

Ordinance 2018-03

Chapter 473
Article VI
HIGHWAY ACCESS CONTROL

§473-23. Authority.

This article is adopted under the authority granted by §§ 59.02, 59.07, 86.07(2) and 236, Wis. Stats., and Chapter Trans 231 of the Wisconsin Administrative Code.

§473-24. Purpose.

- A. The purpose of this article is to regulate and control access onto County highways in order to promote the public safety, convenience, general welfare, and economic viability; to protect the public investment of existing and proposed highways; and to provide for safe and efficient use of the Price County highway system.
- B. The design standards herein prescribed are to promote the orderly and safe movement in and out of private properties as to constitute a minimum of interference to through highway traffic and to control the use of drainage structures and appurtenances as may be necessary to preserve the physical structure of the highway.

§473-25. Jurisdiction.

The jurisdiction of this article shall apply to all roads in the Price County highway trunk system.

§473-26. Word usage.

- A. The present tense includes the future tense and the singular tense includes the plural.
- B. The word "shall" is mandatory; the word "may" is 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, and corporation and includes any trustee, receiver, assignee, or other representative thereof.
- E. All distances unless otherwise stated shall be measured in the horizontal direction.
- F. "ADT" is the average daily traffic on a segment of highway.
- G. "Highway Department" or "Department" means the Price County Highway Department.

§473-27. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCESS: Connection point for a private driveway or other public road to a CTH.

ACCESS PERMIT: A permit from the Price County Highway Department granting permission to connect for access purposes to a CTH.

COUNTY TRUNK HIGHWAY (CTH): Any segment of a Price County trunk highway.

DRIVEWAY: Any public access for motorized vehicles to one or two parcels.

FIELD ENTRANCE: An access point the only use of which is as an entrance or exit to an agricultural parcel of land for field work purposes.

HDPE: High-density polyethylene.

HS: Highway structure load rating.

PARCEL: The area of land outside the public right-of-way within the property lines of a given piece of property.

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

RURAL CTH: Any CTH with a 55 mph speed limit in a largely rural or undeveloped area.

SEMI-URBAN CTH: Any CTH outside the municipal boundaries of a city or village with a speed limit below 55 mph.

STOPPING SIGHT DISTANCE: A measurement calculated to determine the safe stopping distance of a vehicle at a certain speed.

URBAN CTH: Any CTH within the municipal limits of a city or village.

VISION CORNER: A clear triangle of the right-of-way to control sight restrictions at access points.

§473-28. Regulations.

A. Existing access.

Any use of access to a County trunk highway (via driveway or road) prior to the effective date of this article will be permitted, provided that any future improvements or alterations shall meet the terms of this article.

B. Vacated access.

If the Price County Highway Department determines that the use of an access has been discontinued for a period of at least two years, the Highway Department shall notify the owner by certified mail that the access is to be considered vacated. The Highway Department will allow the owner 30 days to reply. If after 30 days the Department decides the access has been abandoned, the access shall be considered vacated and its use will not be permitted. Any further use of this access after it is declared vacated will require a permit and be considered a new access under this article.

C. Access prohibitions.

No person shall construct an access point within the meaning of this article unless a valid permit has been obtained from the Highway Department. Entrance to or exit from a County highway shall be prohibited except at designated access points. No person shall alter, in any way, existing appurtenances or features within the highway right-of-way, including but not limited to ditches, drainageways, culverts, bridges, or pavement surfaces (including existing access points) until or unless a permit has been obtained from the Department.

D. Subdivision of land.

Before any parcel of land is allowed to be subdivided, it must be proven that access can be provided to each proposed parcel in such a way that it will not violate any of the regulations of this article.

§473-29. Access spacing and frequency.

- A. Only one access per parcel will be allowed for parcels zoned residential or agricultural unless provided for elsewhere in this article.

- B. Commercial and industrial zoned parcels may be allowed two points of access, provided each access meets the criteria of this article, the development requires more than 50 parking spaces, and/or if two access points would provide for safer movement of traffic.
- C. Access to lower classified roads. Regardless of parcel zoning and proposed use, access shall be granted on to the lower classified road with lower ADT adjacent to the parcel when possible.
- D. When a property owner owns more than one parcel adjacent to another with the same zoning all with frontage on the County highway, the parcels shall be treated as a single parcel under this article.
- E. Access permits shall not be issued where the horizontal distance between access points would become less than 200 feet for urban CTHs, 300 feet for semi-urban CTHs, and 600 feet for rural CTHs (except for agriculturally related residences) unless there is no other alternate to providing access to the existing parcel.
- F. Agriculturally related residences on which at least one person earns at least 25% of his or her gross annual income from farm operations on the farm parcel or a parent or child of the operator of the farm may have a driveway at a distance not less than 300 feet from the center line of the proposed driveway to the center line of an existing driveway.
- G. Road or street. A driveway access shall not be permitted at a distance of less than 200 feet for urban CTHs, 300 feet for semi-urban CTHs, and 600 feet for rural CTHs from the center line of an intersecting road to the proposed driveway.
- H. Intersecting road access. A new intersecting road access must be at least 1,000 feet for rural CTHs and 500 feet for urban and semi-urban CTHs from the nearest road which enters onto the CTH in question. Where possible, roads crossing a CTH should NOT be staggered, creating "T" intersections but should connect with another road on the other side of the highway.
- I. In the event that the applicant proposes a use not covered by this article, the Department shall make the determination of the applicable criteria based on the need to preserve highway capacity and safety. Access proposals which conflict with safe driving standards may not be allowed.

§473-30. Design standards.

Driveways and roads with access onto CTHs must comply with the following design standards:

- A. Culverts must be at least 24 feet long and placed under at least one foot of cover, be a minimum of 15 inches in diameter, be at least 10 feet from the nearest culvert, and be constructed of corrugated metal, HDPE plastic or concrete with endwalls. Culvert size will be determined by the Highway Department so as to allow for proper drainage. All drainage structures shall be HS-20 or HS-25 ratings.
- B. Slopes to the side of the access shall not be steeper than four to one (25%) or that of the embankment of the CTH, whichever is less.
- C. Retaining walls shall be prohibited.
- D. Pavement of the driveway access shall consist of blacktop or compacted gravel. Concrete shall not be allowed.
- E. Construction of the access shall be such so that drainage of the County highway shall not be impeded.

- F. Curbs and gutters must be removed at the entrance for the new access, and new curbs and gutters must be provided within the right-of-way where applicable.
- G. The angle of access shall be as close as possible to 90° with the center line of the CTH but not less than 75°.
- H. Interior turnarounds shall be provided as necessary such that vehicles do not need to back out onto the CTH except in the case of single-family residences.
- I. Existing highway property, including road surfaces, curbs, shoulders, slopes, ditches, and vegetation, shall be restored to its original condition by the applicant.
- J. Vision corners must be free of all obstructions at each access point in accordance with the vision corner diagram included at the end of this article. Vision corners are to be measured from a point of 3.5 feet above the center of the proposed access, 15 feet back from the edge of pavement of the CTH to two points 4.5 feet above the center of the nearest oncoming lane of the CTH in each direction at a distance of "D" (as shown in diagram) from the point to where the CTH meets the center of the proposed access. Distance shall correspond to the speed limit of the road. Signalized intersections must meet the same standards as driveways.
- K. Facing access points on opposite sides of a CTH shall be located directly opposite each other whenever possible.
- L. Shared/joint access will be encouraged whenever possible to minimize the number of access points and interruption of traffic flow. Multiple access points shall not be permitted when shared access or interior roadways are an alternative.
- M. Type "A" access. Private driveways with access to one or two agricultural or residential parcels must have a driveway width of 16 to 24 feet and a return radius of 20 feet. (See diagram.)
- N. Type "B" access standards must be used for residential driveways with three to 20 units and commercial or industrial with up to 25,000 square feet. (See diagram.)
- O. Type "C" access standards shall be used for residential parcels of over 20 units and commercial or industrial parcels of over 25,000 square feet. (See diagram.)
- P. Acceleration and deceleration lanes may be required in urban areas when ADT is above 1000 or when peak traffic demand and access location warrant.
- Q. A far-side passing (bypass) lane will be required when the ADT of the CTH is 2,500 or more for a type "B" access and 1,000 or more for a type "C" access or when in the judgment of the Department, peak traffic demand and/or location of access warrant it.

§473-31. Administration; general provisions.

- A. Administration.
 - (1) The Price County Highway Commissioner and/or his/her designee is hereby authorized to administer this article as access inspector.
 - (2) The inspector designees shall be the Highway Engineer, Patrol Superintendent, and Highway Foreman.
 - (3) Applications for permits and variances shall be made to the Highway Department prior to beginning construction. The inspector or his designee shall review the proposed development or construction and shall either grant or deny the proposed access based upon the provisions, standards, and requirements of this article within 30 business days.

Applicants commencing work prior to issuance of an approved permit are subject to denial of permit and removal of access, as well as fines and possible prosecution.

B. Interpretation.

All restrictions on the use of land are restricted to the objects, growth, and use of land within the rights-of-way of the Price County highways. Whenever it is questionable as to whether or not an object or a part of an object is within the jurisdiction of this article, the entire object shall be considered to be entirely within that jurisdiction.

C. Permits.

- (1) A Price County driveway permit must be obtained.
- (2) No structure, object, or growth shall be constructed, reconstructed, altered, placed, installed, or planted within the jurisdiction of this article until a permit has been issued by the Highway Department. An access permit shall expire one year from date of issuance. Construction must be completed within this time. The Highway Department may require scale drawings or other information prior to granting a permit.
- (3) The permittee shall be liable for all materials, labor, and other costs connected with the construction of the access. Price County will not be liable for any damage or injury resulting from construction of an access. Price County will not be responsible for any maintenance, including snow and ice control of any access.
- (4) The applicant shall pay to the Price County Highway Department a fee for each permit application as determined by the type of access.

D. Permit fees.

Permit fees shall be established by, and posted at, the Price County Highway Department.

E. Hazard marking and lighting.

During construction, all access locations shall be properly signed and marked per standard work zone control requirements. In addition, when access work zones will be left overnight, proper flashing lights and barricades will be provided. All work zone safety equipment will be at the expense of the applicant.

F. Maintenance of highway during construction.

During construction of the access, the permittee shall be required to keep the highway free of large accumulations of mud and debris. The highway will be swept clean at the direction of the Department.

G. Appeals.

Any person aggrieved by a decision made in the administration of this article may appeal to the Price County Highway and Transportation Committee. Appeals shall be filed within 30 calendar days following the administrative decision and notification by the Highway Department. The appeal shall specify the legal description of the parcel and access location in question and the reason given for the appeal. The Highway Committee shall make a decision on the appeal within 30 calendar days from the day the appeal was filed. The decision of the Highway Committee shall be made by the majority present. A written decision shall state the specific reasons and facts from which the final decision was made.

§473-32 Enforcement; violations and penalties.

A. Enforcement.

This article may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

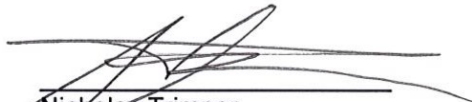
B. Violations.

In the case of any violation of this article, the Department may institute appropriate legal action. Each day in which a violation continues to exist shall constitute a separate offense. No person as defined by § 473-26D of this article shall resist, obstruct, or interfere in any way with the Highway Commissioner or his designee in the enforcement of this article or fail to obey the Highway Commissioner's or designee's order.

C. Penalties.

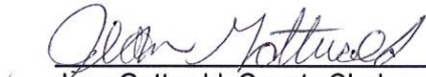
Any individual, firm, corporation, association, organization, or agency found guilty of violating any part(s) of this article or who refuses to comply with any provision of this article shall be subject to a forfeiture as provided in Chapter 290 of the County Code plus any penalty assessment and court costs.

Reviewed by County Administrator:


Nicholas Trimner

Adopted by the Price County Board of Supervisors this 16th day of October, 2018.


Robert D. Kopisch, County Board Chair


Jean Gottwald, County Clerk

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