

# Title 13 Chapter 1

## Town Road Access Regulations

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### Sec.13-1-1 Title/Purpose

The title of this Chapter is Town Road Access Regulations. The purpose of this Chapter is to restrict and regulate private access onto town roads in order to promote the public safety by providing for safe and efficient private ingress and egress to Town of Arlington roads, ensure proper drainage, and minimize disruption to existing agricultural lands.

### Sec. 13-1-2 Authority

This Chapter entitled “Town Road Access Regulations” is adopted by the Town Board of the Town of Arlington, Columbia County, Wisconsin, pursuant to the authority of Wis. Stats., Sec. 86.07(2), and Chapter Trans. 231 of the Wisconsin Administrative Code.

### Sec. 13-1-3 Definitions

(A) In this Chapter:

- (1) Access. Driveway or road access point for any motorized or non-motorized vehicles except for State of Wisconsin funded snowmobile trails.
- (2) Agricultural Land. Land within the Town that has been or is currently considered farmland or otherwise zoned agricultural as per the current applicable zoning in effect within the Town.
- (3) Corner Lot. A lot abutting intersecting streets at their intersection.
- (4) County Trunk Highway (CTH). Any segment of a Columbia County Trunk Highway.

- (5) Driveway. A private driveway, road, or other avenue of travel that runs through any part of two or fewer parcels of land or that connects or will connect with any public highway for the purpose of access, but shall not include any field road lying outside of the Right-of-way of a public road.
- (6) Driveway, Field. (AKA Field Road) A road used only for agricultural, recreational or other non-residential purposes.
- (7) Driveway, Shared. A private driveway serving no more than [4] private residences. A shared driveway shall have only one access to a public road or no more than 2 accesses separated by a minimum of 300 feet in rural areas and 150 feet in semi-urban areas. A shared driveway shall not exceed [1,000] feet in length.
- (8) Easement. An area of land set aside or over or through which a liberty, use, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (9) Improvement, Private. Any improvement or alteration to surface or underground amenities that is proposed, taking place, or existing on lands not within the Town or other public authority and where maintenance/operation of said amenities is ultimately not a public responsibility.
- (10) Improvement, Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- (11) Permittee. Any person who seeks or obtains a permit within this Chapter. Includes any person that undertakes unpermitted activities as regulated by this Chapter.
- (12) Person. Includes the plural as well as the singular and may mean any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.
- (13) Public Service. Any service or effort for a person or property provided by private, community or governmental agencies, including but not limited to emergency health care and emergency fire protection.
- (14) Right-of-way. A public way dedicated to the public for its intended use.
- (15) Road. A public way for pedestrians and vehicular traffic and utility access including but not limited to highways, thoroughfares, parkways, through highways, streets, avenues, boulevards, lanes, places, and courts,

and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.

(16) Rural Road. Any road within the Town jurisdiction with a 55 MPH (88 km/h) speed limit.

(17) Semi-Urban Road. Any road outside the municipal boundaries of a city or village with a speed limit below 55 MPH (88 km/h).

(18) Structure. Anything constructed or erected, existing or proposed, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

(19) Topography. The surface features and drainage characteristics of an area of land.

(20) Town. The Town of Arlington, Columbia County, Wisconsin, and, where appropriate, its Town Board, commissions, committees and authorized officials.

(21) Urban Road. Any road within the municipal boundaries of a city, village or township with a speed limit below 36 MPH (58 km/h).

(22) Utility. A public or private service corporation that provides electric, gas, cable television, telephone, fiber optic, sanitary sewer, water main, or storm sewer to/from one region to another region and exists in physical overhead and/or underground structures within easements or Right-of-ways within the Town.

(23) Vision Clearance Triangle. An area of land defined by an approximate triangle with dimensions of 15 feet along the centerline of the driveway and 300 feet along the connecting roadway, centered at the driveway, for the purpose of providing adequate sight distance for all vehicles traveling on or entering onto roadways within the Town.

(B) Interpretation. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

#### **Sec. 13-1-4 Applicability**

This Chapter applies to all persons or entities making or proposing to make use of the public Right-of-way, except where specifically referenced in this Chapter.

#### **Sec. 13-1-5 Implementation – Permits Required**

The Town, by means of this Chapter, requires any or all of the following permits for work that utilizes the Right-of-way for roadway additions, roadway alterations, access to property, alteration to property access, underground accommodations, and surface alterations. Each person desiring to undertake an activity regulated by this Chapter shall submit the appropriate application(s), information, and fee(s) as required by the applicable Section(s) in this Chapter, no less than four weeks prior to the time the work is scheduled to begin.

(A) Town Road Access Permit. As part of access construction, no structure, object, excavation or growth shall be constructed, reconstructed, altered, placed, installed, or planted within the Right-of-way of a Town Road until the Town or its designee has issued an Access Permit. The application requirements, fees and permit form(s) for such activities are available in 13-2, as applicable. The procedures for obtaining an Access Permit are as follows:

- (1) Permittee to review all applicable Ordinances and regulations.
- (2) Permittee to complete Application forms. Submit to Town Building Inspector.
- (3) Permittee to pay Application fees.
- (4) On-site meeting & initial driveway design recommendations by Town Building Inspector or Town Engineer. The Permittee will be notified of the potential for additional engineering, construction, and fee requirements due to the complexity of the site or nature of the proposed work.
- (5) Town Building Inspector/Town Engineer completion of Application form & formal recommendations. Send copies to Permittee, Town.
- (6) Permittee to complete formal request for Access Permit and submit to Town Building Inspector/Town Engineer.
- (7) Town Engineer to complete additional engineering review, as necessary, for Access Permit documentation.
- (8) Town Building Inspector/Town Engineer to complete Access Permit. Send documentation to Permittee, Town.

An Applicant that seeks an Access Permit from the Town may also be required to submit a separate Permit for Work within the Town Right-of-Way, if:

- i. part of the construction is within or adjacent to Town Right-of-way; and
- ii. that part of construction in the Right-of-way is not necessary to complete the access construction; and/or

- iii. The timelines of construction are not similar.

If an Access Permit is requested for an activity and additional work in the Town Right-of-Way is required, the Town Clerk, or designee, shall provide timely notice to the permittee. The permittee remains responsible to obtain all required permits as necessary for any construction activities in or adjacent to Town Right-of-way, at any time before, during, or after construction. An applicant wishing to access a property also is subject to any/all requirements given for driveway design on private property within Title 13 Chapter 2 of the Town's Ordinances.

(B) Work in Town Right-of-Way Permit. No person, business entity or governmental body, or any agent thereof, may excavate, bore under, open, plant, install underground utilities, overlay or modify any public Road or Right-of-way in the Town without receiving Town Board approval prior to commencing the proposed activity.

### **Sec. 13-1-6 Access Regulations**

(A) Existing Access. Any driveway access to a TR prior to the effective date of this Chapter will be allowed, provided that any future construction or alteration shall meet the terms of this Chapter.

(B) Access to Highway. Entrance upon or departure from a TR shall be prohibited except at locations specifically designated by this Section. No driveway shall be opened into or connected with any TR, under this Section or converted from one use of access to another use of access and no culvert shall be installed within Town Right-of-way without an access permit.

(C) 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 Chapter.

(D) 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) Each residence shall have one access.

(3) Commercial and industrial zoned parcels may be allowed two points of access provided they each separately meet the remaining criteria of this Chapter, and require more than 50 parking spaces.

(4) Multiple access points for agricultural purposes may be granted, if reasonably necessary, on a case by case basis.

(5) Whenever possible, access should be granted onto the most minor road adjacent to the property when there is a choice between roads.

(6) Safety shall not be interfered with due to access locations near hills, curves, intersections, or other locations which may not be in clear and apparent view of on coming traffic.

(E) Design Standards. Driveways within the TR Right-of-way must comply with the following design standards:

1) Driveways shall be so located as to not create a safety hazard for vehicles traveling on the TR or exiting and entering the property. The Town Engineer, using good engineering practice, shall determine the permitted location for driveways with consideration given to the TR's classification, topography, and posted travel speed.

(2) To the extent possible, no driveway shall be located within or traverse any area that is part of a "vision clearance triangle" that is created by a hypotenuse line connecting points 150 feet from the center of a TR intersection, nor shall driveways be located closer than 15 feet outside of the extended pavement edge line at a "T" intersection.

(3) Driveways may be constructed of any hard, clean, durable material such as concrete, crushed stone, bituminous or paving stone placed so that the surface of the driveway meets the existing edge of pavement. Driveways shall not extend into the roadway surface so as to cause an obstruction to the maintenance or snow removal on the roadway.

(4) All accesses to TR's without curb and gutter must be provided with a culvert. Culverts must be placed at least 1 foot under the access, be a minimum of 15 inches or equivalent in diameter or as large as needed for adequate drainage and be constructed of corrugated metal or concrete, with endwalls. Plastic pipe and/or plastic endwalls shall not be allowed.

(5) Culverts shall be placed in the ditch line at elevations as set by the Town Building Inspector/Town Engineer so as to adequately convey water and assure proper drainage.

(6) Culverts shall be bedded and backfilled with granular material, compacted in place, or other material acceptable to the Town Building Inspector/Town Engineer. The minimum cover, measured from the top of the pipe to the top of the subgrade material shall be six inches.

(7) Direct drainage from driveway to ditch or culvert on same side of TR.

(8) 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 TR whichever is less.

(9) Driveway entrances shall be sloped away from the edge of the TR pavement at a minimum slope of two percent across the shoulder and one percent from the shoulder point to the low point. The low point of the driveway shall be located at the center of any required ditch over the driveway culvert. If no ditch exists, the driveway low point shall be placed at the center of the future ditch as determined by the Town Building Inspector/Town Engineer. If the driveway slopes down from the roadway, a swale must be created over the center of any existing or future ditch.

(10) In the case of long driveways or driveways which carry unusually large volumes of runoff, the Town Building Inspector/Town Engineer may direct the owner to construct a drainage ditch on one or both sides of the driveway directing runoff to the roadway ditch or a drainage way on the property.

(11) No roof drain or other storm drain may discharge directly or indirectly onto a driveway sloping toward the street.

(12) Retaining walls, stone walls, etc. shall not be allowed on driveways within the Right-of-way.

(13) Concrete is prohibited as a driveway paving material within the town Right-of-way except when, in the opinion of the Town Engineer, the use of concrete will not cause damage or injury or create the threat of danger or injury, to road equipment or for other safety reasons.

(14) Any pavement in the Right-of-way, whether new, resurface, or replacement, shall require a permit.

(15) Crowning of access shall be provided within a minimum pitch of 2 percent towards the side of the access.

(16) Angle of a driveway shall be as close to 90 degrees with the centerline of the TR as possible, but not less than 75 degrees. The slope of the driveway surface between the Right-of-way and the edge of pavement shall not exceed 8%.

(17) Facing access on opposite sides of a TR shall be located directly opposite each other whenever possible.

(18) 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 and a return radius of 20 feet (see Exhibit 13-1-7(E)(21))

(19) Type "B" access standards (see Exhibit 13-1-7(E)(21)) must be used for residential with 3-20 units, and commercial or industrial with up to 25,000 square feet

(20) Type "C" access standards (see Exhibit 13-1-7(E)(21)) must be used for residential with over 20 units, and commercial or industrial over 25,000 square feet.

(21) Bypass lane is required where the ADT of the TR that the access enters onto is 2500 or more for type B access, and 1000 or more for type C access.

(22) Turnarounds shall be provided so that vehicles do not need to back out onto a TR.

(23) Existing TR property including road surfaces, curbs, shoulders, slopes, ditches and vegetation shall be restored to its original condition.

(24) Vision corners must be free of all obstructions at each access point in accordance with the Vision Corner diagram, Exhibit 13-1-7(E)(25). Driveway 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 TR, to two points 4.5 feet above the center of the nearest on-coming lane of the TR in each direction, at a distance of "D" from the point where the TR 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.

(25) Additional information and the requirements relating to applicable standards for all new or altered driveways are illustrated on the attached Driveway Detail incorporated herein. See 13-1-7(E)(26)

### **Sec. 13-1-7 Administration and Enforcement**

(A) Administration. The Town Building Inspector/Town Engineer is hereby authorized to administer this Chapter. Applications for permits shall be made to the Town Building Inspector/Town Engineer who 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 Chapter, within ten (10) working days.

(B) Interpretation. All restrictions on the use of land are restricted to the objects, growth, and use of land within the Road or Right-of-way of the Town. Whenever it is questionable as to whether or not an object or a part of an object is within the jurisdiction of this Chapter, the entire object shall be considered to be entirely within.

(C) Access Permits



(1) No structure, object, excavation nor growth shall be constructed, reconstructed, altered, placed, installed, or planted within the Right-of-way of a TR as part of access construction until an Access Permit has been issued by the Town Building Inspector/Town Engineer. 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 Building Inspector/Town Engineer may extend approval of an access permit, under extenuating circumstances.

(2) The permittee shall be liable for all materials, labor and other costs connected with the construction of the access within the TR right of-way. The Town shall not be liable for any damage or injury which results from the construction of an access. The Town 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

(1) At the time of application, the applicant shall pay fees as established periodically by the Town Board.

(2) In the event that any construction or alteration is commenced prior to application or issuance of a permit, in addition to any other remedies available to the Town, including the right to deny the access notwithstanding commencement of construction and return of the Right-of-way to its prior condition, the permit fee shall be doubled.

(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

(1) Any person aggrieved by any decision made in the administration of this Chapter may appeal to the Town Board. Appeals shall be filed within thirty (30) calendar days following the administrative decision by the Town Building Inspector/Town Engineer. 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.

(2) The Town Board shall make a decision on the appeal within forty-five (45) calendar days from the day the appeal was filed. The decision of the Town Board shall be made by the majority present.

(G) Variance Application and Standards. Where, in the judgment of the Town Board, on the recommendation of the Plan Commission, it would be inappropriate to apply literally the provisions of this Chapter because exception or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the Subdivider at the time when the preliminary Plat or CSM is filed for consideration, stating fully all facts relied upon by the Subdivider, and shall be supplemented with maps, plans or other additional data which may aid the Town Board in the analysis of the proposed project.

(1) Findings Necessary to Support Variance. The Plan Commission shall not recommend nor shall the Town Board grant a variance to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

(a) Public Health and Safety. The granting of the variance will not be detrimental to the public safety, health or welfare of injurious to other property or improvements in the neighborhood in which the property is located;

(b) Uniqueness. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

(c) Particular Property Features. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the Owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.

(2) Approval and Notice of Variance. The Town Board, if it approves of the variance, shall do so by motion or resolution and instruct the Town Clerk to notify the Subdivider.

(3) Voting Requirements. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the Town in accordance with any Town Land Use Plan or component thereof, this Chapter, or the Zoning Code of Columbia County. A majority vote of the entire membership of the Town Board shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Board.

(H) Violations. In the case of any violation of this Chapter, the Town Board may institute appropriate legal action. Each day in which a violation continues to exist shall constitute a separate offense.

(l) Penalties. Except as otherwise provided, any person found guilty of violating any part(s) of this Chapter shall upon conviction thereof, be subject to a penalty as provided in Sec. 9-3-4 of this Code. Each day of violation shall constitute a separate offense.

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Insert exhibits

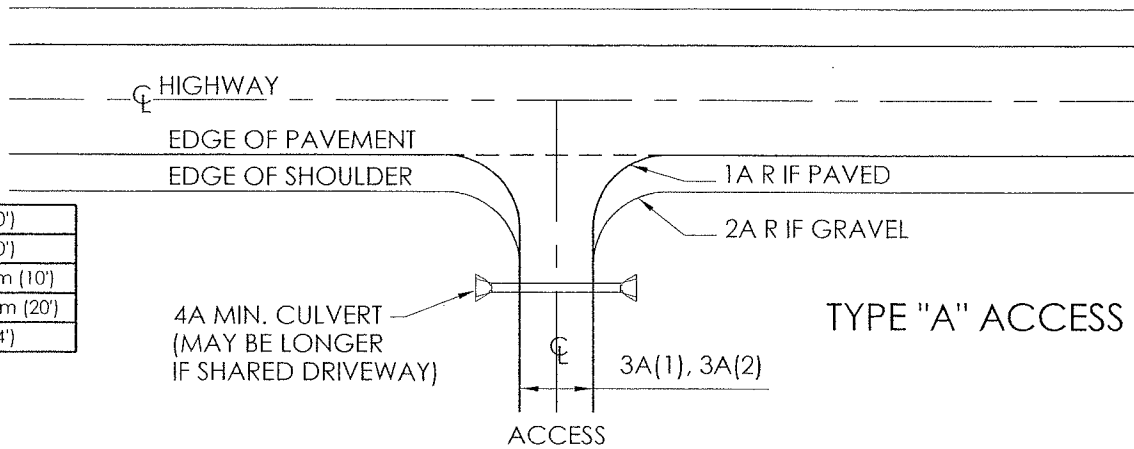
13-1-7(E)(21)

13-1-7(E)(25)

13-1-7(E)(26)

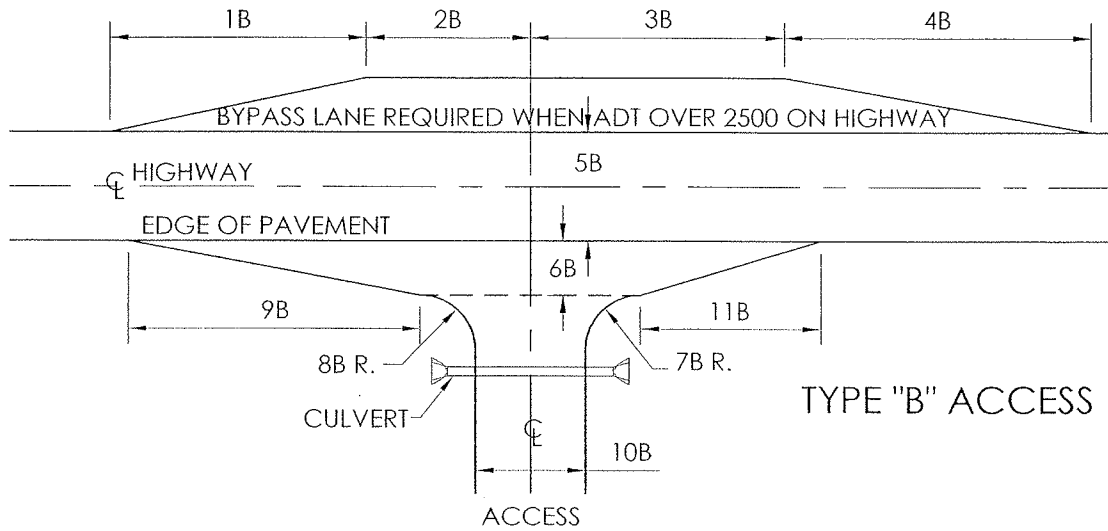
# EXHIBIT 13-1-7(E)(21)

1A	6.096m (20')
2A	6.096m (20')
3A(1)	SINGLE - 3.048m (10')
3A(2)	SHARED - 6.096m (20')
4A	7.315m (24')



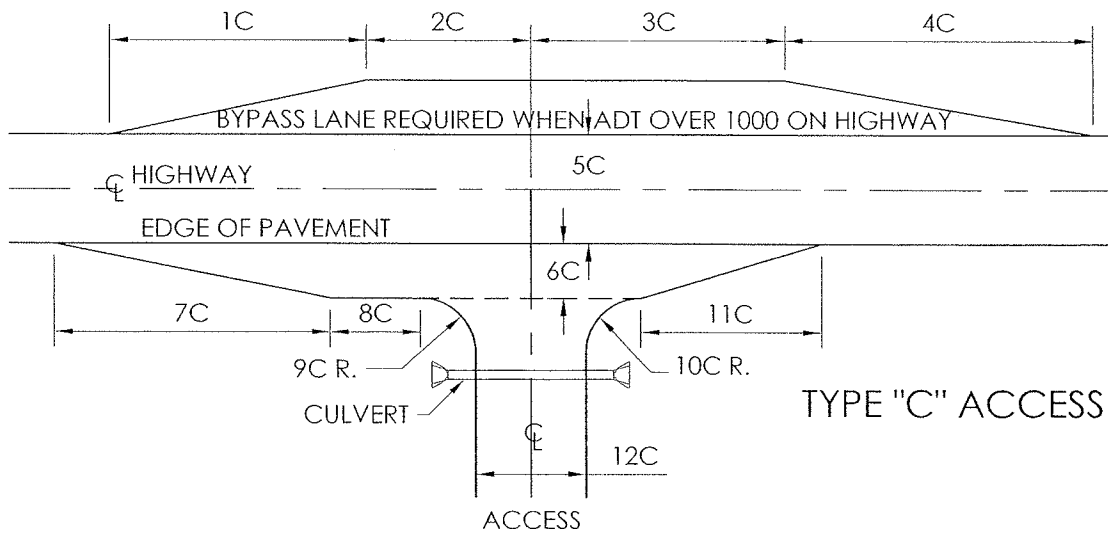
TYPE "A" ACCESS

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')



TYPE "B" ACCESS

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')
10C	12.192m (40')
11C	30.48m (100')
12C	7.315m - 10.668m (24'-35')

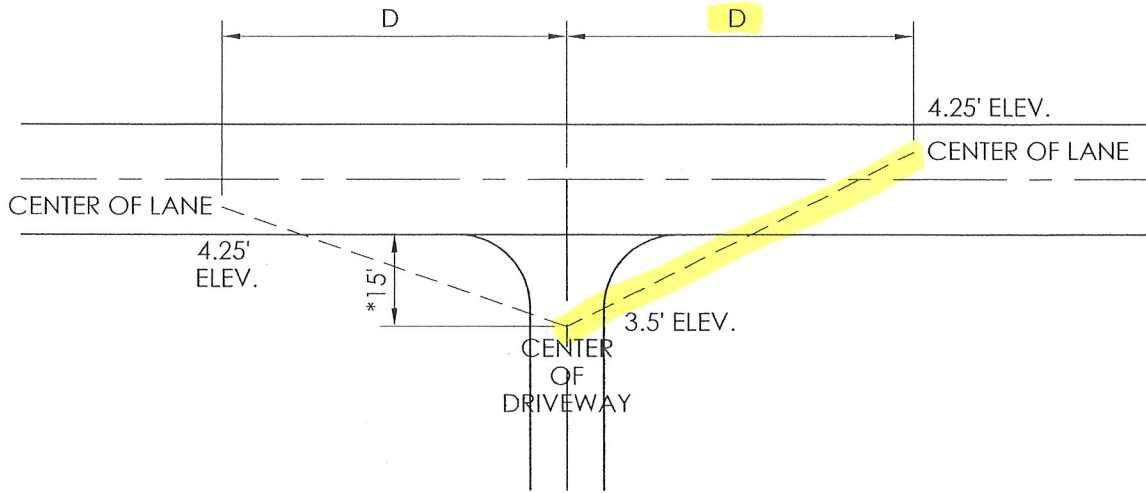


TYPE "C" ACCESS

## ACCESS DESIGN STANDARDS

NOT TO SCALE

# EXHIBIT 13-1-7(E)(25)



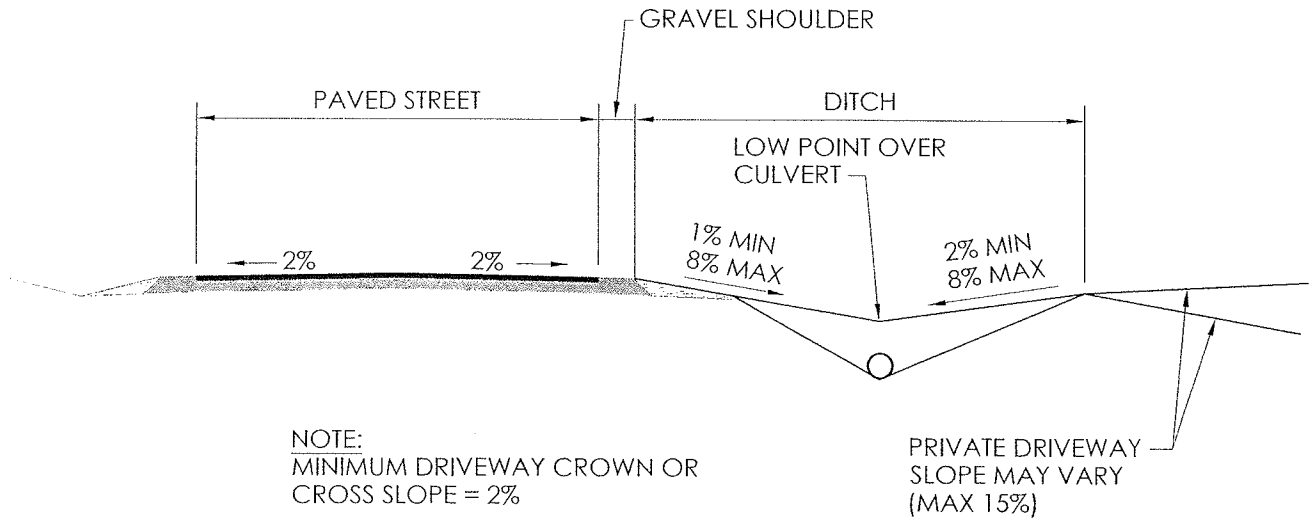
\* 15 FEET OR BACKEDGE OF RIGHT-OF-WAY, WHICHEVER DISTANCE IS FURTHER.

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

## VISION/SITE CORNERS

DRIVEWAYS ONLY

# EXHIBIT 13-1-7(E)(26)



## DRIVEWAY STANDARD

NOT TO SCALE