

**WOOD COUNTY ORDINANCE #401
HIGHWAY ACCESS CONTROL ORDINANCE**

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WOOD COUNTY ORDINANCE #401 HIGHWAY ACCESS CONTROL ORDINANCE

Chapter 401-1 General Provisions

1.1 Title

This ordinance shall be known as, cited, and referred to as: THE WOOD COUNTY HIGHWAY ACCESS CONTROL ORDINANCE.

1.2 Statutory Authorization.

This ordinance is adopted under the authority of the provisions set forth in Sections 83.015(2), 83.06 and 86.07(2) of the Wisconsin State Statutes.

1.3 Purpose.

The purpose of this ordinance is to restrict and regulate access onto county highways in order to promote the public safety, convenience, general welfare, economic viability, and to protect the public investment of existing and proposed highways by preventing costly road improvements, and to provide for safe and efficient ingress and egress to Wood County Highways.

1.4 Interpretation.

The restrictions, requirements and regulations contained in this ordinance are intended to apply to objects, structures, uses and activities wholly or partially contained in the right-of-way of the Wood County highway system except where specifically indicated. Any object, structure, use or activity partially lying in the right-of-way shall be considered to be entirely within the right-of-way.

1.5 Severability.

If any section, provision, or portion of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.6 Compliance with Ordinance.

Any person, firm, or corporation seeking to construct, upgrade or reconstruct a driveway with access upon a county trunk highway within Wood County shall comply with the requirements of this ordinance and any other applicable County ordinances and regulations.

1.7 Effective Date.

The effective date of this ordinance shall be December 1, 2019.

Chapter 401- 2 Definitions

The following terms shall be applied as indicated throughout this ordinance.

2.1 General.

- A. The present tense includes the future tense and the singular tense includes the plural.
- B. The word "shall" is mandatory; the words "may" and "should" are permissive.
- C. The words "used" or "occupied" also mean intended, designed, or arranged to be used or occupied.
- D. The word "person" includes any individual, firm, association, joint stock association, organization, partnership, limited, trust, body politic, governmental agency, company, corporation, and includes any trustee, receiver, assignee, or other representative thereof.
- E. All distances unless otherwise stated shall be measured in feet in the horizontal direction.

2.2 Definitions.

ACCESS. Driveway or other ways or means of approach to provide physical entrance or exit to a parcel.

ACCESS PERMIT. A permit from the Wood County Highway Commission granting authority to construct and/or modify and maintain an access onto a CTH.

ADT. Average Daily Traffic generated on a given road or highway.

COMMISSION. Wood County Highway Commissioner and designees.

COMMITTEE. Wood County Highway Infrastructure and Recreation Committee

COUNTY TRUNK HIGHWAY (CTH). Any segment of the Wood County Trunk Highway System pursuant to Section 83.025 of the Wisconsin State Statutes.

DRIVEWAY. Any access to a parcel for motorized or non-motorized vehicles.

LOCAL CTH. Any CTH outside the municipal boundaries of a city or village with a speed limit of 25 mph or less.

PARCEL. The area of land within the property lines of a given piece of property.

ROAD. Any public or private road, street, alley, expressway, highway, avenue, parkway, lane, drive, boulevard, circle, bypass, or other pathways intended for the use of motorized or non-motorized vehicles to obtain access to more than two parcels.

RURAL CTH. Any CTH with a speed limit of 55 m.p.h.

SEMIURBAN CTH. Any CTH with a speed limit of 45 m.p.h.

URBAN CTH. Any CTH with a speed limit below 45 mph and above 25 mph

Chapter 401-3 Regulations

3.1 Existing Access.

Any lawful use of an access to a CTH (via driveway or road) prior to the effective date of this ordinance may be continued.

3.2 Vacated Access.

If the Commission considers the use of an access to have been discontinued for a period of at least one year, the Commission shall notify the owner by certified mail that the access may be considered vacated. The Commission will allow the owner thirty (30) days to reply. If, after this time period and after consideration of the owner's reply, if any, the Commission decides that the access has been discontinued for at least one year, the access may be considered vacated and removed. The Commission will pay the entire cost of removal.

3.3 Change of Use.

An application for a change of use of an existing access is required. The review shall be the same as if it were for a new access. The Commission shall determine if there has been a change in use to an access which will affect safe and efficient ingress and egress to and use of a CTH. This determination shall be based primarily on a significant change in the volume of traffic or the type of vehicle using that access. Upon such determination, the Commission may grant an access permit for the change of use, require modifications to the access to meet standards of this ordinance or deny the request for the change of use unless otherwise provided herein.

3.4 Access to Highway.

Entrance upon or departure from a CTH shall be prohibited except at locations specifically designated by this section. Access permits as stated in sections below shall only be granted upon a field review that confirms that the access provides safe sight distance. No access or road shall be opened into or connected with any CTH without an access permit. No access shall be converted from one use of access to another use of access without an access permit.

3.5 Access Spacing and Frequency.

- A. In a case where a property owner owns more than one adjacent parcel (of the same land use) with frontage, all parcels shall be treated as a separate parcel for the purposes of this section.
- B. Where a property owner owns more than one adjacent parcel with frontage on the same side of the CTH, all of which are zoned or used for agriculture, no more than four (4) accesses shall be allowed in a mile.
- C. Only one access shall be allowed per parcel zoned or used for residential.
- D. Commercially and industrially zoned parcels may be allowed two accesses provided they each separately meet the remaining criteria of this ordinance.

E. Whenever possible, access should be connected to the most minor road adjacent to the property when there is a choice between roads.

F.

1. Subject to Paragraph 2 below, access permits for any access shall not be issued if the resulting distance between accesses or between the proposed access and any road intersection shall become less than the following distances measured from the centerline of the proposed access to the centerline of such other access or intersecting road, measured along the CTH:

500' for RURAL CTH

400' for SEMIURBAN CTH

300' for URBAN CTH-I

2. The Commission may permit spacing between a field entrance and another access, including, but not limited to, another field entrance, to be closer than the distance required by Paragraph 1 above, but not closer than 250 feet, if the Commission finds that the field entrance location utilizing the reduced spacing requirements would be consistent with public safety considerations.
3. Field entrances not meeting the spacing requirements of Paragraph I above may not be converted to a private entrance without advance review by the Commission and advance written approval of the Commission.
4. This Subsection (F) does not apply to a LOCAL CTH.

G. A new road, in addition to the spacing requirements to adjacent driveway access points in (F) above, must be at least:

1,000' for RURAL CTH

500' for SEMIURBAN CTH

400' for URBAN CTH

250' for LOCAL CTH

from the nearest adjacent road which enters onto the same side of the CTH in question. Where possible, roads should not be staggered, creating "T" intersections, but connect with another road on the other side of the highway.

3.6 Paved Apron.

Access onto a CTH may require an apron paved with asphalt within the right-of-way of the CTH in instances when usage or drainage warrants as determined by the Commission. This paving shall be at the owner's expense.

3.7 Design Standards.

Driveways and roads within the CTH right-of-way must comply with the following design standards:

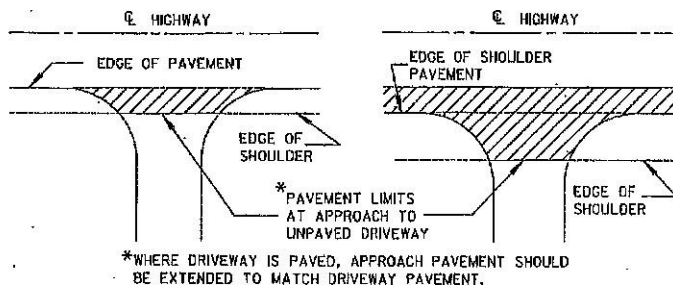
- A. Culverts, when required, must be at least 30 feet long plus end walls, be placed to provide at least 1 foot of cover over the top of the pipe, be a minimum of 18 inches in diameter or equivalent or as large as needed for adequate drainage, be at least 10 feet from the nearest culvert, and be constructed of corrugated metal or dual wall

high-density polyethylene HDPE, with metal end walls (plastic end walls shall not be allowed).

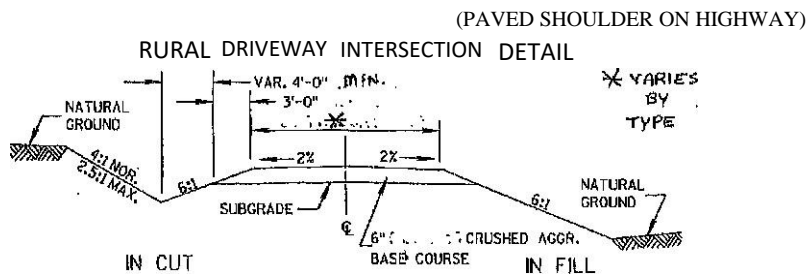
- B. Access height at the point of the culvert, shall be equal to or lower than the level of the outside edge of the adjacent road shoulder.
- C. Slopes to the side of the access shall not be steeper than 4 to 1 (25 percent) or that of the embankment of the existing CTH, whichever is less. Embankment sloping may be grass, gravel, asphalt, or stone at a maximum size of 8 inches in diameter. Sloping material may not hinder operation of maintenance vehicles.
- D. Retaining walls, stone walls, etc. shall not be allowed on driveways within the right-of-way.
- E. Any paving of an access in the right-of-way, whether new, resurface, or replacement shall only be asphalt and only allowed by permit and shall be placed/replaced at the owner's expense.
- F. Crowning of the access shall be provided with a minimum pitch of 2 percent towards the side of the access.
- G. Curb and gutter shall not be allowed within the CTH right-of-way for private access.
- H. The angle formed between the centerline of a driveway (measured along that section of the driveway which is within the highway right-of-way) and the centerline of the CTH shall be as close to 90 degrees as possible, but not less than 75 degrees on either side.
- I. Facing access on opposite sides of a CTH shall be located directly opposite each other whenever possible.
- J. Shared access may be required to minimize the number of access points and interruption of traffic flow and provide a safe access point as determined by the Commission.
- K. Private driveways which provide access to one or two residential parcels shall have a maximum 20' width and a 20' return radii. See section (S) Figure 1 below.
- L. Field entrances shall have a maximum 40' width and 25' return radii. See section (S) Figure 1 below.
- M. Commercial driveways shall have a maximum 40' width and 25' return radii. See Section (S) Figure I below.
- N. A bypass lane shall be required where the ADT of the adjacent CTH and other factors warrant as determined by the Commission.
- O. Turnarounds should be provided so that vehicles do not need to back out onto a CTH and may be required if safety issues warrant installation. Installation shall be at owner's expense. Turnarounds, if constructed, shall be installed on private property.
- P. Existing CTH property including road surfaces, curbs, shoulders, slopes, ditches, and vegetation shall be restored to its original condition.
- Q. Vision corners must be free of all obstructions at each access point in accordance with the applicable vision corner diagram below. Driveway vision corners are to be measured from a point 3.5 feet above the center of the proposed access, 15 feet back from the edge of pavement of the CTH, to two points 2 feet above the center of the nearest on-coming lane of the CTH in each direction, at a distance of "D" from the point where the CTH meets the center of the proposed access. Distance "D" shall

correspond to the speed limit of the road. If the given speed limit is not listed, the next highest speed limit shall be used. See Section (S) Figure 2 below.

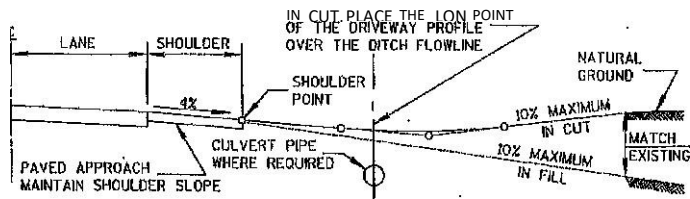
- R. For any development which will, in the opinion of the Commission, have probable significant impacts on abutting County Trunk Highways due to increased traffic flow, increased turning movements or detrimental effect on existing traffic, the Commission may require a Traffic Impact Analysis (TIA) be completed and submitted to the Commission prior to considering granting an access permit. The TIA shall determine the type of improvements required to provide safe access to the development, including, but not limited to, increased turning radii, segregated turn lanes and bypass lanes. A professional traffic engineer licensed to do work in the State of Wisconsin shall certify the TIA. The costs of the TIA and any required improvements shall be borne by the applicant.
- S. [Illustrations on next page]



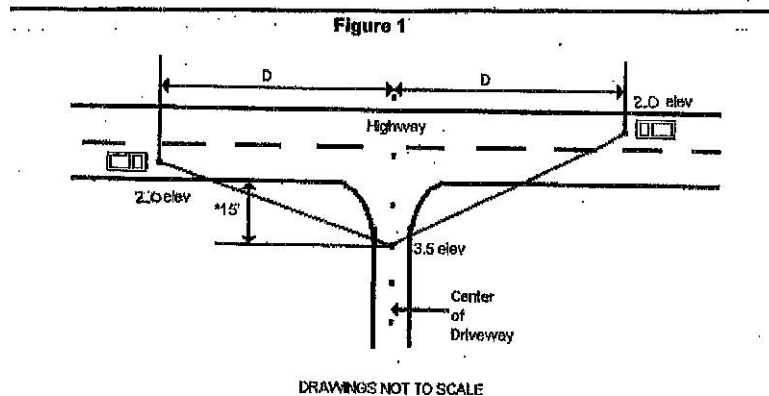
PLAN VIEW PLAN VIEW



TYPICAL CROSS SECTION FOR PRIVATE DRIVE OR FELD ENTRANCE



TYPICAL DRIVEWAY PROFILES



DRAWINGS NOT TO SCALE

Vision Corner Diagram

Distance D	Posted Speed Limit (MPH)
155	25
250	35
360	45
495	55

FIGURE 2

3.8 Access Control Map.

The location of all access points on CTH's should be established on a map named "THE OFFICIAL HIGHWAY ACCESS CONTROL MAP OF WOOD COUNTY", which will be drawn and updated by the COMMISSION. Copies of this map shall be available to the public at the Wood County Highway Department and Planning & Zoning Department.

Chapter 401-4 Administration and Enforcement

4.1 Administration.

The Commission is hereby authorized to administer this ordinance outside municipal boundaries within Wood County and within incorporated municipal boundaries for CTHs under the jurisdiction of the Commission. Within incorporated municipal boundaries, the Commission may not be the controlling authority on access to CTHs with a speed limit equal to or less than 35 m.p.h. and therefore must coordinate with the municipality.

Applications for permits shall be made to the Wood County Highway Commission. The Highway Commissioner or designee shall review the proposed development or construction and shall either grant or deny the proposed access permit based upon the provisions, standards, and requirements of this ordinance, within thirty (30) working days of receipt of a complete application.

4.2 Construction.

No structure, object, excavation, or item of landscaping shall be constructed, reconstructed, altered, placed, installed, or planted within the right-of-way of a CTH until an access permit has been issued by the Commission. Any utility relocation required for installation shall be the permittee's responsibility prior to installation.

Said permit shall be placed in clear view as near to the point of proposed construction or access as possible. If not constructed within one year from date of issuance, the access permit shall expire and a new permit shall be applied for. The Commission may extend approval of an access permit at its sole discretion.

4.3 Maintenance.

Wood County shall not be responsible for any routine maintenance of a private access/access culvert including the removal of snow, ice, or sleet from the access or from the culvert. The culvert shall be kept free of debris and sediment. Also, the culvert should be protected from the possibility of fire and rodent damage.

When culverts have failed and create potential for damage to the highway, the property owner will be given notice to replace the culvert. If the condition allows, the property owner will be given 30 days to replace the culvert. If the property owner does not resolve the issue in 30 days, the Commission will perform the necessary work and bill the property owner in accordance with the fee structure.

If the condition requires immediate action by the Commission to prevent damage to the highway, the Commission will take the necessary action to minimize harm and expense to both the highway and the property.

4.4 Fees.

Installation of the access by the Wood County Highway Department shall require all fees to be paid for by the applicant upon billing by the Commission based on the current fee schedule. Payment in full for all fees is required prior to installation. Payment for a required culvert pipe shall be through a Town order. Installation of the access by Private Contractor or Owner shall require the payment of the Access Permit fee and Prepaid Owner Deposit prior to issuance of the Access Permit. Requests for reimbursement of the Prepaid Owner Deposit shall occur within one year of date of issuance of the Access Permit, unless an extension of the Access Permit is requested and approved by the Commission. If no written request for reimbursement of the Prepaid Owner Deposit is received by the Commission within either one year of the date of issuance of the Access Permit, or within one year of the date of approval of an extension of the Access Permit, the Prepaid Owner Deposit shall be retained permanently by the Commission.

4.5 Appeals.

Any person aggrieved by any decision made in the administration of this ordinance may appeal to the Wood County Highway Committee.

Appeals shall be filed within thirty (30) calendar days following the administrative decision by the Commission. Appeals shall be filed in writing with the Committee. The appeal shall specify the legal description of the parcel and access location in question and the reason given for the appeal. If possibly materially affected by the granting of a variance, the adjacent property owner(s) shall be notified by mail of the date and time of the hearing and the appellant's name and the variance requested a minimum of seven (7) calendar days prior to the hearing.

Where the Committee finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations, provided that the public interest is secured and that such variation will not establish an undesirable precedent and will not have the effect of nullifying the intent and purpose of these regulations. Any modifications or variance thus granted shall be entered in the minutes of the Committee setting forth the reasons which, in the judgment of the Committee, justified the modification or variance.

The Committee shall make a decision on the appeal within forty-five (45) calendar days from the day the appeal was filed. The appeal fee shall be as stated in the fee schedule and shall be due and payable at the time of filing of the appeal.

4.6 Violations.

In the case of any violation of this ordinance, the Commission may institute appropriate legal action up to and including removal of any item contrary to this ordinance and revocation of the access permit. Each day in which a violation continues to exist shall constitute a separate offense.

4.7 Penalties.

Any person, firm, or corporation found guilty of violating any part(s) of this ordinance shall be subject to the fees and penalties as listed in the fee schedule and Section 86.07(2) of the Wisconsin State Statutes.

Chapter 401-5 Utilities Accommodation Policy

5.1 Utility Accommodation

The Wisconsin County Highway Association Utility Accommodation Policy (and as amended from time to time) is adopted in its entirety. The policy is available from the Wood County Highway Commissioner.

Chapter 401-6 Setback Lines

6.1 Building Setback Lines

Building setback lines shall conform to the requirements of the applicable zoning ordinance or the following, whichever is more restrictive.

A. Federal and State Highways. One hundred-ten (110) feet from the center line of the highway or fifty (50) feet from the right-of-way line, whichever is greater.

B. County Highways. Seventy-five (75) feet from the centerline of such highway or forty-two (42) feet from the right-of-way line, whichever is greater.

C. Town Roads. Sixty-three (63) feet from the centerline of such highway or thirty (30) feet from the right-of-way line, whichever is greater.

D. Visual Clearance Triangle.

1. In each quadrant of every public street intersection there shall be a visual clearance triangle per Zoning Ordinance 701-34.

a. At intersections with speeds of thirty-five (35) miles per hour or greater in both directions of travel, the visual clearance triangle shall be determined by measuring sixty (60) feet along the property line for any "uncontrolled" traffic (not regulated by stop sign) and thirty (30) feet along the property line for any "controlled" traffic (regulated by stop sign).

b. At intersections with speeds of less than thirty-five (35) miles per hour in either direction of travel the visual clearance triangle shall extend fifteen (15) feet along the lot line in all directions of travel.

2. Objects permitted within highway setback lines and visual clearance triangles:

a. Open fences.

b. Utility poles and lines, and portable equipment.

c. The planting and harvesting of field crops, shrubbery and trees except that no trees or shrubbery shall be planted within a visual clearance triangle so as to obstruct the view.

d. Corner lots shall meet building setbacks from both streets.

E. Penalties

1. Failure to comply with setback limits can result in a penalty of not less than \$50 and not more than \$500 pursuant to and in accordance with Wisconsin Statute ss. 66.0113 and 86.07(2)(a).