

TOWN OF FORT WINNEBAGO  
TOWN ROAD ACCESS CONTROL  
ORDINANCE NO. 9-5-06

1.0 TITLE, PURPOSE, AND JURISDICTION

1.1 TITLE

This ordinance shall be known as, cited and referred to as: TOWN OF FORT WINNEBAGO ROAD ACCESS CONTROL ORDINANCE.

1.2 STATUTORY AUTHORIZATION

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

1.3 PURPOSE

The purpose of this ordinance is to regulate access onto town roads in order to promote the public safety, convenience, general welfare, economic viability and to protect the public investment of existing and proposed roads, by preventing costly road improvements, premature obsolescence, and to provide for safe and efficient ingress and egress to roads.

2.0 DEFINITIONS

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

2.1 GENERAL

- (1) The present tense includes the future tense and 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 distance unless otherwise stated shall be measured in the horizontal direction.

### 3.3 ACCESS TO ROADS

1. Entrance upon or departure from a town road shall be prohibited except at locations specifically designated by this section. No road shall be opened into or connected with any town road, under this section or converted from one use of access to another use of access without Town Board approval.
2. PRIVATE ENTRANCES ON CORNER LOTS Access on a corner lot shall not be allowed at a distance of less than: 75 feet from the centerline of an intersecting road.
3. 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.

### 3.4 LAND DIVISION AND ZONING APPROVALS

1. Before any parcel of land is allowed to be divided, 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 Town of Fort Winnebago Town Board 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 or town road access.

### 3.5 PAVED APRON

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

### 3.6 DESIGN STANDARDS

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

- 3.61 CULVERTS, when required, must be at least 24 feet long plus end walls, be a minimum of 15 inches (38.1cm) or equivalent in diameter or as large as needed for adequate drainage, be at least 10 feet (3.048m) from the nearest culvert, and be constructed of corrugated metal or concrete, with end walls. Plastic pipe and / or plastic end walls may be allowed.
- 3.62 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.

- 3.63 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 town road whichever is less.
- 3.64 RETAINING WALLS, STONE WALLS, ETC. shall not be allowed on driveways or within right-of-way.
- 3.65 ANY PAVEMENT in the right-of-way, whether new, resurfaced, or replacement may be required to be placed at the owner's expense when it causes a safety or drainage problem.
- 3.66 CROWNING of access shall be provided with a minimum pitch of 1 1/2 percent towards the side of the access.
- 3.67 CURB AND GUTTER shall not be allowed within the town road right-of-way for private access.
- 3.68 TYPE "A" ACCESS: PRIVATE DRIVEWAYS with access to one or two agricultural or residential parcels must have a driveway width of 20 to 24 feet (6.096 to 7.315m) and a return radius of 20 feet (6.096m).
- 3.69 TYPE "B" ACCESS standards 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).
- 3.610 TYPE "C" ACCESS standards must be used for residential with over 20 units, and commercial or industrial over 25,000 square feet (2,322.5sq.m).
- 3.611 TURNAROUNDS should be provided so that vehicles do not need to back out onto a town road.
- 3.612 EXISTING TOWN ROAD PROPERTY including road surfaces, curbs, shoulders, slopes, ditches and vegetation shall be restored to its original condition.
- 3.613 VISION CORNERS must be free of all obstructions at each access point in accordance with the applicable VISION CORNER description below. Driveway Vision corners are to measured from a point 3.5 feet (1.0668m) above the center of the proposed access, 15 feet (4.572m) back from the edge of pavement of the town road, to two points 4.5 feet (1.3716m) above the center of the nearest on-coming lane of the town road in each direction, at a distance of 100 feet from the point where the town road meets the center of the proposed access.

#### 4.0 ADMINISTRATION

The Town Board Chairman shall issue access permits.

#### 4.1 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 town roads. 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.

#### 4.2 PERMITS FOR DRIVEWAYS AND OSBTRUCIONS, SUCH AS, SHRUBS, ETC. ON ROAD ACCESS

No structure, object, excavation nor growth shall be constructed, reconstructed, altered, placed, installed, or planted within the right-of-way of a town road until an ACCESS PERMIT has been issued by the town board. 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 town board may extend approval of an access permit.

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

#### 4.3 FEES

The applicant shall pay to the town board a fee for each permit application of \$75.00

#### 4.4 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.

#### 4.5 APPEALS

Any person aggrieved by any decision made in the administration of this ordinance may appeal to the town board. Appeals shall be filed within thirty (30) calendar

days following the administrative decision by the town board's designee. Appeals shall be filed in writing with the Town Clerk. The appeal shall specify the legal description of the parcel and access location in question, and the reason given for the appeal.

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

4.6 VIOLATIONS

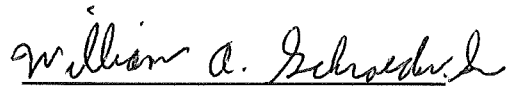
In the case of any violation of this ordinance, the town board may institute appropriate legal action. Each day in which a violation continues to exist shall constitute a separate offense.

4.7 PENALTIES

Any person, firm or corporation found guilty of violating any part(s) of this ordinance shall upon conviction thereof, forfeit not less than \$25.00 nor more than \$200.00 for each day for each offense, together with the costs of prosecution and, upon failure to pay said forfeiture, shall be confined in the Columbia County Jail for not more than 30 days.

4.8 EFFECTIVE DATE

This ordinance shall become effective on passage.



Town Board Chairman



Town Clerk