

IOWA COUNTY

HIGHWAY ACCESS CONTROL

ORDINANCE

Adopted on 02/16/2010
Adopted as amended 08/18/2015

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 TRANS205 and 231 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.

HIGH HAZARD POTENTIAL – shall be a phrase utilized for driveway access locations which contribute to traffic accidents or accident history as a result of its physical location and restrictions in visibility due to terrain, highway construction, or other geographical features. May also be utilized for driveway access locations which do not meet adequate stopping sight distance criteria for visibility.

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.

ROUTINE MAINTENANCE – Regular or customary maintenance activity for an access point, to include; for example, snow removal, mowing, and addition/grading of gravel for gravel driveways or road access points so long as the slope, location, length, width, or type of surface material of the driveway or access point is not substantially altered.

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, except for routine maintenance; 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 is identified as causing damage to the highway or shoulder, the lack of maintenance thereof causes drainage issues or obstructions to the county right-of-way, or the lack of maintenance thereof is leading to erosion of surface materials and deposits onto the county highway; the Highway Commissioner may deem the access as deficient and issue a written Notice of Deficiency and Order for Remediation. In cases of excessive surface erosion onto the highway system, the Highway Commissioner may order the landowner to pave the access portion within the right-of-way. Any access improved in response to a Notice of Deficiency and Order for Remediation shall comply with these Ordinance requirements and be required to obtain a permit.

When an existing access creates a high hazard potential; either due to accident history or sight visibility concerns, 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. The landowner shall relocate said access to be in compliance with these Ordinance requirements, and obtain a permit. 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 existing 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. The Notice from the Highway Commissioner shall identify what work must be completed to bring the access into proper condition and the timeframe within which that work must be completed. If the requirements of the Notice are not timely satisfied and the Highway Commissioner deems the access as vacated, the landowner will be required to obtain a permit and be subject to the regulations of this Ordinance as a request for new access, including relocation if necessary. And, the access 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.
3. The permit applicant shall state the purposes for the type of access to be requested as one of the following, which shall set forth the requirements for construction or improvement;
 - a. TYPE A – AGRICULTURAL RESIDENTIAL OR RESIDENTIAL – access to one or two agricultural-residential or residential parcels. Agricultural-residential zoned properties which are also utilized as an agricultural equipment access point should be applied for as a Type B agricultural/field access.
 - b. TYPE B – AGRICULTURAL/FIELD – access for the primary purpose of agricultural equipment access to/from agricultural or horticultural field parcels or homesteads.
 - c. TYPE C – COMMERCIAL – access to residential parcels with 3 to 20 units or less or commercial/industrial land-use zoning with 25,000 square feet or less of improvements
 - d. TYPE D – INDUSTRIAL – access to residential parcels of 20+ units and commercial or industrial parcels with 25,000 square feet or more of improvements.

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 access spacing listed in (6) 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
- (7) 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:
 - 600 feet for a Rural County Highway
 - 450 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.

(8) 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 in length plus apron end walls, placed at a depth of at least 1 foot 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 apron end walls. Polyethylene, Polypropylene, or Plastic pipe and/or apron 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 within right-of-way.
- (5) **ANY PAVEMENT** surface or combination of base coarse aggregate, asphalt, or concrete shall be a minimum thickness as specified in (12). 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) to a minimum distance of 5 feet from the outside edge of the existing paved portion of the highway.

- (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, as deemed necessary by the Highway Commissioner.
- (7) CROWNING of access shall be provided with a minimum pitch of 2 percent towards the side of the access. Ditches may have to be created along the driveway to accommodate runoff from the driveway entrance to control and preclude runoff entry onto the county highway.
- (8) CURB AND GUTTER shall not be allowed within the County Highway right-of-way for private accesses; except for type C or D accesses as approved on a case by case basis.
- (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 OF DRIVEWAY ACCESS being requested shall be specified by the landowner/applicant based on the following criterion:
- a. TYPE "A" ACCESS: PRIVATE DRIVEWAYS with access to one or two zoned agricultural-residential or residential parcels must have a minimum driveway width of 12 ft (3.6575 m) as measured at the right-of-way line and a return radius of 20 feet (6,096 m). The driveway surface shall be a minimum of 12-inches of thickness. Owner shall determine the thickness of desired paved surface, if so desired at the location. The paved surface may be asphalt, concrete, or other non-porous materials in compliance with this ordinance. For concrete surface driveways, a minimum of 6-inches of base coarse shall be installed as a sub-material. For asphaltic pavement surfaces, a minimum of 8-inches of ¾-inch or 1-1/4 –inch crushed aggregate base coarse shall be installed under the asphaltic surface. For unpaved entrances, there shall be a minimum of 6-inches of nominal 3-inch to 6-inch breaker run and 6 inches of ¾-inch or 1-1/4-inch dense crushed aggregate base coarse. Sand or existing bedrock may be utilized to meet the breaker run

requirements specified herein, if part of the natural geology of the location.(see drawing attached hereto).

- b. Type “B” ACCESS standards (see diagram attached hereto) must be used for agricultural equipment access parcels or field entrances to agricultural parcels or agricultural-residential parcels or homestead access, must have a minimum driveway width of 16 ft (4.8767m or greater) as measured at the right-of-way line, and a return radius as illustrated in the drawings attached hereto for Type B driveways. Owner shall determine overall thickness of base coarse based upon the size of equipment utilizing the access, it is recommended to follow the NRCS and FHWA guidance on base coarse design for agricultural equipment. As a minimum, the drive shall consist of 12-inches of nominal 6-inch breaker run and 8-inches of nominal ¾-inch crushed aggregate base coarse or 1-1/4-inch crushed dense aggregate base coarse within the right-of-way. Sand or existing bedrock may be utilized to meet the breaker run requirements specified herein, if part fo the natural geology of the location.
 - c. TYPE “C” 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 of improvements (2,322.5 sq. m), must have a minimum driveway width of 22 ft or more (6.705m or greater), and radii as illustrated in the drawings attached hereto for Type C driveways. As a minimum non-paved accesses shall consist of 6-inches of nominal 6-inch breaker run and 8-inches of nominal ¾-inch or 1-1/4-inch dense base coarse aggregate. Accesses which contribute 101 ingress/egress uses per day or more shall have a paved surface.
 - d. TYPE “D” 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 of improvements (2,322.5 sq. m), must have a minimum driveway width of 22 ft or more (6.705m or greater), and return radii as illustrated in the drawings attached hereto for Type D driveways. As a minimum non-paved accesses shall consist of 6-inches of nominal 6-inch breaker run and 8-inches of nominal ¾-inch or 1-1/4-inch dense base coarse aggregate. Accesses which contribute to 101 ingress/egress uses or more shall have a paved surface. BYPASS LANE is required where the ADT of the County Highway the access enters onto is 2500 or more for type C access and 1000 or more for type D access.
- (13) TURNAROUNDS should be provided on the property so that vehicles do not back out onto a County Highway.
 - (14) EXISTING CTH PROPERTY including road surfaces, curbs,

shoulders, slopes, ditches and vegetation shall be restored to its original condition.

- (15) 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, apron end walls, and items specifically required for construction of an access. No objects which are of a non-breakaway design shall be allowed within the clear zone of the County Trunk Highway, as defined by the Wisconsin Department of Transportation Facilities Development Manual Chapter 11.0. 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. Driveway markers may be installed at access points to aid in entry during low visibility timeframes. Any markers utilized shall be designed as a breakaway type when struck by a vehicle.

(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.

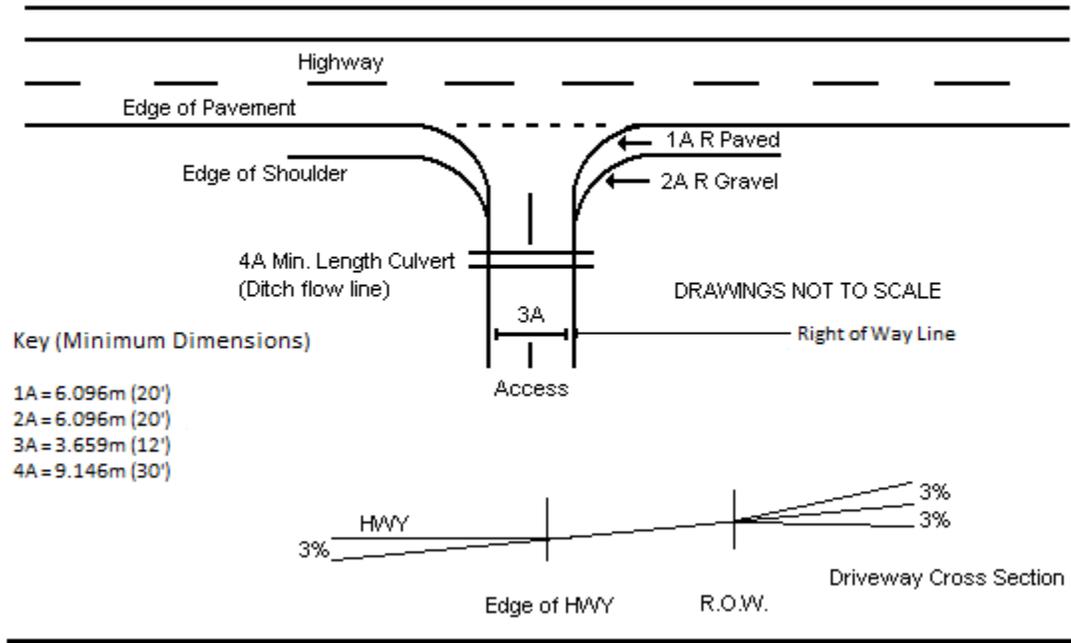
The Highway Committee shall make a decision on the appeal within sixty (60) calendar days from the day the appeal was filed. The decision of the Highway Committee shall be made by the majority present.

(g) Violations and Penalties

- 1) Any person who fails to comply with the provisions of this ordinance, or with any order of Iowa County or the Highway Commissioner issued in accordance with this ordinance, may be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 plus court costs. The issuance of a citation by Iowa County shall not be deemed as waiver of further enforcement action, and payment of this citation shall not be deemed as compliance. Each violation and each day in which a violation continues to exist shall constitute a separate offense.
- 2) Any construction which is in violation of this Ordinance shall immediately cease upon written order or the placement of a notification of violation at the site by Iowa County or the Highway Commissioner, and construction may not resume until the order is released by the County or the Highway Commissioner.
- 3) Violations of this Ordinance shall be prosecuted by Iowa County Corporation Counsel upon referral from the Highway Commissioner.

TYPE "A" RESIDENTIAL ACCESS

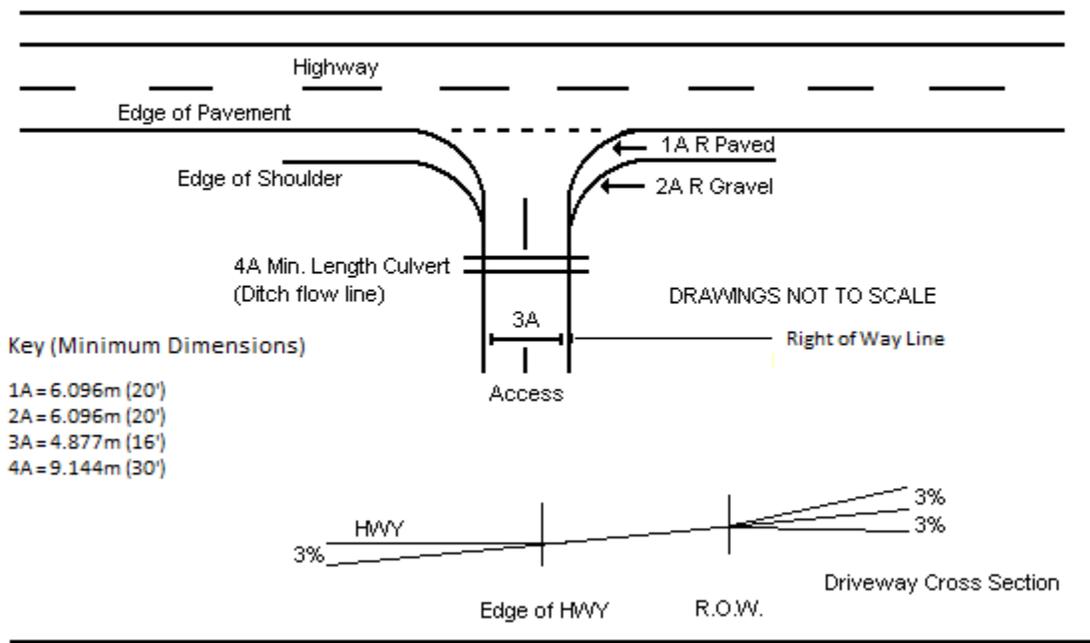
Access Design Standards



For Access Described in Section 5 f. (12a)

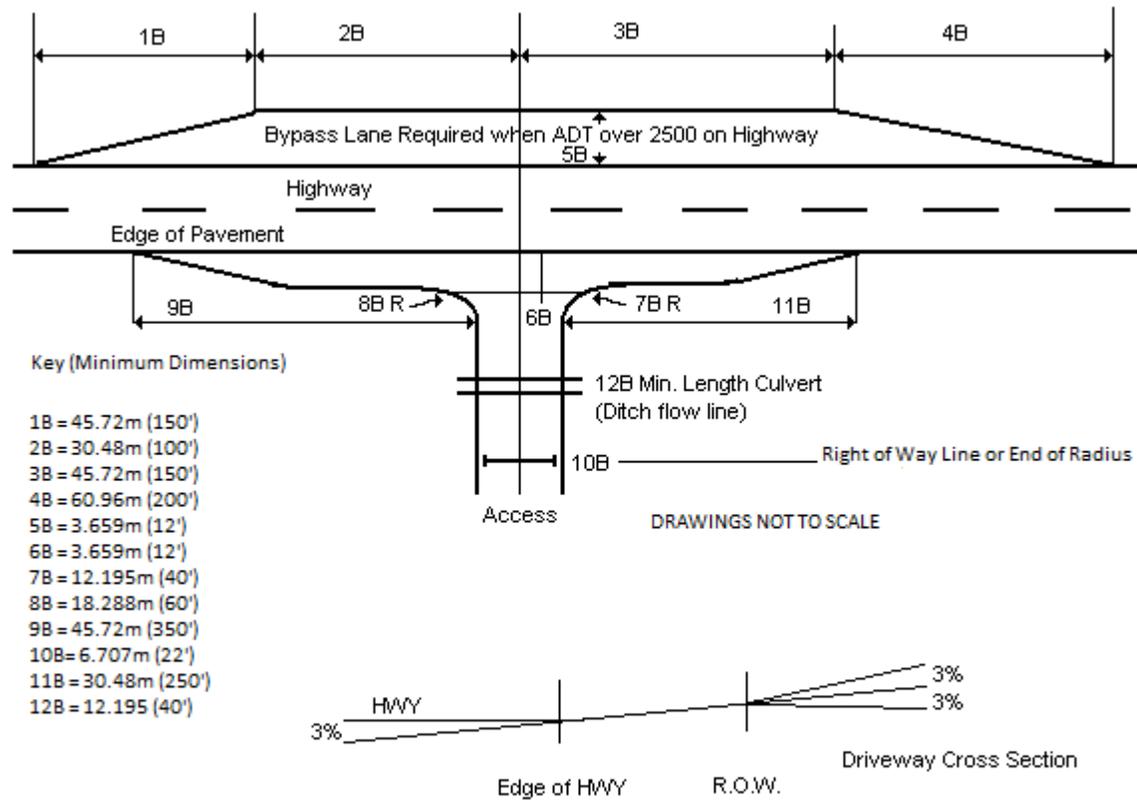
TYPE “B” AGRICULTURAL FIELD ACCESS

Access Design Standards



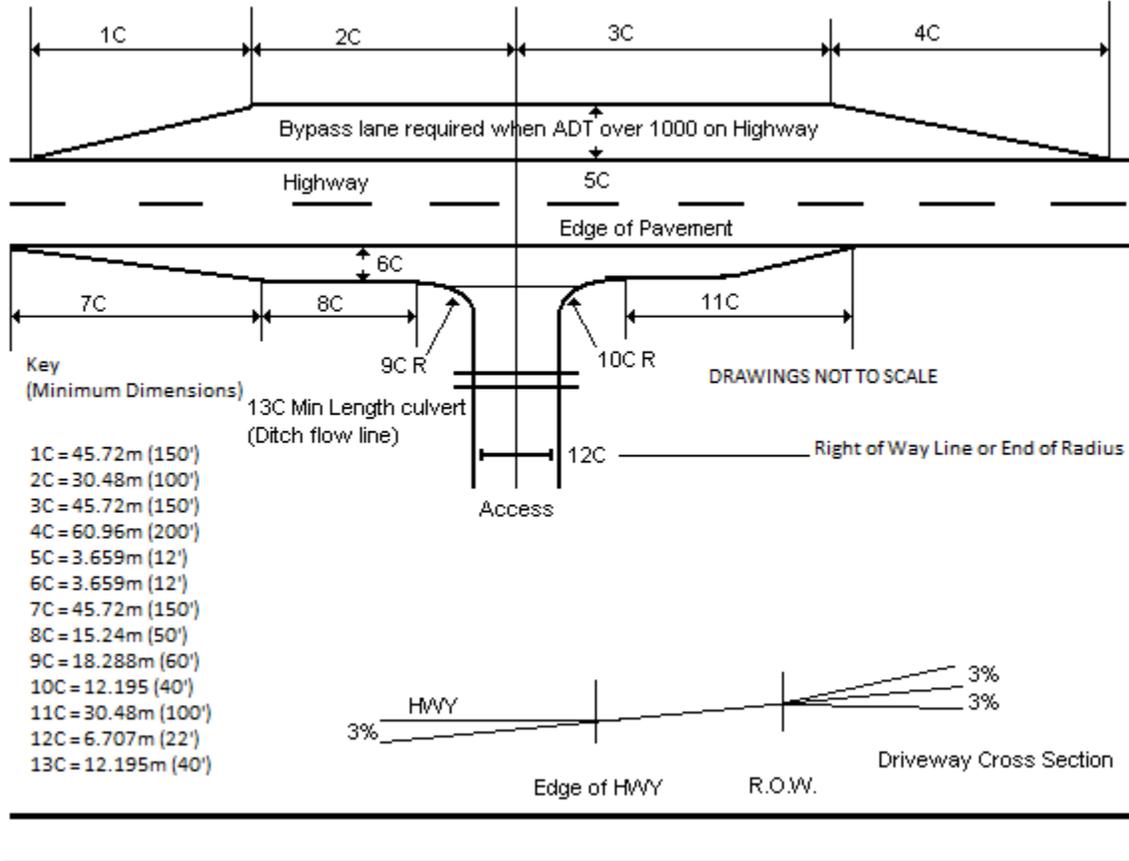
For Access Described in Section 5 f. (12b)

TYPE "C" COMMERCIAL ACCESS



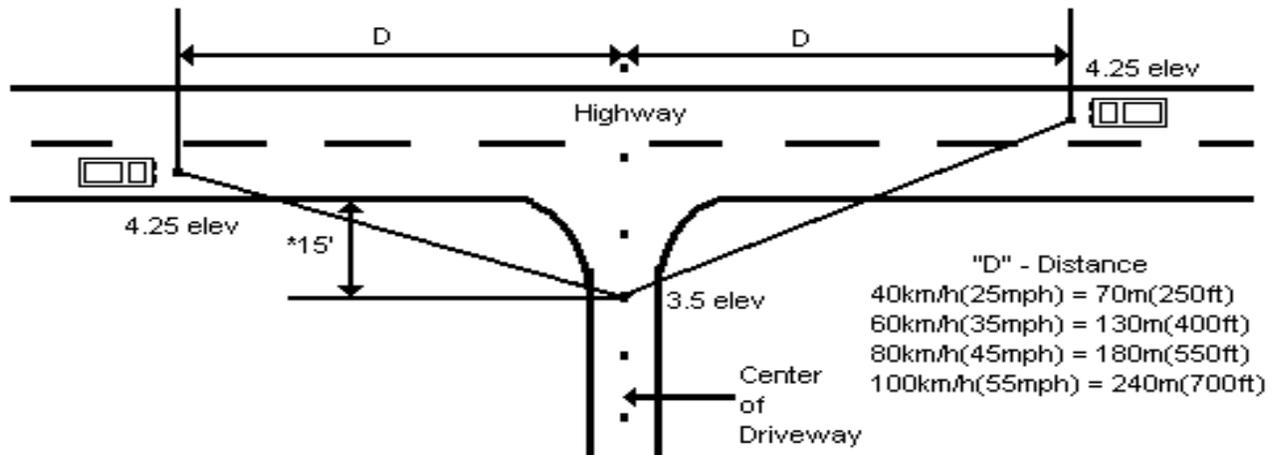
For Access Described in Section 5 f. (12c)

TYPE "D" INDUSTRIAL ACCESS



For Access Described in Section 5 f. (12d)

VISION CORNER DIAGRAM



DRAWINGS NOT TO SCALE

For Access Described in Section 5 f. (15)