

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 OF 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. 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

Approaches shall be constructed according to the Engineering Design Standards, as maintained by the Hughes County Highway Superintendent, who shall have discretion over any deviations from the standards.

- ~~a. Rural approaches shall not have less than a minimum of a 28 foot driving lane.~~
- ~~b. Housing Project approaches shall not have less than a minimum of a 24 foot driving lane.~~
- ~~c. The in-slope on the constructed approach shall not be greater than a 4 to 1 slope, unless the contour of the ditch requires a different slope. Any deviations here from may only be made at the discretion of 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.
- 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.
- c. Access to proposed developments expected to generate greater than 100 peak hour trips shall be determined through preparation of a Traffic Impact Study, as specified in the Engineering Design Standards.

Section 5: Exceptions

Whenever unusual conditions exist such that the strict application 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...