

Ordinance No. 800.02

IOWA COUNTY

HIGHWAY ACCESS ORDINANCE

Highway Access Control

Sec. 1 Title, Purpose, and Jurisdiction

(a) Title

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

(b) 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.

(c) 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, premature obsolescence and to provide for safe and efficient ingress and egress to Iowa County Highways.

Sec. 2 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 vehicles 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.

COUNTY TRUNK HIGHWAY (CTH) – Any segment of a Iowa County Trunk Highway.

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

LIMITED ACCESS HIGHWAY – Highways (or segments of highways) on which access is provided with entrance and exit ramps (USH 151 and I 90-94).

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 CTH – Any CTH with a 55 m.p.h. speed limit.

SEMIURBAN CTH – Any CTH outside of the municipal boundaries of a city or village with a speed limit below 55 m.p.h.

URBAN CTH – Any CTH within the municipal boundaries of a city, village, or township with a speed limit below 36 m.p.h.

Sec. 3 Regulations

(a) **Existing Access**

Any use of access to a CTH (via driveway or road) prior to the effective date of this ordinance will be allowed provided a permit has been issued or the access is used for an agriculture related residence or agriculture field entrance.

(b) **Vacated access**

If the Iowa County Highway and Transportation Department considers the use of an access to have been discontinued for a period of at least two years, the Highway and Transportation Department shall notify the owner by certified mail that the access is to be considered vacated. The Highway and Transportation Department will allow the owner thirty (30) days to reply. If after this time period the Highway and Transportation Department decides that the access has been abandoned for at least one year, the access shall be considered vacated and its use will be illegal thereafter.

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**

Entrance upon or departure from a CTH shall be prohibited except at locations specifically designated by this section. No road shall be opened into or connected with any CTH, under this section or converted from one use of access to another use of access without an ACCESS PERMIT.

(d) **Land Division and Zoning Approvals**

- (1) Before any parcel of land is allowed to be subdivided pursuant to the Iowa County Land Division and Subdivision Ordinance, 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 ordinance.
- (2) The Iowa County Planning and Zoning Committee, Zoning Board of Adjustments, and Planning and Zoning Department shall not approve or issue any applications for permits, rezoning, or conditional uses for any structure or parcel of land which does not have an existing access or a highway access permit.

(e) **Access Spacing and Frequency**

- (1) 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 single parcel for the purposes of this section.
- (2) Where a property owner owns more than one adjacent parcel with frontage, all of which are zoned agricultural, no more than six accesses shall be allowed in a mile.
- (3) Only one access shall be allowed per parcel zoned residential.
- (4) COMMERCIAL AND INDUSTRIAL zoned parcels may be allowed two points of access provided they each separately meet the remaining criteria of this ordinance and require more than 50 parking spaces.
- (5) ACCESS TO MINOR ROAD (Road with 150 or less ADT) – Whenever possible, access should be granted onto the most minor road adjacent to the property when there is a choice between roads.
- (6) ACCESS PERMITS shall not be issued where the horizontal distance between access points measured at the centerline would become less than the following:
 - 300' (91.44 m) for RURAL CTH
 - 150' (45.72 m) for SEMIURBAN CTH
 - 100' (30.48 m) for URBAN CTH
- (7) MAXIMUM ACCESS POINTS PER SIDE PER MILE shall be no more than:
 - 6 for RURAL CTH
 - 12 for SEMIURBAN CTH
 - 36 for URBAN CTHunless there is no other way of providing access to the existing parcel. This distance is to be measured one half of a mile in each direction from the centerline of a proposed driveway and is to count all driveway centerlines within one half of a mile in each direction.
- (8) PRIVATE ENTRANCES ON CORNER LOTS – Access on a corner lot shall not be allowed at a distance of less than:
 - 300' (91.44 m) for RURAL CTH
 - 150' (45.72 m) for SEMIURBAN CTH
 - 100' (30.48 m) for URBAN CTHfrom the centerline of an intersection road to the CTH.
- (9) ROAD ACCESS, in addition to the remaining criteria in this ordinance, must be at least:
 - 1000' (304.8 m) for RURAL CTH
 - 500' (152.4 m) for SEMIURBAN
 - 250' (76.2 m) for URBAN CTH

from the nearest road which enters onto 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.

- (10) 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.

(f) **Paved Apron**

Access onto a CTH may require a paved apron within the right-of-way of the CTH, at owner's expense, in instances when usage or drainage warrants.

(g) **Design Standards**

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

- (1) CULVERTS, when required, must be at least 30 feet long plus endwalls, placed at least 1 foot (30.48 m) under the access, be a minimum of 15 inches (38.1 cm) or equivalent in diameter or as large as needed for adequate drainage, be at least 10 feet (3.048 m) from the nearest culvert, and be constructed of corrugated metal or concrete, with endwalls. Plastic pipe and/or plastic endwalls 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 road 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 CTH, whichever is less.
- (4) RETAINING WALLS, STONE WALLS, ETC. shall not be allowed on driveways or within right-of-way.
- (5) ANY PAVEMENT of access shall consist of asphalt (concrete shall not be allowed).
- (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 1-1/2 percent towards the side of the access.
- (8) CURB AND GUTTER shall not be allowed within the CTH right-of-way for private access.
- (9) ANGLE of a driveway shall be as close to 90 degrees with the center-line of the CTH as possible, but not less than 75 degrees.

- (10) FACING ACCESS on opposite sides of a CTH 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 below).
- (13) TYPE "B" ACCESS standards (see diagram below) must be used for residential with 3-20 units and commercial or industrial with up to 25,000 square feet (2,322.5 sq. m).
- (14) TYPE "C" ACCESS standards (see diagram below) must be used for residential with over 20 units and commercial or industrial over 25,000 square feet (2,322.5 sq. m).
- (15) BYPASS LANE is required where the ADT of the CTH 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 need to back out onto a CTH.
- (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 below. Driveway vision corners are to be measured from a point 3.5 feet (1.0668 m) above the center of the proposed access, 15 feet (4.572 m) back from the edge of pavement of the CTH, to two points 4.5 feet (1.3716 m) 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. Signalized intersections need only meet the standards provided for driveways, in addition to approval by the Iowa County Highway and Transportation Department.

Sec. 4 Administration and Enforcement

(a) Administration

The Iowa County Highway and Transportation Department is hereby authorized to administer this ordinance.

Applications for permits shall be made to the Iowa County Highway and Transportation Department. The Highway Commissioner 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 ordinance, within fifteen (15) working days.

(b) Interpretation

All restrictions on the use of land is 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 CTH until an ACCESS PERMIT has been issued by the Iowa County Highway and Transportation Department.

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. The Iowa County Highway and Transportation Department may extend approval of an access permit.

The permittee 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 of Iowa 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) Fees

The applicant shall pay to the Iowa County Highway and Transportation Department a fee for each permit application as determined by the type of access:

Road or Type "C" Access	\$ 300.00
Type "B" Access	\$ 300.00
Type "A" Access	\$ 150.00
Agricultural Field Access	\$ 150.00

Any amendments and/or changes to these fee charges will be established by resolution.

(e) Hazard Marking and Lighting

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

(f) Appeals

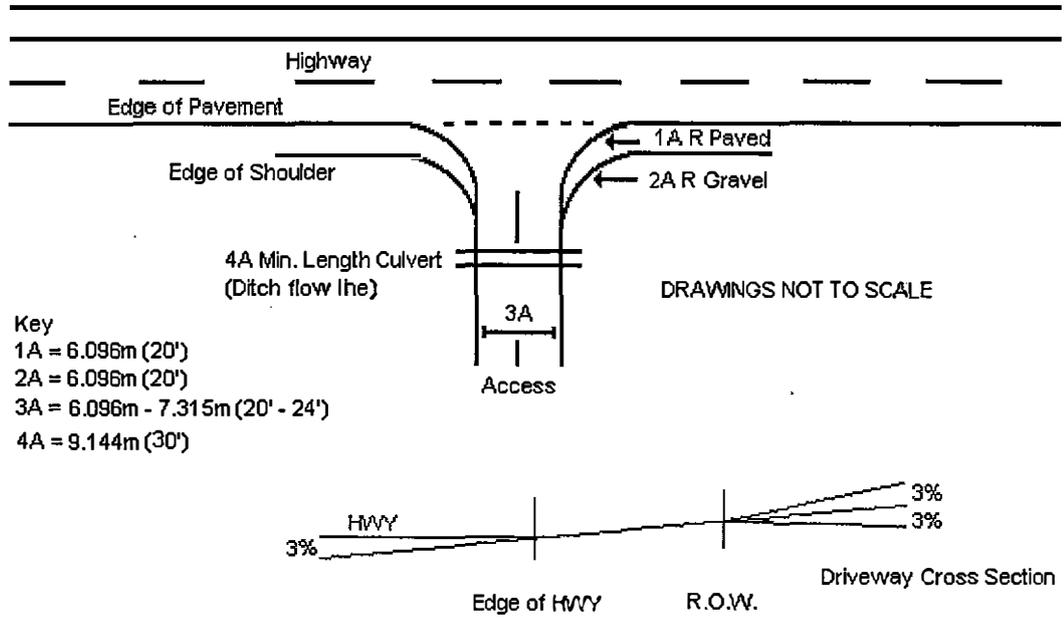
Any person aggrieved by any decision made in the administration of this ordinance may appeal to the Iowa County Highway Committee. Appeals shall be filed within thirty (30) calendar days following the administrative decision by the Iowa County Highway and Transportation Department. Appeals shall be filed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

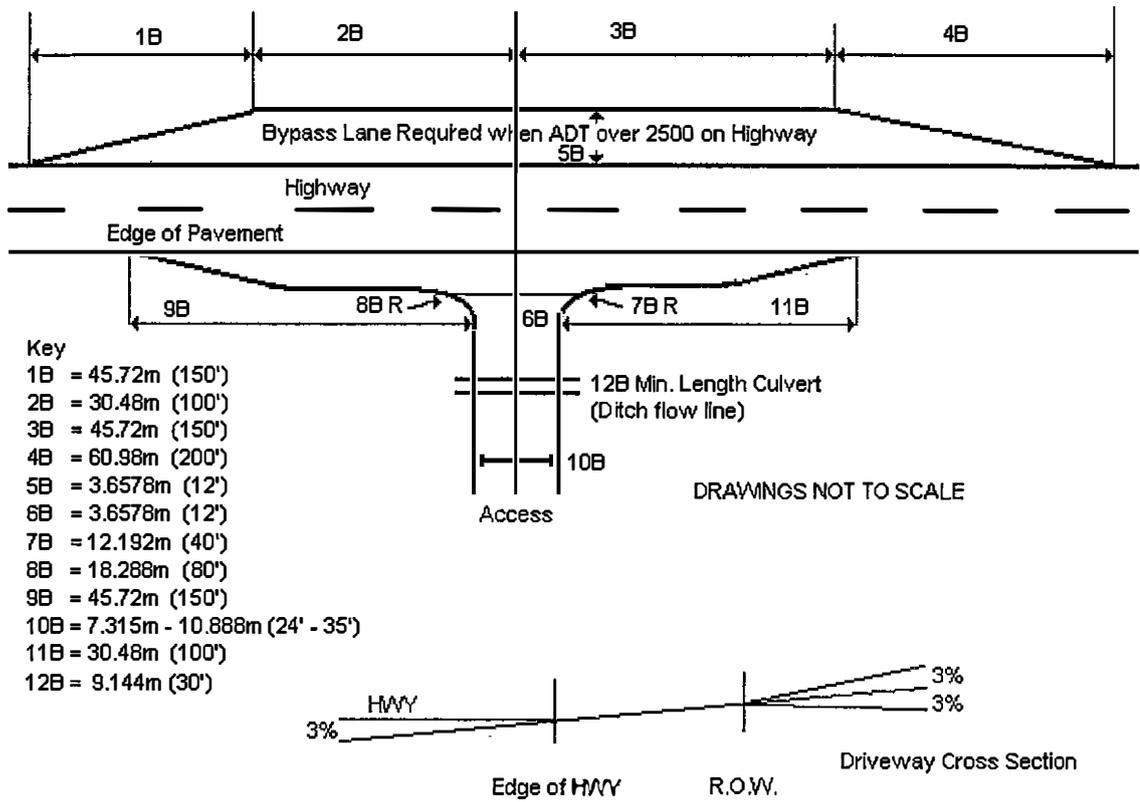
(g) Violations and Penalties

In the case of any violation of this ordinance, the Commissioner may institute appropriate legal action. 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.

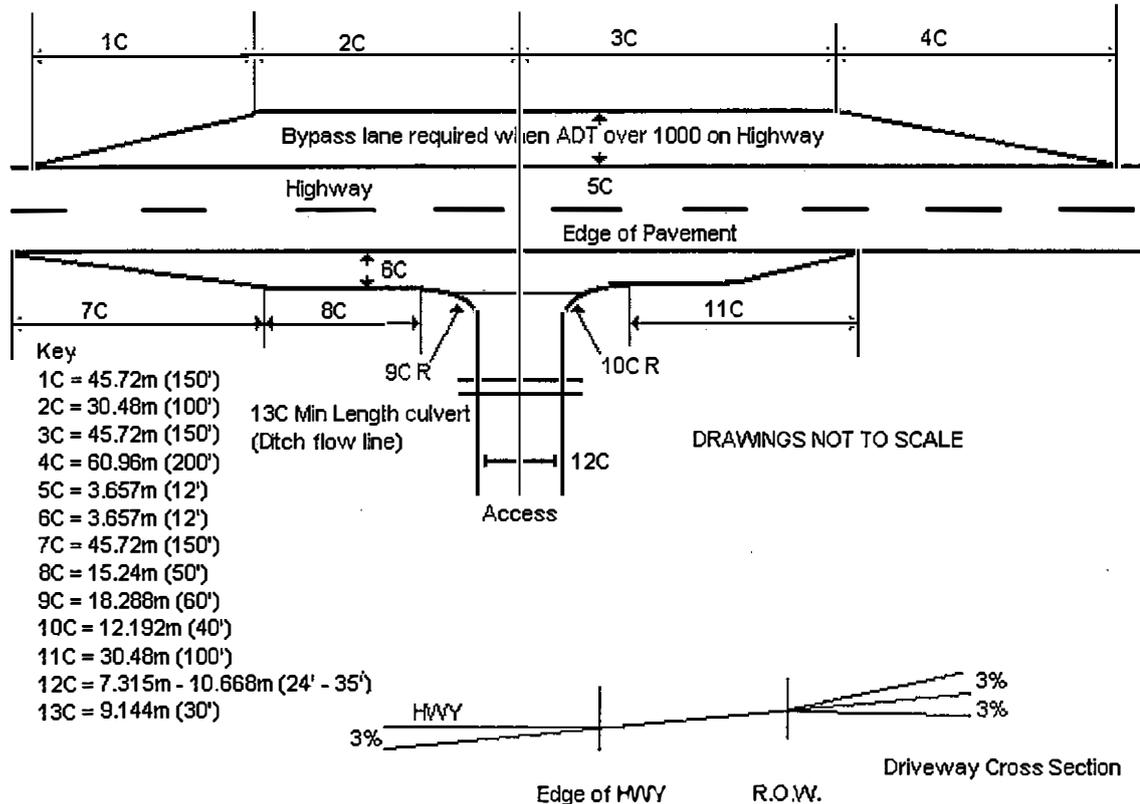
Access Design Standards



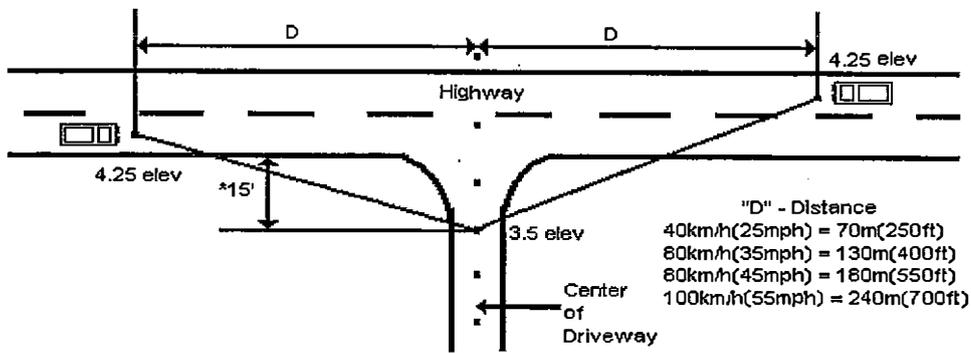
TYPE "A" ACCESS



TYPE "B" ACCESS



TYPE "C" ACCESS



DRAWINGS NOT TO SCALE