS OF LAND TO THE COUNTY HIGHWAY ROAD, AND PENALTIES FOR VIOLATION THEREFORE.

Be it Ordained by the Hughes County Board of Commission, Hughes County, South Dakota that Ordinance #92-2 is amended to read as follows:

### **Section 1: Permit Required**

No approach shall be constructed to public and private tracts of land to county highways without first obtaining a permit from the Hughes County Highway Superintendent.

### **Section 2: Construction of Approaches**

All approaches which may hereafter be built in Hughes County shall be built of earth fills, gravel overlay, and a culvert of sufficient size for drainage as determined by the Hughes County Highway Superintendent. Safety ends will be required on all culverts installed within approaches that access Hughes County Highways with designated speed limits of 55 mph or more. As provided in SDCL 31-24-6, the landowner shall be responsible for constructing the approach at his expense in conformance to the specifications as determined by the Hughes County Highway Superintendent.

### **Section 3: Approach Specifications**

- a. Rural approaches shall not have less than a minimum of a 28 foot driving lane with a maximum driving lane restriction of no more than 34 foot.
- b. Housing Project approaches shall not have less than a minimum of a 24 foot driving lane with a maximum driving lane restriction of no more than 28 foot.
- c. The in-slope on the constructed approach shall not be greater than a 6 to 1 slope or flatter with pipe and 10 to 1 slope or flatter without pipe, unless the contour of the ditch requires a different slope. Any deviations from this specification may only be made at the discretion of the Hughes County Highway Superintendent.
- d. Culverts shall be sized to ensure proper drainage. The minimum size of a culvert shall be eighteen inches (18") in diameter or as approved by the Hughes County Highway Superintendent..

### **Section 4: Limitation in Approach Numbers and Location**

- a. Two approaches may be permitted on each side of each half mile segment of county highway. Where possible, the approaches on the opposite side of the highway shall be at the same location. The County Highway Superintendant will evaluate other factors in consideration of approach permits and will have the discretion to grant or deny a permit and adjust distances based on those factors.
- b. Access from individual lots within a subdivision onto a county highway will not be permitted. Frontage roads are not encouraged but may be considered when special circumstances exist. If a lot has access to a subdivision road, additional access to county highways will not be permitted. Access distance will be measured between approaches on the same side of the roadway.

**Section 5: Exceptions**

Whenever unusual conditions exist such that the strict applications of this ordinance would result in substantial hardship or injustice, the Hughes County Commission may approve approach permits not in full conformance with this ordinance, but in a manner so that the public welfare and interests of the County are protected and the general intent and spirit of the ordinance are preserved.

**Section 6: Penalty for Non-Compliance**

Property owners not in compliance with plans for the above-referenced approaches as approved by the Hughes County Highway Department may be deemed in violation of SDCL 31-32-7, a Class II misdemeanor.

Approved by the Board of Hughes County Commissioners on this 7th day of May, 1996.

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Norm Weaver, Chairman  
Hughes County Commission

ATTEST:

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//S//  
Shellie Baumgart, Auditor  
Hughes County, South Dakota