

Highways and Public Works

Chapter 1 County Highways

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Chapter 1 County Highways

Sec. 6-1-1 Controlled Access Highways

- (a) **Authority.** These regulations are adopted under the authority granted by Sec. 83.027, Wis. Stats.
- (b) **Purpose.** It is the intention of this Section to provide for the review and approval of proposed new points of access onto certain designated County trunk highways. The purpose of this Section is to:
- (1) Promote the safe and efficient ingress and egress to certain County trunk highways in the interest of public safety, convenience and general welfare;
 - (2) Protect the public investment in highways by preventing premature functional obsolescence; and,
 - (3) Reduce highway accidents caused by frequent and poorly designed points of access.
- (c) **Jurisdiction in Unincorporated Areas.** The provisions of this Section shall apply to the following County trunk highways in Bayfield County:
- (Reserved)
- (d) **Jurisdiction in Incorporated Areas.** The provisions of this Section shall apply within those incorporated areas of Bayfield County where a cooperative agreement has been entered into between Bayfield County and the town pursuant to Sec. 83.027(9), Wis. Stats., as amended.
- (e) **Warning and Disclaimer of Liability.** The degree of protection provided by this Section is considered reasonable for regulatory purposes only and is based on engineering experience and scientific methods of study. This Section, however, does not imply that accesses permitted will be totally free of problems, nor shall this Section create a liability on the part of or be a cause of action against the County of Bayfield, or any officer or employee thereof for any problems that may result from reliance on this Section.
- (f) **Interpretation.** In their interpretation and application, the provisions of this Section shall be deemed to be the minimum required and shall be liberally construed in favor of Bayfield County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (g) **Definitions.** Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the same meaning as they have at common law and to give this Section its most reasonable application:

- (h) **Access.** A recognized point of vehicular entry onto to exit from a highway or where evidence of use has been clearly established.
- (1) **Committee.** The Highway Committee of the Bayfield County Board of Supervisors.
 - (2) **Controlled Access Highway.** A highway on which the traffic is such that the Bayfield County Board of Supervisors has found and declared it to be necessary, in the interest of the public safety, convenience and the general welfare, to regulate entrance upon the departure from the highway or street except at places specially designated and provided for such purposes and to exercise special controls over traffic on such highway or street.
 - (3) **Department.** The Bayfield County Highway Department.
 - (4) **Mile.** A mile shall be measured to include one-half (.5) mile in either direction from each particular point of access under consideration.
 - (5) **Terms Not Defined.** Terms not defined in this Subsection shall be construed as defined in any of the Bayfield County Zoning Ordinances, in the Wisconsin Statutes, Wisconsin Administrative Code or if not defined in any of the preceding, the terms shall be used with a meaning of common or standard utilization. Words used in the present tense include the future, words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless specified otherwise, shall be measured horizontally.
- (i) **General Regulations.** Any person, firm or corporation seeking access to lands abutting a County trunk highway designated by Subsection (c) or (d) above shall comply with the requirements of this Section.
- (1) **Right of Access.** After the designation of a controlled access highway, no owners or occupants of abutting property shall have the right of access, by reason of the fact that their property abuts on the controlled access highway, unless otherwise provided herein.
 - (2) **Change of Use.** The use of any point of access permitted under this Section shall not be changed unless approved by the Department.
 - (3) **Vacation.** A controlled access highway shall remain in force until the access control is revoked by an action of the Board of Supervisors. The County Board may revoke access control on a controlled access highway or any portion thereof, provided that after traffic engineering surveys, investigations and studies and if, after a public hearing, the Board finds that the revocation of access control on such highway or portion thereof is in the public interest. The County Board shall record the formal notice of

revocation of access control on the highway with the Bayfield County Register of Deeds.

(4) **Authorization.**

- a. Except at places specifically designated and provided for such purpose no private entrance upon or departure from a designated controlled access highway shall be permitted by the Highway Department.
- b. The Department may designate a private access point as "temporary" and subject to periodic review. In the interest of public safety, convenience and general welfare, the Committee may revoke a "temporary" access permit or it may require modifications to remedy a problem situation.
- c. A public street or highway shall not be opened into or connected with a designated controlled access highway without the approval of the Committee.
- d. No access point shall be converted to a public street or highway unless approved by the Committee.

(j) **Standards and Specific Provisions.**

(1) **Spacing and Frequency.**

- a. One (1) access may be permitted for each parcel of land, except where an alternate means of access is available and would better serve the public interest.
- b. Access permits shall not be issued where the horizontal distance between access points will be less than six hundred (600) feet, except as provided herein.
- c. No more than a maximum of six (6) access points per side per mile of highway shall be permitted, except as provided herein, unless approved by the Bayfield County Board of Supervisors.
- d. One (1) temporary driveway may be permitted for each parcel of land, which existed at the time of adoption of this Section. The temporary driveway may be continued until the driveway is relocated and/or altered to a permanent street intersection under the standards as specified.

(2) **Design.** The design of driveway or street intersections for appropriate sight distance, return radius, angle, profile and width, shall be based on

town and county standards and minimum standards of the American Association of State Highway Officials and the National Cooperative Highway Research Program Report No. 93 and "Guidelines for Medial and Marginal Access Control on Major Roadways." In locating access points along the controlled access highways, consideration shall be given to the alignment of the proposed intersecting streets directly across from each other in order to facilitate safe and efficient flow of traffic across the highway.

(k) **Administration and Enforcement.**

(1) ***Enforcement.*** This Section shall be enforced by the Bayfield County Board of Supervisors through its designated agent, which is the County Highway Department.

(2) ***Duties of the Department.***

a. The Department shall administer this Section including the receiving and processing of applications for access onto designated County trunk highways, appeals to the Highway Committee and is responsible for the issuing of access permits and initiating proceedings for the enforcement of the provisions of this Section.

b. The Department shall conduct periodic inspections to determine compliance with the provisions of this Section and shall maintain a permanent record of data submitted and permits issued.

c. If the Department finds that the proposed access will not be in violation of the terms of this Section, a permit shall be issued; one (1) copy shall be retained and the other copy returned with Department approval. Otherwise, the application shall be rejected and the applicant informed of the reasons in writing and advised of their rights of appeal.

(3) **Permits.**

a. Permits shall be required for all new access points along a County trunk highway designated as a controlled access highway in this Section.

b. Application for permits shall be made to the Bayfield County Highway Department.

c. Applications shall be made on forms provided by the Department. Additionally, the Department may require the submission of a scale drawing showing property lines, topography, streams, lakes, ponds, marshes and locations of existing and proposed structures, and

other appropriate supporting data as deemed necessary for the adequate review of the application.

- d. The permit shall be issued or the application denied within ten (10) days after receipt of the application. Statements made in the application shall be as if made under oath and any willful false statement made in the application, shall subject the person making it to the penalties of this Section.
- e. An access permit shall expire one (1) year from the date of issuance if evidence of use has not been established within that time.
- f. Upon issuance of a permit, the point of access shall be inspected during and after construction.

(4) **Variances.**

- a. Application for a variance from specific rules shall be submitted to the Highway Committee.
- b. Appeals to the Highway Committee may be taken by any person aggrieved or by any officer, department, board or bureau of Bayfield County affected by any decision of the Department. Such an appeal shall be taken within a reasonable time, as provided by the rules of the Committee, by filing with the officer from whom the appeal is taken and with the Committee--a notice of appeal specifying the grounds thereof. The officer, from whom the appeal is taken, shall forthwith transmit to the Committee all papers constituting the record upon which the action appealed from was taken.
- c. Where the Highway Committee finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations, provided that the public interest is secured and that such variation will not establish an undesirable precedent and will not have the effect of nullifying the intent and purpose of these regulations.
- d. Any modification or variance thus granted shall be entered in the minutes of the Committee setting forth the reasons which, in the judgment of the Committee, justified the modification or variance.

(5) **Fees.** A fee may be charged for each permit.

(6) **Controlled Access Maps.** The locations of all recognized access points are shown on the map entitled "Controlled Access Maps" on file in the

office of the Bayfield County Highway Commissioner. The Commissioner shall periodically update the "Controlled Access Maps" to show any changes resulting from the actions of the Department. The "Controlled Access Maps," together with all information shown thereon and all amendments thereto shall be a part of these regulations.

- (7) **Violations and Penalties.** Any person, firm, or corporation who fails to comply with the provisions of this Section shall be subject to penalties and forfeiture as provided in Sec. 83.027(12), Wis. Stats.
- (8) **Recording.** This ordinance shall be recorded in the office of the Register of Deeds of Bayfield County, Wisconsin.

Sec. 6-1-2 Encroachments Upon Highways.

- (a) Pursuant to Sec. 86.07(2), Wis. Stats., the County Board hereby prohibits the erection, construction, maintenance, depositing or placing in any way of any structure, object, carcass, refuse, trash, or any other thing in the right-of-way of a County trunk highway.
- (b) As used in this Section, and Section 6-1-3, Wis. Stats., "right-of-way" means the entire area of land dedicated to the highway, including the road, shoulders and abutting land, whether the right-of-way is owned by the County or an easement granted to the County.
- (c) The Highway Committee may grant variances from this Section to foster the public interest.

Sec. 6-1-3 Permits for Driveways on Right of Way.

- (a) **Applicability.** This Section applies to all County trunk highways.
- (b) **County Permit Required.** The owner of lands adjacent to the right-of-way of a County trunk highway may not construct, maintain and use a driveway for access to the highway unless the owner procures and abides by a permit from the County Highway Department.
- (c) **Driveway Permit; Application.** Permits for a driveway shall be granted without charge. A landowner seeking a permit for a driveway shall complete an application on a form prescribed by the Highway Department. If the proposed driveway meets the requirements of Subsection (d), the Highway Department shall issue a permit for construction and use of the driveway. A permit is valid for construction of a driveway within one (1) year of issuance.
- (d) **Construction Standards.**

- (1) Driveways shall be constructed of solid, load-bearing material. A culvert shall be installed to allow proper drainage through the driveway, and shall be installed at least five (5) feet from the applicant's property line.
 - (2) Every driveway shall have sloped sides constructed of earth materials only. The sides shall be sloped at no more than a grade ratio of two to one (2:1).
 - (3) The driveway shall be no wider than is necessary to accommodate the ordinary traffic of the property to be served. Each application shall specify the proposed width of the driving surface. The Highway Department may approve, reject or modify the width allowed for driving surfaces.
- (e) **Special Standards for New Driveways.** The following subsection applies only to driveways which were constructed prior to the original effective date of this Section:
- (1) After the original effective date of this Section, no driveway constructed before the effective date of this Section may be maintained or used unless a permit has been issued for the driveway and the driveway meets the standards prescribed in Subsection (d).
 - (2) The Highway Committee shall develop a plan of implementation of this Subsection under which substandard driveways shall be brought up to current standards. The plan shall detail a schedule of driveways to be reconstructed using County personnel as well as private contractors. Reconstruction shall be performed by the County or contractors of the County.
 - (3) Every landowner shall be billed for their portion of the cost of driveway repairs.
 - (4) Towns or villages which own lands which have substandard driveways shall be responsible for the cost of culverts required to bring those driveways up to standards. The County shall bear the expense of the installation costs of driveways owned by towns or villages.
 - (5) The County may commence a civil action to recover the expense of reconstructing a driveway if the owner fails or refuses to pay that amount when due.

Sec. 6-1-3 Obstructing or Removing Signs.

- (a) No person may obstruct, deface, remove or in any way impair the visibility of an official highway sign.

- (b) This Section does not apply to highway maintenance crews in the performance of their official duties.
- (c) No person may possess, sell, give, purchase or transfer any official highway sign.
- (d) As used in this Section, "highway sign" means any officially posted signal, placard, barricade, marker, paint stripe or mark or visual device used to advise the public of the rules of the road or of highway conditions.

Sec. 6-1-4 Utility Permits.

- (a) Any person, firm or corporation, including any foreign corporation authorized to do business in this state, may, with the prior written consent of the County Highway Department, construct and operate telephone, telegraph or electric lines, pipes, pipelines, cables or fiber optic lines for the purpose of transmitting electric or electronic or optical signals, messages, water, heat, light or power along, across or within the limits of a County trunk highway.
- (b) All poles used in the construction of any lines shall be set in a manner which avoids interference with use of the highway by the public or the use of adjoining lands by the owner thereof; and all such poles shall comply with the applicable provisions of the electrical code of the State of Wisconsin.
- (c) No tree shall be cut or trimmed or the branches thereof broken or cut during construction or maintenance of the line without the consent of the owner of the tree.
- (d) Any person, firm or corporation seeking approval of construction of such lines within the limits of a County trunk highway shall apply for a permit for such construction from the Bayfield County Highway Department. The application shall be made on a form prescribed by the Department. The Highway Committee may set a reasonable fee for permit applications. The application shall be reviewed by the Highway Commissioner or designee and approved or denied. A person, firm or corporation whose permit application has been denied may appeal the denial to the Highway Committee by submitting a written notice of appeal to the Highway Committee stating the reasons why the application should have been granted. Such appeal shall be barred unless filed within twenty (20) calendar days of the denial of the application by the Highway Commissioner. The decision of the Highway Committee shall be final.

Sec. 6-1-5 Reserved for Future Use.

Sec. 6-1-6 Power to Sell Sand, Salt, or Gravel.

- (a) The Committee may sell sand/salt/gravel from county lands to private vendors under the following conditions:
- (1) Sales are for public purposes that meet the public purpose doctrine.
 - (2) The private vendor must provide a binding and enforceable contract that requires it to use materials for a specific public purpose.
 - (3) The sale price shall take into consideration all operational costs, including, but not limited to, extraction, reclamation, administration and storage, in addition to appropriate royalties.
 - (4) The private vendor must maintain all applicable insurances and MSHA certificates.
 - (5) Additional policies may be adopted by the Committee.

(Section 6-1-6 Adopted July 31, 2012 & Published August 4, 2012)