

**Ordinance No. 800.02**

**IOWA COUNTY**

**HIGHWAY ACCESS CONTROL  
ORDINANCE**

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# Highway Access Control

## Section 1 Title and Purpose

**(a) Title**

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

**(b) Purpose**

This Ordinance shall be established to create uniform, concise, and consistent guidance for the control of ingress/egress access to/from the County Truck Highway System.

## Section 2 Authorization, Jurisdiction and Severability

**(a) Statutory Authorization**

This ordinance is established by the provisions set forth in Section 86.07(2) of the State of Wisconsin Statutes and Chapter Hy 31 of the Wisconsin Administrative Code.

**(b) Jurisdiction**

This Ordinance shall have jurisdiction over all existing or proposed accesses to County Highways within Iowa County. Standards set forth by this Ordinance apply only within the right-of-way of County Highways.

**(c) Severability**

Should any section, clause, provision or portion of this Ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

## Section 3 Definitions

For the purpose of simplicity, the following terms shall be applied as indicated throughout this ordinance.

(a) **General**

- (1) The present tense includes the future tense and the singular tense includes the plural.
- (2) The word “shall” is mandatory; the word “may/should” is permissive.
- (3) The words “used” or “occupied” also mean intended, designed or arranged to be used or occupied.
- (4) 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.
- (5) All distances unless otherwise stated shall be measured in the horizontal direction.

(b) **Definitions**

ACCESS – Driveway or road access point for any motorized/non-motorized Vehicle, except for State of Wisconsin funded snowmobile trails.

ACCESS PERMIT – A permit from the Iowa County Highway and Transportation Department granting access onto a CTH.

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

ALTER, MODIFY, RECONSTRUCT – To change the slope, location, length, width, access point, to completely remove and rebuild in whole or in part, or to conduct any similar activity with regard to an access.

COUNTY HIGHWAY – Any segment of a road under the jurisdictional maintenance authority of the Iowa County Highway Department.

DRIVEWAY – Any access for motorized/non-motorized vehicles to one or two parcels.

HIGHWAY COMMISSIONER – Iowa County Highway Commissioner or his/her designee

LANDOWNER – shall be the person(s) whom have legal possession of or legal access to; via an easement or other legal document, the land abutting, adjoining, and contiguous to the County highway Right-of-Way.

LIMITED ACCESS HIGHWAY – Highways (or segments of highways) on which access is provided with entrance and exit ramps (US Hwy 151).

PARCEL – The area of land 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 use of motorized/non-motorized vehicles to obtain access to more than two parcels.

RURAL Highway – Any County Highway with a 55 M.P.H. speed limit.

SEMI-URBAN Highway– Any County Highway outside of the municipal boundaries of a city or village with a speed limit below 55 M.P.H.

URBAN Highway – Any County Highway within the municipal boundaries of a city, village, or township with a speed limit below 36 M.P.H.

#### **Section 4 Permit Required**

No access subject to this Ordinance shall be installed, altered, changed, replaced or extended until an application for an access permit has been approved by the Iowa County Highway Commissioner or his/her designee. Application forms and information can be obtained from the Iowa County Highway Department.

#### **Section 5 Regulations**

##### **(a) Existing Access**

An access that existed prior to the adoption or amendment of this ordinance may be continued to be used although it does not meet the standards of this Ordinance. However, any act to alter, modify or reconstruct the access or a change in the nature of its use shall require full compliance with this

Ordinance. It is the responsibility of the applicant to provide adequate evidence of an existing access to the Highway Commissioner.

When an existing access creates a high hazard potential, the Highway Commissioner is hereby authorized to declare it closed provided a new access can be provided that will serve the same purpose of the existing, in a location that is deemed a lower hazard potential. In any case, a high hazard potential access shall be encouraged to be discontinued as soon as practicable.

(b) **Vacated access**

If the Highway Commissioner considers the use of an access to have been discontinued to the point where it is not being properly maintained, the Highway Commissioner shall notify the owner that the access is to be brought into proper condition or it will be considered vacated.

Once determined as vacated, any further use of this access after this period will require a permit and be subject to the regulations of this ordinance as a new access. It will no longer be considered an existing access.

(c) **Access to Highway**

1. Entrance upon or departure from a County Highway shall be prohibited except at locations specifically designated by this section. No road shall be opened into or connected with any County Highway, under this section or converted from one use of access to another use of access without an access permit.
2. Access permits onto a County Highway shall only be granted to a landowner as defined in Section 3 of this Ordinance.

(d) **Access Spacing and Frequency**

- (1) No more than six (6) accesses for agricultural use shall be allowed along the same side of a County Highway within a linear mile for any single property owner.
- (2) Only one access for residential use shall be allowed per a given residence. In the event where a second access for a U-shaped driveway is proposed, the minimum spacing shall be met.

- (3) When a landowner requests an access to be installed within the minimum horizontal spacing distance from the property line as measured at the Highway centerline to be less than :

300 feet for a Rural County Highway  
150 feet for a Semi-urban County Highway  
100 feet for an Urban County Highway

The applicant shall notify the adjacent landowner for concurrence on the proposed driveway location, obtain an agreement to a shared access installation at the property line; or receive a waiver of their rights for a future access within the dimensions outlined in subsection (6) below.

- (4) The number of accesses for commercial and/or industrial use shall be commensurate with the demonstrated need and suitable for the anticipated traffic conditions.
- (5) When there is an option between granting an access to more than one road for a given property, the road with the lowest average daily traffic and hazard potential shall be favored.
- (6) The minimum horizontal distance between accesses along the same side of a County Highway as measured at the centerline shall be:

300 feet for a Rural County Highway  
150 feet for a Semi-urban County Highway  
100 feet for an Urban County Highway

- (6) The minimum distance that an access shall be from the intersection of a public road with a County Highway, as measured to the centerline of the intersecting public roads, shall be:

1000 feet for a Rural County Highway  
500 feet for Semi-urban County Highway  
250 feet for an Urban County Highway

Where possible, roads should NOT be staggered, creating “T” intersections, but connect with another road on the other side of the highway.

- (7) SAFETY shall not be interfered with due to access locations near

hills, curves, or other locations; which may not be in clear and apparent view of on-coming traffic.

(e) **Paved Apron**

Access onto a County Highway may require a paved apron within the right-of-way of the County Highway, at the owner's expense, in instances when usage or drainage warrants as may be determined by the County Highway Commissioner.

(f) **Design Standards**

Accesses within the County Highway right-of-way must comply with the following design standards:

- (1) CULVERTS, when required, must be at least 30 feet long plus end walls, placed at a depth of at least 1 foot (30.48 m) under the surface of the access, be a minimum of 15 inches (38.1 cm) or equivalent in diameter or as large as determined necessary for adequate drainage by the County Highway commissioner, be at least 10 feet (3.048 m) from the end of the nearest culvert, and be constructed of corrugated metal or concrete, with end walls. Plastic pipe and/or plastic end walls shall not be allowed.
- (2) ACCESS HEIGHT at the point of the culvert shall be equal to or lower than the level of the outside edge of the County Highway shoulder.
- (3) SLOPES to the side of the access shall not be steeper than 4 to 1 (25 percent desirable) or that of the embankment of the existing County Highway, whichever is less.
- (4) RETAINING WALLS, STONE WALLS, ETC. shall not be allowed on driveways or within right-of-way.
- (5) ANY PAVEMENT surface or combination of base coarse aggregate, asphalt, or concrete shall be a minimum thickness of 8 inches. Any pavement of access shall consist of asphalt or be similar in material to the adjoining County Highway surface (concrete shall only be allowed if the adjoining County Highway surface is concrete).
- (6) ANY PAVEMENT in the right-of-way, whether new, resurface, or replacement may be required to be replaced at the owner's expense when it causes a safety or drainage problem.
- (7) CROWNING of access shall be provided with a minimum pitch of 2 percent towards the side of the access.

- (8) CURB AND GUTTER shall not be allowed within the County Highway right-of-way for private access.
- (9) ANGLE of a driveway shall be as close to 90 degrees with the center-line of the County Highway as possible, but not less than 75 degrees.
- (10) FACING ACCESS on opposite sides of a County Highway shall be located directly opposite each other whenever possible.
- (11) SHARED ACCESS is encouraged to minimize the number of access points and interruption of traffic flow.
- (12) TYPE "A" ACCESS: PRIVATE DRIVEWAYS with access to one or two agricultural or residential parcels must have a driveway width of 20 to 24 ft (6.096 to 7.315 m) and a return radius of 20 feet (6,096 m) (see drawing attached hereto).
- (13) TYPE "B" ACCESS standards (see diagram attached hereto) must be used for residential parcels with 3-20 units and commercial or industrial parcels with up to 25,000 square feet (2,322.5 sq. m).
- (14) TYPE "C" ACCESS standards (see diagram attached hereto) must be used for residential parcels with over 20 units and commercial or industrial parcels over 25,000 square feet (2,322.5 sq. m).
- (15) BYPASS LANE is required where the ADT of the County Highway the access enters onto is 2500 or more for type B access and 1000 or more for type C access.
- (16) TURNAROUNDS should be provided so that vehicles do not back out onto a County Highway.
- (17) EXISTING CTH PROPERTY including road surfaces, curbs, shoulders, slopes, ditches and vegetation shall be restored to its original condition.
- (18) VISION CORNERS must be free of all obstructions at each access point in accordance with the applicable Vision Corner diagram attached hereto. Driveway vision corners are to be measured from a point 3.5 feet (1.0668 meter) above the driveway surface at the center of the proposed access, 15 feet (4.572 meter) back from the edge of the pavement of the County Highway, to two points 4.5 feet (1.3716 meter) above the surface of the center of the nearest on-coming lane of the County Highway in each direction, at a distance of "D" from the point where the County Highway meets the center of the proposed access. The "D" = Distance Table shall correspond to the posted speed limit of the County Highway in the vicinity of the access. If the posted speed limit of the County Highway is not given in the attached Vision Corner diagram D=Distance Table, the next highest

speed limit shall be used. Signalized intersections at an access shall need to meet the standards provided for driveways, in addition to review and approval by the Highway Commissioner.

## **Section 6 Administration and Enforcement**

### **(a) Administration**

The Highway Commissioner is hereby authorized to administer this ordinance.

Applications for permits shall be made to the County Highway Commissioner or his/her designee who 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 ordinance, within fifteen (15) working days. A working day shall be determined as those days in which the County Highway Department performs its' daily operations.

### **(b) Interpretation**

All restrictions on the use of land are restricted to the objects, growth, and use of land within the right-of-way of the Iowa 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 ordinance, the entire object shall be considered to be entirely within.

### **(c) Permits for Driveways and Obstructions such as Fences, Shrubs, Etc., On Highway Access**

No structure, object, excavation nor growth shall be constructed, reconstructed, altered, placed, installed, or planted within the right-of-way of a County Highway until an access permit has been issued by the Highway Commissioner. Any proposed placement of an object, structure, or growth shall be clearly noted on the access permit application and shall be limited to items such as mail boxes, fire number posts, culverts, end walls, and items specifically required for construction of an access.

Said permit shall be placed in clear view as near to the point of proposed construction or access as possible. An access permit shall expire one year from the date of issuance. All construction must be completed within this time with the final approval inspection made by the Highway Commissioner. The Highway Commissioner may extend approval of an access permit once for a maximum of an additional six (6) months.

The permit recipient shall be liable for all materials, labor and other costs connected with the construction of the access within the highway right-of-way. The County shall not be liable for any damage or injury which results from the construction of an access. Iowa County shall not be responsible for any maintenance of a private access/access culvert including the removal of snow, ice, or sleet from the access.

**(d) Hazard Marking and Lighting**

Any access location during construction within the right-of-way shall be provided with adequate hazard marking and lighting to prevent possible accidents. The hazard marking and lighting shall be the responsibility of the owner of the parcel to which the access will enter.

**(f) Appeals**

Any person aggrieved by any decision made in the administration of this ordinance may appeal to the Iowa County Transportation Committee. Appeals shall be filed within thirty (30) calendar days following the administrative decision by the Highway Commissioner. Appeals shall be filed in writing with the Highway Commissioner. 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 sixty (60) calendar days from the day the appeal was filed. The decision of the Highway Committee shall be made by the majority present.

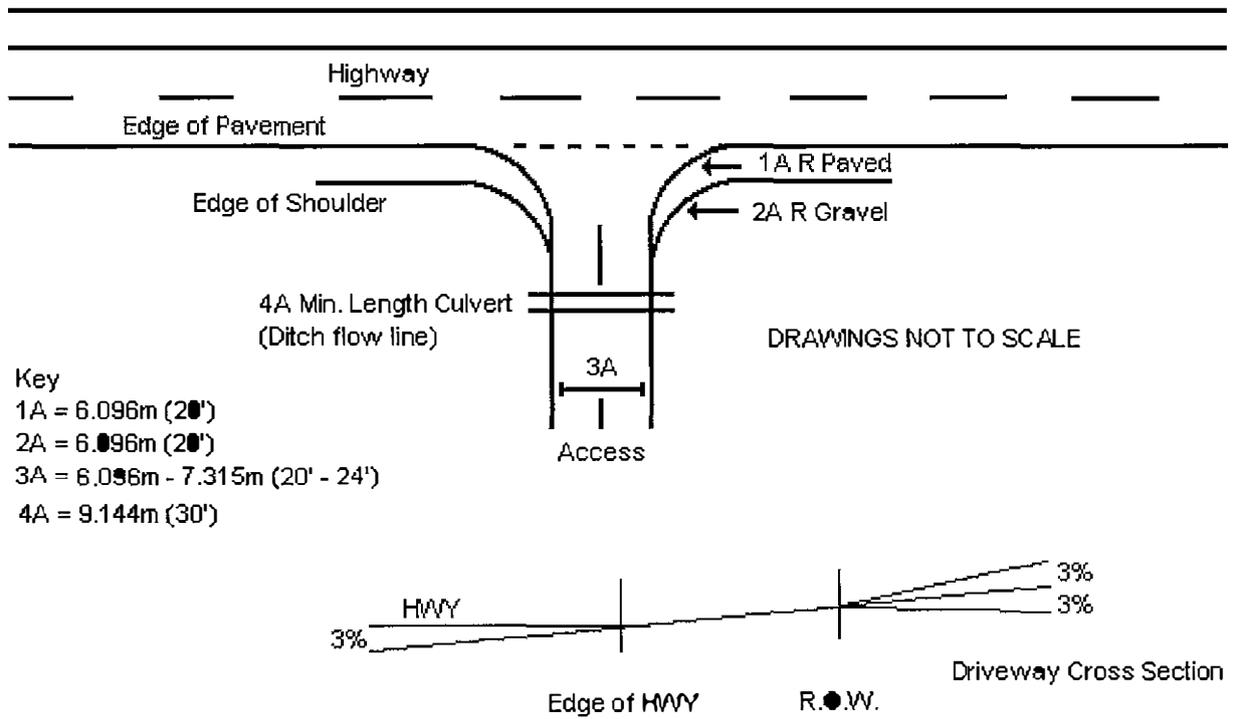
**(g) Violations and Penalties**

In the case of any violation of this ordinance, the Commissioner shall provide a reasonable opportunity for compliance to be achieved. If, after a reasonable period of time has passed without compliance being achieved, the Highway Commissioner shall refer the matter as a violation to the Iowa

County Corporation Counsel. Each day in which a violation continues to exist shall constitute a separate offense. Each separate offense is subject to a forfeiture of not less than ten dollars (\$10) nor more than \$200 plus attendant court costs.

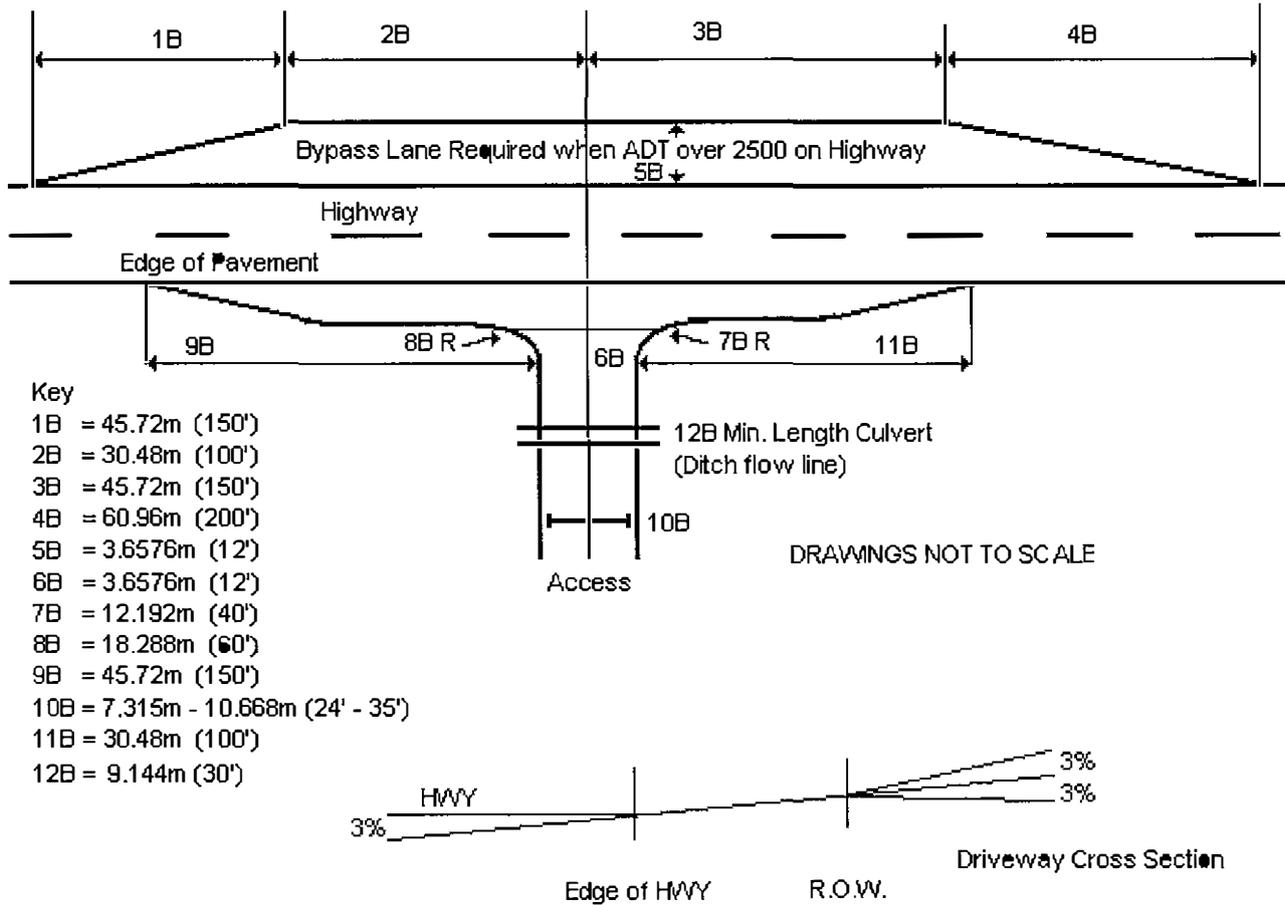
# TYPE "A" ACCESS

## Access Design Standards



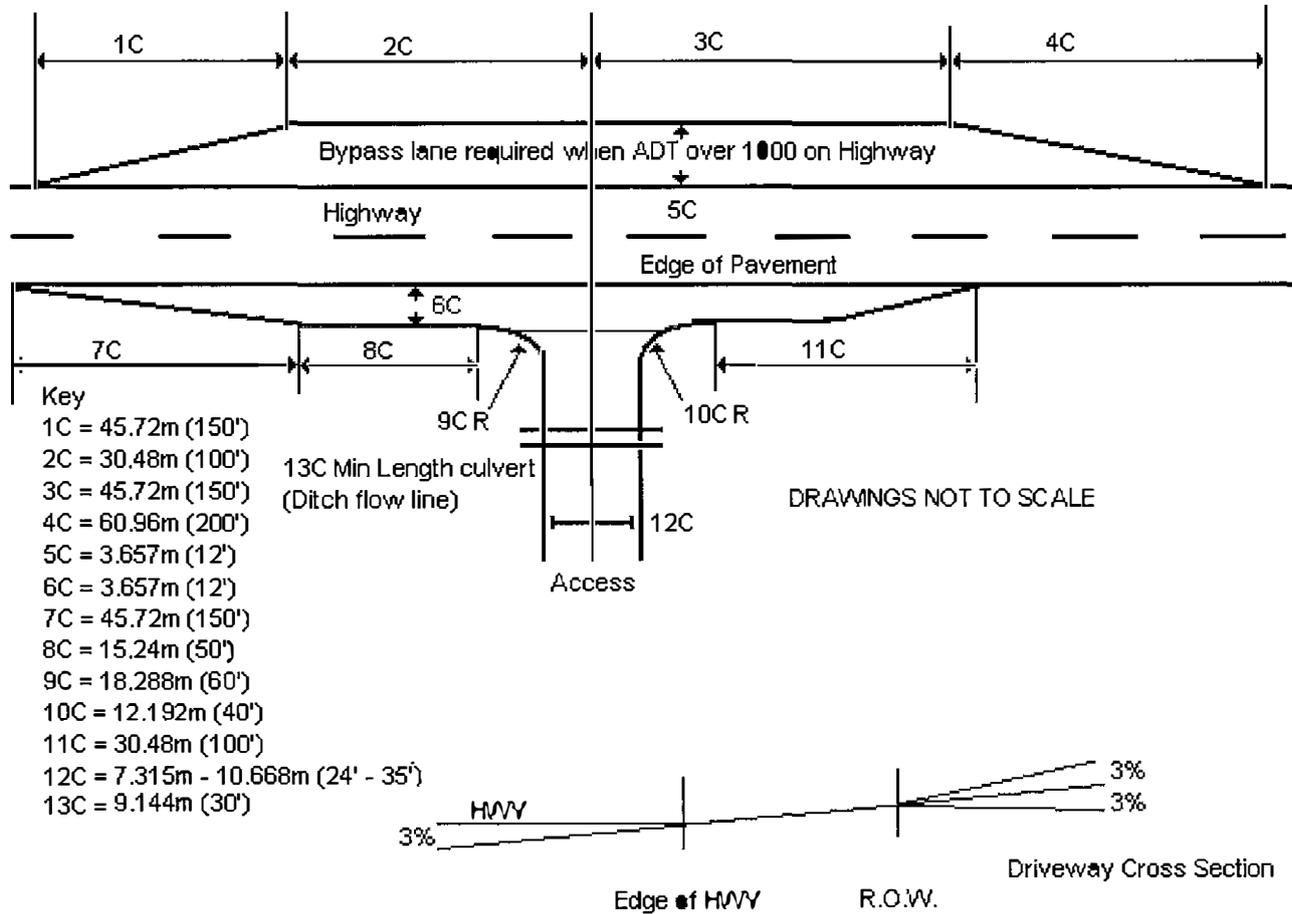
For Access described in Section 5 f. (12)

# TYPE "B" ACCESS



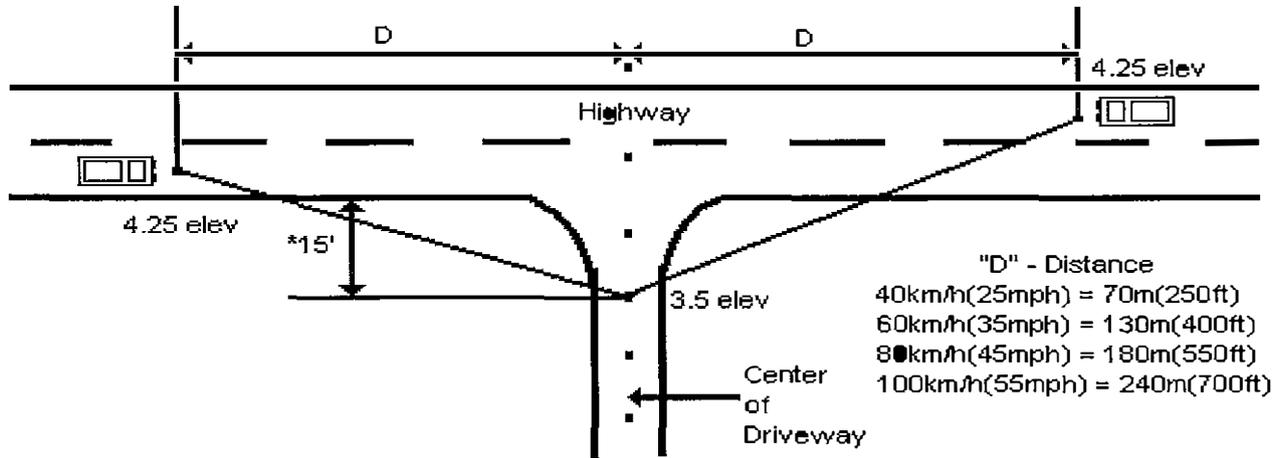
For Access described in Section 5. f. (13)

# TYPE "C" ACCESS



For Access described in Section 5. f. (14) and (15)

# VISION CORNER DIAGRAM



DRAWINGS NOT TO SCALE

For all Access described in 5. f. (12-15), and as described in section 5. f. (18)