

FOND DU LAC COUNTY HIGHWAY

2/97

ACCESS CONTROL ORDINANCE

Adopted Co. Bd.
4/14/97

1.0 TITLE, PURPOSE, AND JURISDICTION

A. TITLE

This ordinance shall be known as, cited and referred to as: **THE FOND DU LAC COUNTY HIGHWAY ACCESS CONTROL ORDINANCE.**

B. STATUTORY AUTHORIZATION

This ordinance is established by the provisions set forth in Sections 59.02, 59.07, 86.07(2), and 236 of the State of Wisconsin Statutes, and Chapter Hy 31 of the Wisconsin Administrative Code.

C. PURPOSE

The purpose of this ordinance is to regulate and control access on to 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, and to provide for safe and efficient use of the Fond du Lac County highway system.

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.

2.0 GENERAL

- 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, 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 Fond du Lac County Highway Department.

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3.0 DEFINITIONS

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

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

COUNTY TRUNK HIGHWAY (CTH): Any segment of a Fond du Lac 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.

LIMITED ACCESS HIGHWAY: Highways on which access is provided for via entrance and exit ramps (USH 41).

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 right-of-way to control sight restrictions at access points. (See diagrams)

4.0 REGULATIONS

A. EXISTING ACCESS

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

B. VACATED ACCESS

If the Fond du Lac 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

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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 it's 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 ordinance.

C. ACCESS PROHIBITIONS

No person shall construct an access point within the meaning of this ordinance 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, drainage ways, 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 ordinance.

5.0 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 ordinance.
- B. Commercial and industrial zoned parcels may be allowed two (2) points of access, provided each access meets the criteria of this ordinance, the development requires more than 50 parking spaces, and/or if two (2) 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 A.D.T. 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 ordinance.
- E. Access permits shall not be issued where the horizontal distance between access points would become less than 200 feet for URBAN CTH, 300 feet for SEMI-URBAN CTH and 600 feet for RURAL CTH (except for AGRICULTURAL 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 percent 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 centerline of the proposed driveway to the centerline of an existing driveway.

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- G. **ROAD OR STREET:** A driveway access shall not be permitted at a distance of less than 200 feet for URBAN CTH, 300 feet from SEMI-URBAN and 600 feet from RURAL CTH from the centerline of an intersecting road to the proposed driveway.
- H. **INTERSECTING ROAD ACCESS:** A new intersecting road access, must be at least 1000 feet for RURAL and 500 feet for URBAN and SEMI-URBAN, 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. **ENTRANCE AND EXIT RAMPS:** Driveways shall not be permitted within 500 feet, on a RURAL CTH and 300 feet on an URBAN and SEMI-URBAN and roads shall not be allowed within 1000 feet on a RURAL CTH and 500 Feet for URBAN and SEMI-URBAN CTH's of an entrance or exit ramp of a limited access highway.
- J. In the event that the applicant proposes a use not covered by this ordinance, 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.

6.0 DESIGN STANDARDS

Driveways and roads with access onto CTH's must comply with the following design standards:

- A. **CULVERTS** must be at least 24 feet long and placed under at least 1 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 or concrete with endwalls. Plastic pipe will not be permitted. Culvert size will be determined by the Highway Department so as to allow for proper drainage.
- B. **SLOPES** to the side of the access shall not be steeper than 4 to 1 (25 percent) or that of the embankment of the CTH whichever is less.
- C. **RETAINING WALLS** shall be prohibited.
- D. **PAVEMENT** of driveway access shall consist of blacktop or compacted gravel. (Concrete shall not be allowed).
- E. **CONSTRUCTION OF ACCESS** shall be such so that drainage of the County Highway shall not be impeded.
- F. **CURB AND GUTTER** must be removed at the entrance for new access and new curb and gutter must be provided within the right-of-way where applicable.

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- G. **ANGLE** of access shall be as close to 90 degrees with the centerline of the CTH as possible, but not less than 75 degrees.
- 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 ordinance. 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 4.5 feet above the center of the nearest on coming lane of the CTH in each direction, at a distance of "D" (as shown in diagram) from the point 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 drawing)
- N. Type "B" access standards must be used for residential driveways with 3-20 units and commercial or industrial with up to 25,000 square feet. (See drawing)
- O. Type "C" access standards shall be used for residential of over 20 units and commercial or industrial of over 25,000 square feet. (See drawing)
- 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. 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 judgement of the Department, peak traffic demand and/or location of access warrant it.

7.0 ADMINISTRATION AND ENFORCEMENT

A. ADMINISTRATION

The Fond du Lac County Highway Commissioner and/or his/her designee is hereby authorized to administer this ordinance as Access Inspector.

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A. ADMINISTRATION Continued

Inspector Designee: Highway Engineer, Patrol Superintendent's, and Engineering Technicians.

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 ordinance, within ten (10) business days. Applicants commencing work prior to issuance of an approved permit are subject to denial of permit, removal of access, as well as fines and possible prosecution.

B. INTERPRETATION

All restrictions on the use of land is restricted to the objects, growth, and use of land within the rights of way of the Fond du Lac 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, that jurisdiction.

C. PERMITS

No structure, object or growth shall be constructed, reconstructed, altered, placed, installed, or planted within the jurisdiction of this ordinance 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.

The permittee shall be liable for all materials, labor and other costs connected with the construction of the access. Fond du Lac County will not be liable for any damage or injury resulting from construction of an access. Fond du Lac County will not be responsible for any maintenance including snow and ice control of any access.

The applicant shall pay to the Fond du Lac County Highway Department a fee for each permit application as determined by the type of access:

D. PERMIT FEES

New road connection or	Type "C"	\$ 100.00
	Type "B"	50.00
	Type "A"	50.00
Agricultural Field Access		20.00

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 zone's 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.

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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 an decision made in the administration of this ordinance may appeal to the Fond du Lac County Highway Committee. Appeals shall be filled within thirty (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 thirty (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.

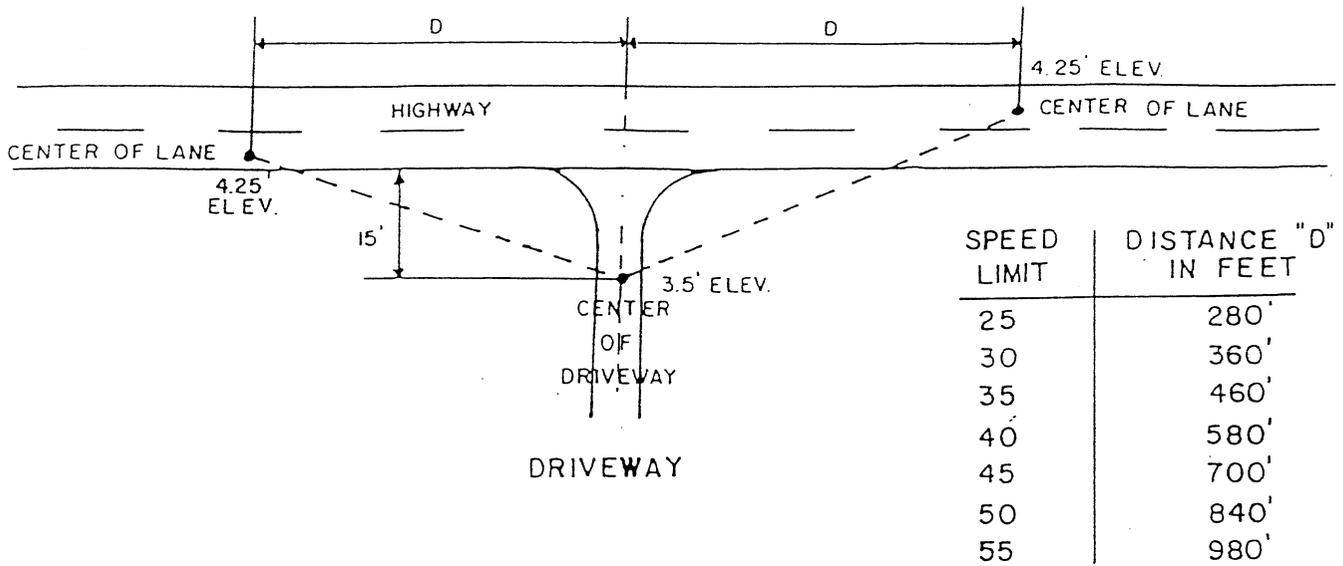
H. VIOLATIONS

In the case of any violation of this ordinance, 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 Section 2(O) of this ordinance shall resist, obstruct or interfere in any way with the Highway Commissioner or his designee in the enforcement of this ordinance, or fail to obey the Highway Commissioner's or designee's order.

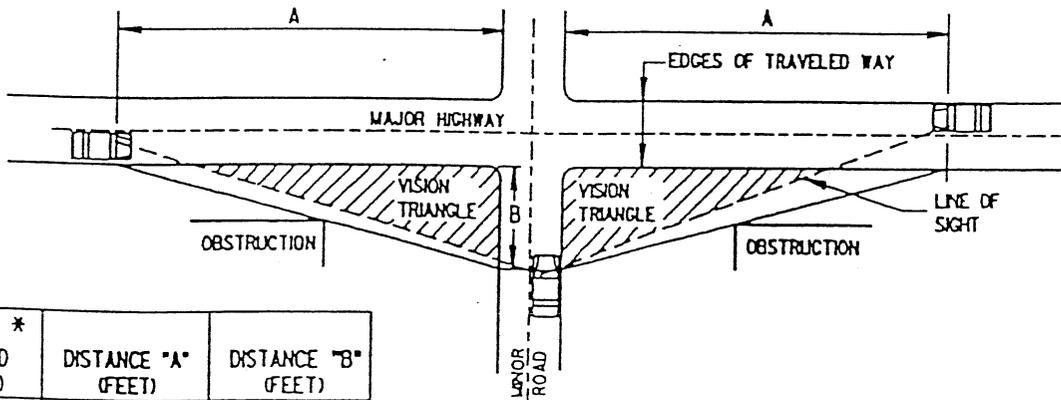
I. PENALTIES

Any individual, firm, corporation, association, organization or agency found guilty of violating any part(s) of this ordinance or who refuses to comply with any provision of this ordinance shall upon such finding by the court, forfeit not less than \$25.00 nor more than \$200.00 for each day for each offense, together with the costs of prosecution.

VISION CORNERS



GUIDE DIMENSIONS FOR VISION TRIANGLES STOP CONTROL ON MINOR ROAD



DESIGN * SPEED (MPH)	DISTANCE "A" (FEET)	DISTANCE "B" (FEET)
40	300	120
50	400	150
55	500	160
60	600	175

* USE THE DESIGN SPEED OF THE MINOR ROAD TO DETERMINE DISTANCE "B".

EXAMPLE: GIVEN: DESIGN SPEED IS 60 MPH ON THE MAJOR HIGHWAY AND 50 MPH ON THE MINOR HIGHWAY.

SOLUTION:

READING FROM THE DIMENSION TABLE, THE LEGS OF THE VISION TRIANGLE ARE "A" = 600 FEET AND "B" = 150 FEET.

ACCESS DESIGN STANDARDS

