TOWN OF NEWPORT
TOWN ROAD ACCESS CONTROL
ORDINANCE NO. 95-2

1.0 TITLE, PURPOSE, AND JURISDICTION

1.1 TITLE

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

1.2 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.

1.3 PURPOSE

The purpose of this ordinance is to restrict and 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 roads 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 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.

2.2 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 granting access onto a town road.

ADT. Average Daily Traffic generated on a given road.

COUNTY TRUNK HIGHWAY (CTH). Any segment of a Columbia 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 I90-94).

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 ROAD. Any road with a 55 m.p.h. (88km/h) speed limit.

SEMIURBAN ROAD. Any road outside of the municipal boundaries of a city or village with a speed limit below 55 m.p.h. (88km/h).

URBAN ROAD. Any road within the municipal boundaries of a city, village, or township with a speed limit below 36 m.p.h. (57.6km/h).

3.0 REGULATIONS

3.1 EXISTING ACCESS

Any use of access to a road (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.

3.2 VACATED ACCESS

If it is considered that the use of an access has been discontinued for a period of at least two years, the town, or its designee, shall notify the owner by certified mail that the access is to be considered vacated. The town, or designee,

will allow the owner (30) days to reply. If after this time period the town, or designee, 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.

3.3 ACCESS TO ROADS

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 an ACCESS PERMIT.

3.4 LAND DIVISION AND ZONING APPROVALS

1. Before any parcel of land is allowed to be subdivided, pursuant to the Columbia 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 Columbia 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 or town road access permit.

3.5 ACCESS SPACING AND FREQUENCY

1. In a case where a property owner owns more that 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 (see Sec. 3.5 [8]).

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. 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:

600′	(182.88 m)	for RURAL CTH
300′	(91.44 m)	for SEMIURBAN CTH
100′	(30.48 m)	for URBAN CTH

7. AGRICULTURALLY RELATED RESIDENCES on which at least one person earns at least 51 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 (91.44 m) from the centerline of the proposed driveway to the centerline of an existing driveway.

8. MAXIMUM ACCESS POINTS PER SIDE PER MILE shall be no more than:

6	for RURAL CTH
12	for SEMIURBAN CTH
36	for URBAN CTH

unless 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.

9. PRIVATE ENTRANCES ON CORNER LOTS. Access on a corner lot shall not be allowed at a distance of less than:

600′	(182.88 m)	for RURAL CTH
300′	(91.44 m)	for SEMIURBAN CTH
100′	(30.48 m)	for URBAN CTH

from the centerline of an intersecting road to the town road.

10. 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 town road in question. Where possible roads should NOT be staggered, creating "T" intersections, but connect with another road on the other side of the road.

11. 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.

3.6 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.

3.7 DESIGN STANDARDS

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

3.71 CULVERTS, when required, must be at least 24 feet (7.315 m) 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.

3.72 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.

3.73 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.

3.74 RETAINING WALLS, STONE WALLS, ETC. shall not be allowed on driveways or within right-of-way.

3.75 ANY PAVEMENT of access shall consist of asphalt (concrete shall not be allowed).

3.76 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.

3.77 CROWNING of access shall be provided with a minimum pitch of 1 1/2 percent towards the side of the access.

3.78 CURB AND GUTTER shall not be allowed within the town road right of way for private access.

3.79 ANGLE of a driveway shall be as close to 90 degrees with the centerline of the town road as possible, but not less than 75 degrees.

3.710 FACING ACCESS on opposite sides of a town road shall be located directly opposite each other whenever possible.

3.711 SHARED ACCESS is encouraged to minimize the number of access points and interruption of traffic flow.

3.712 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 7.315 m) and a return radius of 20 feet (6.096 m) (see drawing below).

3.713 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).

3.714 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).

3.715 BYPASS LANE is required where the ADT of the town road an access enters onto is 2500 or more for type B access, and 1000 or more for type C access.

3.716 TURNAROUNDS should be provided so that vehicles do not need to back out onto a town road.

3.717 EXISTING TOWN ROAD PROPERTY including road surfaces, curbs, shoulders, slopes, ditches and vegetation shall be restored to its original condition.

3.718 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 pavement of the CTH, to two points 4.5 feet (1.3716 m) above the center of the nearest on-coming lane of the town road in each direction, at a distance of "D" from the point were the town road 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 town board or designee.

3.8 ACCESS CONTROL MAP

The location of all access points on town roads shall be established on a map named "THE OFFICIAL TOWN ROAD ACCESS CONTROL MAP", which will be drawn and updated by the town board or designee. Copies of this map shall be available to the public upon request.

4.0 ADMINISTRATION AND ENFORCEMENT

4.1 ADMINISTRATION

The town board does hereby authorize the Columbia County Highway Department, as its designee, to issue access permits on its behalf and to maintain the town's access control map.

Applications for permits and variances shall be made directly to the Columbia County Highway 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 ten (10) working days.

4.2 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 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.

4.3 PERMITS FOR DRIVEWAYS AND OBSTRUCTIONS, SUCH AS, FENCES, SCHRUBS, 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 or its designee. 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, or its designee, 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 road right of way. The township shall not be liable for any damage or injury which results from the construction of an access. The township 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.

4.4 FEES

The applicant shall pay to the town board, or its designee, a fee for each permit application as determined by the type of access:

Road or Type "C" Access	$	50.00
Type "B" Access	$	50.00
Type "A" Access	$	25.00
Agricultural Field Access	$	25.00

or

Road or Type "C" Access	*$*	_____
Type "B" Access	*$*	_____
Type "A" Access	*$*	_____
Agricultural Field Access	*$*	_____

The Columbia County Highway Department shall retain the following portion of the above fees for its services: Road or Type "C" Access - $50.00; Type "B" Access - $50.00; Type "A" Access - $25.00; Agricultural Field Access - $25.00; and the remainder of the fee shall be paid to the township.

4.5 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.

4.6 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 thirty (30) calendar days from the day the appeal was filed. The decision of the town board shall be made by the majority present.

4.7 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.

4.8 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.

4.9 EFFECTIVE DATE

This ordinance shall become effective on passage.

Copies of this Ordinance are to be provided to the Columbia County Planning and Zoning Department and the Columbia County Highway Department.

DONALD P. NELSON
Town Board Chairman

LAURENCE BOGH
Town Clerk

Dated and Introduced: 8/8/95

Published before Passage: 8/30/95

Passed: 9/11/95

Published after passage: 9/16/95

TOWN BOARD OF NEWPORT

Donald P. Nelson
Donald P.Nelson. Chairman

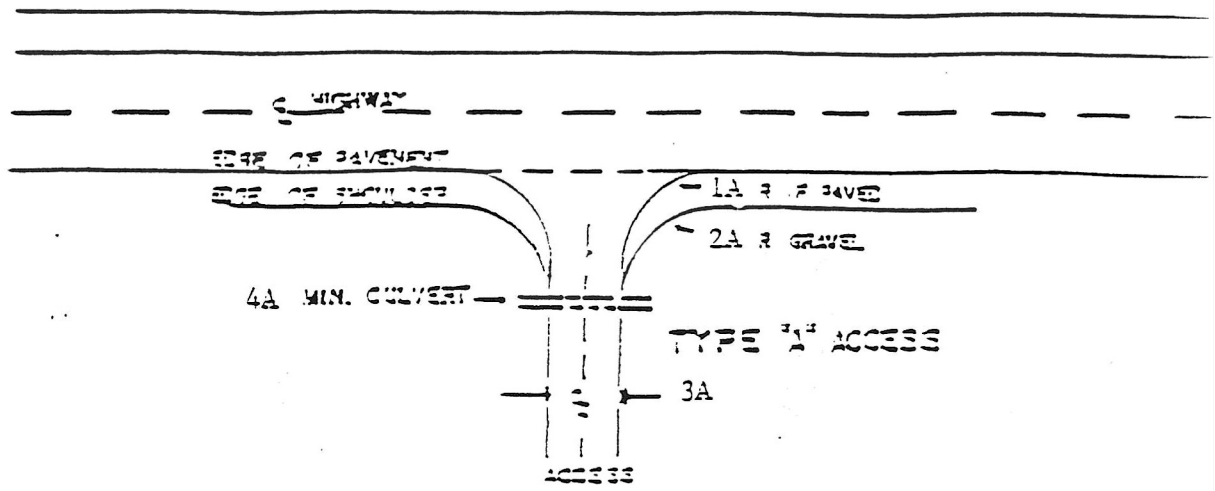
Frederick G.Winnes, Supervisor

Richard C. Anderson
Richard C.Anderson, Supervisor

ACCESS DESIGN STANDARDS

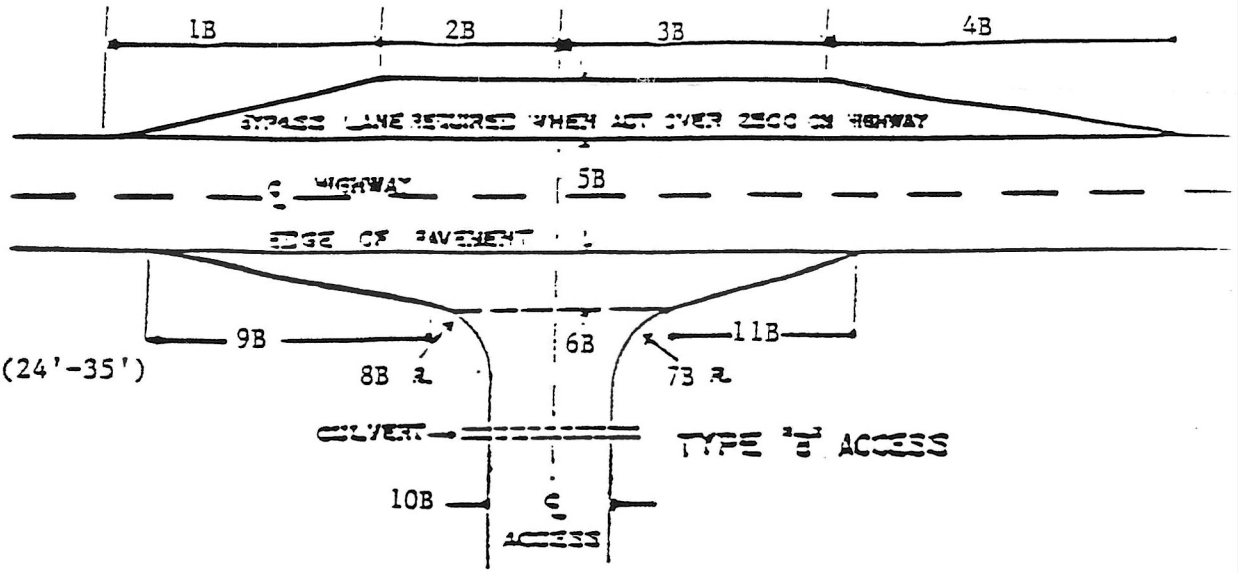
KEY

1A = 6.096m (20')
2A = 6.096m (20')
3A = 6.096m - 7.315m (20'-24')
4A = 7.315m (24')



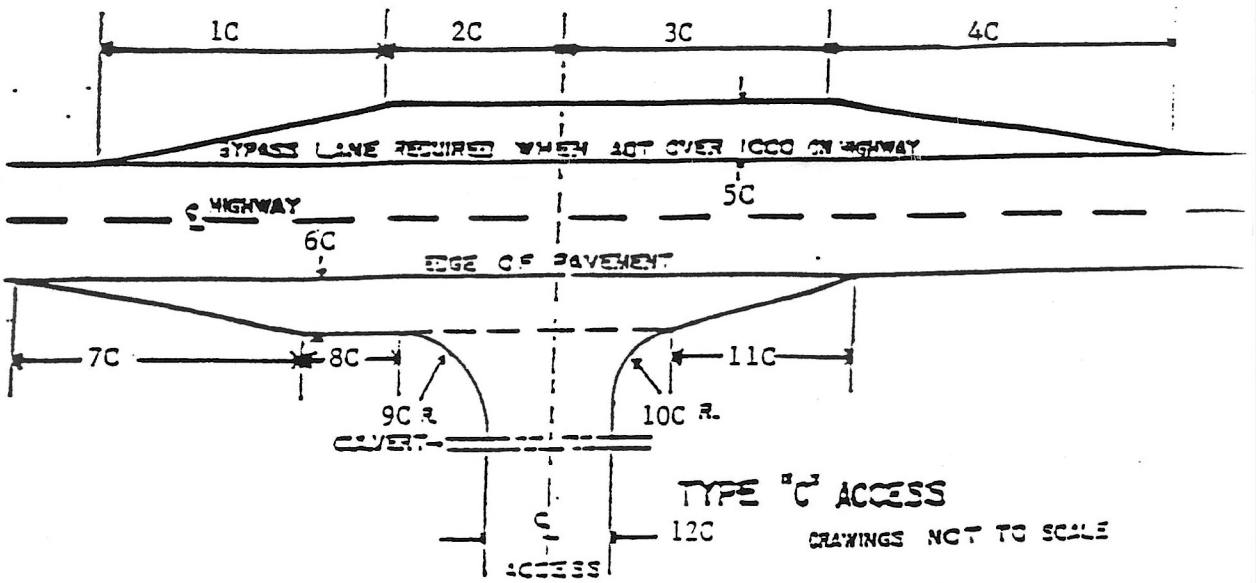
KEY

1B = 45.72m (150')
2B = 30.48m (100')
3B = 45.72m (150')
4B = 60.96m (200')
5B = 3.6576m (12')
6B = 3.6576m (12')
7B = 12.192m (40')
8B = 18.288m (60')
9B = 45.72m (150')
10B = 7.315m - 10.668m (24'-35')
11B = 30.48m (100')



KEY

1C = 45.72m (150')
2C = 30.48m (100')
3C = 45.72m (150')
4C = 60.96m (200')
5C = 3.657m (12')
6C = 3.657m (12')
7C = 45.72m (150')
8C = 15.24m (50')
9C = 18.288m (60')
0C = 12.192m (40')
1C = 30.48m (100')
2C = 7.315m - 10.668m (24'-35')

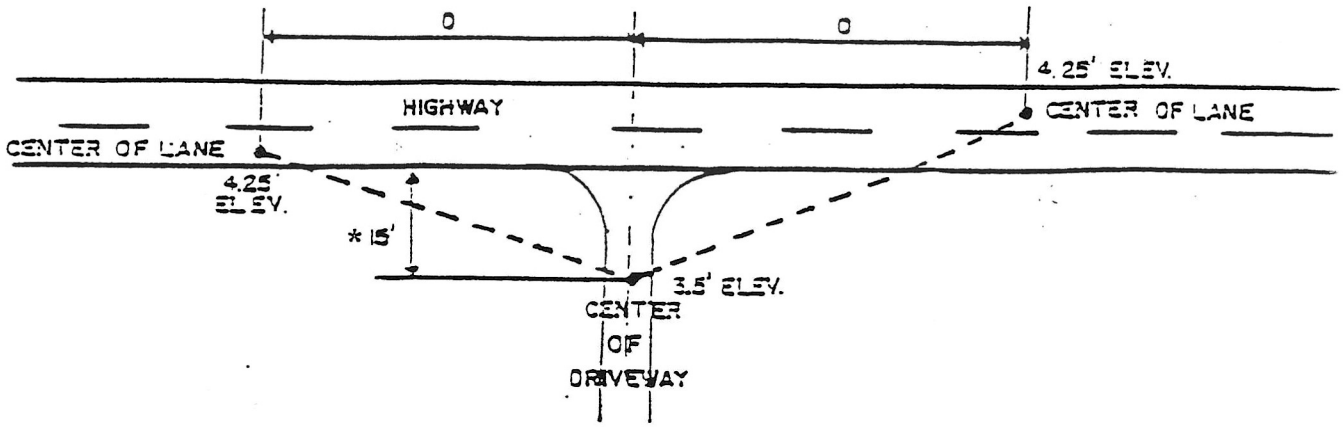


DRAWINGS NOT TO SCALE



VISION/SITE CORNERS

DRIVEWAYS ONLY



* 15 FEET OR BACKEDGE OF RIGHT-OF-WAY, WHICHEVER DISTANCE IS FURTHER.

SPEED LIMIT	DISTANCE "D" IN FEET
25	225
30	250
35	275
40	300
45	350
50	400
55	500