

CHAPTER 8

HIGHWAY

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## CHAPTER 8

### HIGHWAY

#### 8.101 DRIVEWAY ACCESS TO COUNTY TRUNK HIGHWAYS

- (a) Authority. This Ordinance is adopted pursuant to the authority granted under Sections 59.03 and 86.07(2), Wisconsin Statutes.
- (b) Applicability. This ordinance shall act to repeal all conflicting ordinances and resolutions. All permits and resulting conditions existing prior to the date of enactment of this ordinance shall be transferred to the authority contained within this ordinance.
- (c) Purpose and Intent. The purpose of these regulations is to promote the safe and efficient ingress and egress to County Trunk Highways in the interest of public safety by assuring that driveways accessing to County Trunk Highways meet certain engineering safety requirements; to reduce highway accidents caused by frequent and poorly designed driveways; to reduce soil erosion adjacent to County Trunk Highways; to promote the balanced use of land for the mutual protection of landowners, motorists and citizens of Oconto County; and to enhance the appearance of County Trunk Highways so as to make highway travel more pleasant.
- (d) Severability. If any section, provision or portion of this Ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (e) Compliance with Ordinance. Any person, firm or corporation seeking to construct or reconstruct a driveway with access upon a County Trunk Highway within Oconto County shall comply with the requirements of this Ordinance and any other applicable County Ordinances and regulations and master plans or master plan components adopted by Oconto County.
- (f) Definitions. For the purpose of this ordinance, certain words or phrases used herein are defined as follows:
  - (1) Access: A recognized point of vehicular entry on to a highway where evidence of use has been clearly established.
  - (2) Driveway: A point of access to a highway.
  - (3) Highway: A County Trunk Highway as designated by Oconto County pursuant to Sec. 83.025, Wis. Stats. (Synonymous with County Road).
  - (4) Local Road: A street or road, other than a County Trunk or Federal or State Highway, primarily for access to residence, business, or other abutting property.
  - (5) Intersection: A place where two roads or a road and a highway intersect.
  - (6) Oconto County Highway Commission: The Oconto County Highway Commissioner and his designees (hereinafter referred to as the "Commission").

(g) Permit Required to Construct or Reconstruct Driveway.

- (1) No entrance upon or departure from a County Trunk Highway within Oconto County may be constructed or reconstructed without the person, firm or corporation seeking to construct or reconstruct the entrance or departure first obtaining a permit from the Commission. This shall include the blacktopping of existing driveways.
- (2) Applications for permits to construct entrances or departures from County Trunk Highways shall be obtained at the Oconto County Highway Commission, Tractor St., Oconto, WI upon forms to be provided by the Commission.
- (3) The Commission shall approve or deny the permit in accordance with the standards of Sec. 8.101(g) through (j) of this Ordinance.
- (4) An access permit shall expire 90 days from the date of issuance if evidence of use has not been established within that time.
- (5) When a violation of this ordinance occurs, the Commission may revoke any access permit or permits which are the subject of the violation.
- (6) An applicant may be required to submit sufficient information such as a scale drawing, engineering data, etc. as a condition for approval.
- (7) Permits shall be issued only in the name of the owner of the property upon which driveway construction or reconstruction is to occur.
- (8) A non-refundable charge shall be assessed by the Commission to those making application for the issuance of a permit for the construction or reconstruction of an entrance or departure upon an Oconto County Trunk Highway. Said fee shall cover the cost of administration and inspection. A charge shall also be assessed for the removal of an illegally placed access. Fees shall be determined using the following schedule:
  - (A) Highway access: \$250.00  
(As defined in Sec. 8.01(f))
  - (B) All other accesses: \$200.00
  - (C) Blacktopping of access: \$100.00
  - (D) Permits applied for subsequent to installation of access in non-compliance with this ordinance: \$800.00
  - (E) Permits applied for subsequent to blacktopping of access: \$250.00
  - (F) Removal of illegally placed driveway: Actual Cost

- (h) Right of Access for Parcels Existing Prior to Enactment. Each existing parcel of land abutting an Oconto County Trunk Highway at the time of enactment of this Ordinance shall be entitled to one (1) access to when in compliance with the provisions of this Ordinance. Whenever possible access shall be granted on local roads instead of County Trunk Highway when there is a choice between the two types of roads. Newly created lots shall be allowed an access as shown on a recorded Certified Survey Map.
- (i) Location, Design and Construction Requirements. The location, design and construction of an entrance upon or departure from a County Trunk Highway shall be in accordance with the following policies and limits, which in no case shall be exceeded unless specific written authorization is obtained from the Commission:
- (1) A driveway shall have a minimum top width of twenty (20) feet and a maximum driveway top width of thirty-five (35) feet. The entire driveway roadway and its appurtenances shall be contained within the frontage along the highway of the property served.
  - (2) All driveways shall be constructed so as to ingress and egress the County Trunk Highway at an angle of ninety (90) degrees to the County Trunk Highway, unless otherwise approved by the Commission.
  - (3) A driveway shall not provide direct ingress or egress to or from a County Trunk Highway intersection.
  - (4) All driveways shall be constructed of solid load bearing material. The top surface of the driveway shall consist of at least six inches of gravel upon the traveled portion.
  - (5) The surface of the driveway connecting with the highway section shall slope down and away from the highway shoulder a sufficient amount and distance to preclude ordinary surface water drainage flowing from the driveway area onto the highway roadbed.
  - (6) No concrete approaches or aprons shall be permitted within the highway right of way except in curb and gutter areas.
  - (7) Driveways shall not obstruct or impair drainage in highway side ditches or roadside areas. A culvert shall consist of a corrugated metal culvert pipe with apron end walls. The culvert length shall be determined by the Commission. The culvert and apron endwalls shall be furnished by the property owner. Culverts shall be installed at least ten (10) feet from the owner's property line, unless otherwise approved by the Highway Commission.
  - (8) All driveways shall be constructed or reconstructed to have sloped sides. Such construction shall be accomplished using only soil materials. The side slopes of the driveway shall be sloped at no more than a length to height grade ration of 4:1. All slopes shall be seeded or sodded by the property owner.
  - (9) The restricted area between successive driveways may be filled in or graded down only if the following requirements are fully complied with:
    - (A) The filling in or grading down shall be to grades approved by the Highway Commission except where highway drainage is by means of curb and gutter, in

which case water drainage of the area shall be directed away from the highway roadbed in a manner approved by the Highway Commission.

- (B) Culvert extensions under the restricted area shall be of like size and equivalent acceptable material as the driveway culvert. Intermediate manholes adequate for cleanout purposes may be required as deemed necessary by the Highway Commission dependent upon the total culvert length.
- (10) The Oconto County Highway Commission may impose any other requirements deemed necessary with regard to the construction of any driveway so as to promote the safe and efficient ingress and egress to the County Trunk Highway and to protect the public investment in the highway.
- (j) Spacing and Frequency. No owners or occupants of parcels of land created after enactment of this Ordinance will have the right or easement of access by reason of the fact that their property abuts a County Trunk Highway unless the following criteria are complied with:
  - (1) Horizontal distances between access points shall not be less than 600 feet. An intersection shall be considered an access point.
  - (2) A maximum of eight access points per side per mile shall be permitted. Measurement shall be taken 1/2 mile in each direction from the proposed access point.
  - (3) Where an urbanized section of a County Trunk Highway has a majority of adjacent property located within a city's jurisdiction and has a speed limit of 35 mph or less, the spacing and frequency of access points shall be determined by the Commission.
  - (4) The design of driveway or street intersections for appropriate sight distance, return radius, angle, profile, width, parking and internal circulation shall be based on standards approved by the Commission in accordance with adopted engineering practices.
- (k) Existing Points of Access. All existing points of access may be continued after the adoption of these regulations. However, if the Commission believes that the use of an access has been discontinued for a period of at least one year, the Commission must notify the owner by certified mail that it is considering vacating the access and the Commission must allow the owner the opportunity to reply to the Commission within thirty (30) days. If, after giving the owner this opportunity to reply, the Commission decides that the access has been abandoned for one year, the Commission may require that access be vacated. If so determined, it is illegal to use that access point thereafter. The Commission may require modifications of existing access so it will conform to the standards as provided in Sec. 8.101(h) of this Ordinance.
- (l) Change of Use. This Commission shall determine if there has been a change in use which will affect safe and efficient ingress and egress to, and use of a County Trunk Highway. This determination shall be based primarily on a significant change in the volume of traffic, or the type of vehicle using that point of access. Upon such determination, the Commission may require modifications to the access to meet standards of Sec. 8.101(h) of this Ordinance or it may revoke the access unless otherwise provided herein.

- (m) Variances. Any person or any office or department aggrieved by an order, requirement or interpretation made by the Commission may request a review of that order, requirement or interpretation before the Oconto County Highway Committee. Requests for variances shall be filed with the Oconto County Highway Department within 30 days of notification. A fee of \$250.00 shall be paid at the time of filing.
  - (1) If the Highway Committee finds that practical difficulty and unnecessary hardship may result from strict compliance with the Ordinance, it may vary the regulation so that substantial justice may be done provided that the public interest is secured and that such variance will not have the effect of nullifying the intent and purpose of this Ordinance.
  - (2) In granting variances, the Highway Committee shall request evidence of practical difficulty and hardship and record the reasons in the minutes of which the variance was granted or denied.
- (n) Wetland Ordinances Controlling. Any wetland ordinances enacted by Oconto County shall take precedence over any conflict arising between such wetland ordinances and this ordinance.
- (o) Violations and Penalties. Whoever violates this ordinance shall be subject to a forfeiture of not less than \$25.00 nor more than \$500.00 together with the costs of prosecution and, in default of payment of the forfeiture and costs, shall be imprisoned in the Oconto County Jail until said forfeiture and costs are paid, but not to exceed 90 days. In addition, the County shall be entitled to injunctive relief and costs against any party violating this Ordinance.

#### **8.102 OCONTO COUNTY HIGHWAY COMMISSIONER APPOINTMENT**

In accordance with Chapter 83 of the Wisconsin Statutes, the Oconto County Highway Commissioner is appointed by the County Administrator and confirmed by the Oconto County Board of Supervisors. Once confirmed, the appointment continues under the general supervision of the County Administrator unless otherwise required by law. The Highway Commissioner attends and provides reports to the Highway Committee.