

STATE OF WISCONSIN  
Town of Sheridan  
Dunn County

SECTION I – TITLE/PURPOSE

The title of this ordinance is the Town of Sheridan **Highway Access Permit Ordinance**. The purpose is to limit and regulate highway access by motor vehicles to any Town highway in the town for public health and safety reasons. This is not a Town Zoning Ordinance.

SECTION II – AUTHORITY

The town board has the specific authority under ss. 66.0425 and 86.07, Wis. stats., to adopt a Town Highway Access Permit Ordinance, and has the general authority under its Village powers under s. 60.22, Wis. stats., to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

The town board, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the town to regulate and permit certain highway access locations in the Town.

SECTION IV – DEFINITIONS

In this ordinance:

- A. "Prime or productive agricultural or forestry land" means any land within the town that is currently being farmed or kept in forestry, including cropland and pastureland, or land that is included in a government sponsored agricultural or forestry program.
- B. "Driveway" means any private way that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide service to a singular residence, business, recreational site, or other similarly appropriate use.
- C. "Field Road" means a road regularly used only for agricultural purposes or to access agricultural land. Also temporary roads used less than 6 months for timber harvesting, construction projects and other short-term projects.
- D. "Private Road" means a road on private property which is accessed by more than 2 private driveways and which provides access to a public highway.
- E. Public Highway, town road and highway means the same.
- F. "Emergency vehicle" means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the Town.
- G. "Impacted landowner" means an owner of real estate that is provided vehicular access to a public highway by a driveway determined to be unsafe
- H. "Town" means the Town of Sheridan, Dunn County, Wisconsin.

- I. "Town board" means the board of supervisors for the Town of Sheridan, Dunn County, Wisconsin and includes any designee of the board authorized to act for the board.
- J. "Town clerk" means the clerk of the Town of Sheridan, Dunn County, Wisconsin.
- K. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

#### SECTION V – COVERAGE

- A. No person may establish or construct a highway access or reconstruct, reroute, or alter any highway access onto a town highway without first obtaining a Town Highway Access Permit to be issued by the Town Board.
- B. Any person prior to and at the time of seeking a Town Highway Access Permit must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.
- C. No access permit for inventoried wetlands by Wisconsin Department of Natural resources (DNR) will be considered until a DNR permit and an Army Corp of Engineers permit is obtained by applicant.
- D. Existing Driveways; any existing driveways and field roads; which cause washing or other conditions, which obstruct or become a potential hazard to a public highway or driveway/private road, shall be notified by the Town Board. Any property owner failing to correct such conditions within 30 days after shall be subject to the penalties described in the penalty section.
- E. Field roads shall access public highways only at locations approved by the Town Board.

#### SECTION VI – SPECIFICATIONS

Commencing on the effective date of this Ordinance all new highway accesses onto Town roads in the Town for which a Town Highway Access Permit is required under Section V shall meet all of the following minimum requirements. No permit shall be issued unless the materials submitted as required under Sections VII and VIII demonstrate compliance with the requirements of this section:

- A. **Access Juncture with a Town Road;** a minimum of 33 feet from the Town road centerline shall be perpendicular and have a slight dip sloping down from the Town road.
- B. **Minimum Access Width;** the Town road access surface shall be constructed to have a minimum finished width of 14 feet and not more than 30 feet.
- C. **Minimum Access Surface;** an adequate road bed of suitable material to support the projected traffic.
- D. **Access Drainage;** the highway access shall slope down and away from the highway a sufficient amount and distance to preclude ordinary surface water drainage from flowing onto the highway. In the case where a culvert is

necessary it shall be a minimum of 15 inches in diameter with a length to meet required sloping.

- E. **Access Visibility Requirement;** 500 feet is recommended. In order not to present a transportation safety hazard on a public road, a driveway may connect to a town road only if the location of the connection allows significant advance visibility of on-coming traffic from both directions to vehicles entering the town road, and sufficient braking distance to any vehicle traveling the road which encounters a vehicle slowed to enter the driveway. In making this determination, the slope of the road, whether it is straight or curved, and the posted speed limit shall be considered.
- F. **Beyond the Access Right-of-Way;** it is recommended that the construction follow specifications for safe passage of transportation and emergency vehicles refer to appendix A.

## SECTION VII – APPLICATION/PERMIT PROVISIONS

- A. The town board shall approve a form for application for the Town Highway Access Permit, which shall be available from the town clerk.
- B. The applicant for a Town Highway Access Permit shall submit to the town clerk a completed application with the appropriate fee, (refer to Town fee schedule), and with the following attachments:
  - 1. Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions. The sketch map may be submitted to the town board prior to the preparation or submission of the other supporting documents in order for the town board to provide initial comments and review of the proposal. However, formal approval for a Town Driveway Permit or Town Highway Access Permit will not be granted without the submission of complete supporting documents.
  - 2. Plat Map. A plat map indicating the location and dimensions of the desired highway access locations, if any, as well as the parcels immediately adjacent to the applicant's property. The applicant may first submit only a sketch plat. Once the town board has reviewed the sketch plat, the applicant may be asked to submit an additional preliminary plat or final plat, or both.
- C. Procedures for the evaluation of any required Town Highway Access Permit Application by the Town Board, including any required site inspection of the proposed access, are as follows:
  - 1. Site inspection upon receiving permit application
  - 2. Site inspection during construction
  - 3. Site inspection upon notification of completion of construction
- D. The Town Board shall approve or deny any Town Highway Access Permit Application and may, as a condition of issuance, place specific restrictions or

conditions on the permit, which shall require compliance by the applicant/permittee. Reasons for denying a Town Highway Access Permit Application may include, but are not limited to:

1. The inconsistency or nonconformance of the proposed highway access with this ordinance, with any existing town comprehensive plan, master plan, or land use plan, with town ordinances, rules, regulations, or plans, or any applicable County, State, or Federal laws, ordinances, rules, regulations, or plans.
  2. The highway access when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for use by persons in the town.
  3. The application as filed and submitted is incomplete or contains false material as determined by the Town Board.
  4. Alternative highway access locations will be safer for persons by motor vehicle ingressing or egressing on the access point.
  5. Alternative highway access locations will preserve or better protect more prime or productive agricultural or forestry land in the town.
  6. Alternative highway access locations will have less negative land use impact on historically, archaeologically, community, public, or culturally significant or environmentally sensitive parcels of land or facilities in the Town, including land adjacent or near the proposed driveway.
  7. The highway access will not provide timely and adequate ingress and egress for emergency vehicles.
- E. In the event of a denial of a Town Highway Access Permit Application, the Town Board shall recite in writing the particular facts upon which it bases its denial of the permit. The Town Board shall also afford the applicant an opportunity to review the Town Board's decision and present evidence at a public hearing after a Class 1 Notice under s. 985.07, Wis. stats., of the hearing to the town board refuting the determination. Thereafter, the Town Board may affirm, reverse or modify its decision. The Town Board shall recite in writing findings for any decision to modify or reverse its initial determination.
- F. If the town board denies two consecutive applications for a Town Highway Access Permit on the same parcel, no subsequent re-application for a permit of the same type that was denied for that parcel will be considered within 12 months of the second denial of either.
- G. The Town Highway Access Permit is effective for 12 months from the date of issuance. Each permit shall expire after 12 months unless renewed.
- H. Each permit may be renewed for an additional period of 6 months. If the highway access has not been constructed by the end of one 6-month renewal period, a new application and fee must be submitted and approved.
- I. The applicant shall notify Town Clerk within 30 days after completion of the construction, reconstruction, rerouting, or alteration of the highway access.

Within 30 days of notification, the Town will conduct an inspection of the highway access to ensure full compliance with all of permit conditions and provisions of this ordinance. Upon a determination of completeness and compliance, the Town Board shall issue the appropriate permits.

- J. No building permit for any construction of buildings or structures will be issued by the town until the highway access is constructed, reconstructed, rerouted, or altered according to the specifications of the permit as issued and this ordinance.

#### SECTION VIII – CONSTRUCTION PLAN OR HIGHWAY ACCESS PLAN

- A. The Town Board may in writing require a highway access plan prior to any proposed highway access construction, reconstruction, rerouting, or alteration.
- B. A highway access plan is required for all sections of any proposed driveway by the applicant that will enter onto a town highway.
- C. If required by the Town Board or its designee, a highway access plan will include a scale plan showing all of the following:
- D. Other Access Points. The location of any other access points onto the town highway within one mile of proposed access point.
- E. No construction, reconstruction, rerouting, or alteration of a highway access onto a town highway may commence until all of the following conditions are met:
- F. The highway access plan, if required, is approved by the Town Board.
- G. A Town Highway Access Permit is issued by the town.
- H. When applicable, any other necessary approvals are obtained from the State of Wisconsin.
- I. The preparation of a highway access plan does not guarantee the approval of a Town Highway Access Permit by the Town Board.
- J. As a condition of any Town Highway Access Permit, the highway access shall be constructed and maintained by the owner or occupant to ensure safe, timely, and proper access and travel by emergency vehicles.
- K. The approval of a Town Highway Access Permit application by the Town Board does not constitute a determination that a driveway is safe, suitable for use or otherwise passable for vehicles of the general public or emergency vehicles, that public access and travel is authorized, or that the applicant or permittee is in compliance with this Ordinance. No person may rely on the issuance of this permit to determine that a highway access location is fit or safe for any purpose or that they are in compliance with the ordinance or any State or County laws or ordinance. The approval of the Town Highway Access Permit application does not establish or commit the Town to future approval of any driveway as a public road or highway in the Town.

#### SECTION IX – WAIVER OF SPECIFICATIONS

Any specification in this Ordinance may be waived or modified by the Town Board if it determines the specifications would impose an unnecessary hardship. Any request by an applicant for a waiver or modification of any provision in this Ordinance must accompany the initial application and must state the reason for the request.

#### SECTION X – REGULATING AUTHORITIES APPROVAL

The Town Board's approval of a highway access permit application does not constitute a determination that the driveway is safe, suitable for use, or otherwise passable for the public. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose

#### SECTION XI – PENALTY PROVISION

The Town shall issue a written warning, to be signed by the issuing authority and the offender and kept on file with the Town Clerk, to any person who fails to comply with the provisions of this Ordinance. Failure to obtain a permit or immediately stop construction of the highway access upon receipt of the written warning shall result in a fine of \$100.00 payable to the Town of Sheridan. Any person who fails to obtain a permit or abandon all construction within 3 business days upon receipt of the written warning, shall, upon conviction, pay a forfeiture of \$100.00 plus the current court costs, which will be listed on the warning ticket, for each violation. Each day a violation exists or continues shall be considered a separate offense under this Ordinance. In addition, the Town Board may seek injunctive relief from a Court of record to enjoin further violations.

#### SECTION XII – SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION XIII – EFFECTIVE DATE

This Ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 9<sup>th</sup> day of Feb 2010.

David C Bartlett

Chairman: Print Name David C Bartlett

Gary Allram

Supervisor 1: Print Name GARY ALLRAM

Pete Score

Supervisor 2: Print Name Peter Score

## APPENDIX A: RECOMMENDED DRIVEWAY MINIMUM SPECIFICATIONS

1. All driveways shall be constructed and maintained to meet the erosion control and stormwater management requirements of Chapter 5 of the Dunn County Ordinances.
2. To limit extensive excavation of hillsides, no land with a slope of more than thirty percent (30%) shall be disturbed for the construction, establishment, reworking or improvement of a driveway.
3. No land with a slope of more than twenty percent (20%) shall be disturbed unless an engineered erosion control plan is presented to limit soil loss from the construction site to no more than 7.5 tons per acre.
4. No land within 1,000 feet of a waterway, wetland or other surface water resource shall be disturbed unless an engineered erosion control plan is presented.
5. Whenever possible a minimum safe sight distance of 500 feet in both directions along the intersecting road.
6. Field roads for agricultural ingress and egress only are exempt from following specifications.
7. Driveways shall be constructed to the following minimum specifications:
  - A. Road bed width of twelve (12) feet
  - B. Shoulder width of four (4) feet on each side, with a slope of six (6) inches away from road bed.
  - C. There shall be a minimum of twenty (20) feet from the center of the ditch on one side of the driveway to the center of the ditch on the other side
  - D. Driveway base course at least four (4) inches of two (2) inch or larger rock,
  - E. Driveway surface course two (2) inches of three-quarter (3/4) inch gravel.
  - F. Curves in the driveway shall have an inside radius of no less than thirty-six (36) feet.
  - G. Dead end driveways will have an area to facilitate vehicle turn around with a minimum radius of 36 feet.
  - H. Each driveway requiring a culvert shall have a culvert at least eighteen (18) inches in diameter at the ditch line where the driveway meets the public road, unless waived or modified on showing of hardship or difficulty by the Town Board and, in the case of county or state highways, approved by the Dunn County Highway Commission or district engineer of the Wisconsin Department of Transportation.
  - I. Driveway right-of-way clearing dimensions are (24) feet in width and eighteen (18) feet in height to permit the safe passage of emergency vehicles. In case where such clearing would be environmentally damaging, the Town Board will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard.
  - J. Maximum grade of the driveway or any portion of the driveway shall be no more than thirteen percent (13%).
  - K. Once the construction of the driveway has begun, all specified erosion controls, including retaining walls, ditching, culverts, crowning, mulching, seeding and