

ENROLLED ORDINANCE 173-032

AMEND WAUKESHA COUNTY CODE OF ORDINANCES
BY REPEALING AND RECREATING CHAPTER 15, DIVISION 4 OF ARTICLE II,
SECTIONS 15-51,15-52, 15-53, 15-54, 15-55, 15-56, 15-57 15-58 & 15-59
ACCESS TO AND ALTERATIONS IN
COUNTY TRUNK HIGHWAYS

WHEREAS, Waukesha County is responsible for a county trunk highway system; and

WHEREAS, Waukesha County's responsibility includes permitting others to gain access to its highways and perform other work within the rights of way; and

WHEREAS, Waukesha County has in place Chapter 15, Division 4 of the Waukesha County Code which provides for the orderly conduct of access and alterations to County Trunk Highways and describes the terms and conditions according to which such work can take place; and

WHEREAS, from time-to-time issues arise which require amending and changing the current ordinances.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA
ORDAINS THAT:

SECTION 1. Section 15-51 of the Waukesha County Code shall be repealed and recreated to read as follows:

Sec. 15-51 Purpose, fees.

This Article is promulgated for the purpose of designating standards within which the county will issue permit pursuant to section 86.07(2), Wisconsin Statutes, for placing, constructing or altering driveways, for movement of traffic between county trunk highways and abutting property or otherwise making excavations or fills, installing culverts or making other alterations in any county trunk highway or in other manner disturbing any such highway or bridge thereon. The purpose of the design standards herein prescribed is to promote the orderly and safe movement in and out of private properties in such manner as will constitute a minimum of interference to through highway traffic, and to control the use of drainage structures and appurtenances as may be necessary to preserve the physical structure of the highway. The Department of Public Works shall charge the fee allowed by Section 15-2 of the Code of Ordinances for each permit granted under this Article.

SECTION 2. Section 15-52 of the Waukesha County Code shall be repealed and recreated to read as follows:

Sec. 15-52 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

1. *Access Point*: A constructed vehicular pathway to a single parcel of land adjacent to the highway or to many parcels of land all of which are adjacent to the constructed vehicular pathway (public or private street). The term “Access Point” shall be considered as synonymous with the terms point of access, private drive, residential driveway, commercial driveway, street opening or any similar term.
2. *Department of Public Works*: The Waukesha County Department of Public Works.
3. *Director*: The director of the Waukesha County Department of Public Works.
4. *Engineer*: The Engineering Services Manager of the Waukesha County Department of Public Works.

SECTION 3. Section 15-53 of the Waukesha County Code of Ordinances shall be repealed and recreated to read as follows:

Sec. 15-53 Permit Required

(a) No person shall construct an Access Point within the meaning of this article until or unless a valid permit has been obtained from the Department of Public Works. In addition, no person shall alter, in any way, existing appurtenances or features within the highway right-of-way including but not limited to, ditches, drainage ways, culverts, bridges, signs, berms, fences, landscaping, retaining walls or pavement surfaces (including existing Access Points) until a proper permit therefore has been obtained.

(b) Any change of a property’s use may require a permit, alterations and/or limitations to existing Access Points.

(c) A permit may not be granted for the purpose of parking or servicing vehicles or for advertising, storage, or merchandising of goods on the highway right-of-way.

SECTION 4. Section 15-54 of the Waukesha County Code of Ordinances shall be repealed and recreated to read as follows:

Sec. 15-54 Access Point design criteria.

(a) For a land use of a single-family home with private access, a sixteen-foot minimum width shall be required. For a single-family home with a shared access, a twenty-two to twenty-four-foot width shall be required.

(b) The design criteria of Access Points for mixed developments shall be determined on a per-case basis by the Department of Public Works as part of the permitting process.

(c) For other land uses, the following design criteria shall be applied to Access Points serving the delineated land uses: (references to types are to specific drawings available through the Department of Public Works from its "Intersection Details" materials.)

<i>1. Multi-Family</i>	<i>Type</i>
a. Less than 10 units	C
b. 10-20 units	B
c. More than 20 units	A, D
<i>2. Subdivision</i>	<i>Type</i>
a. Up to 50 units	B, D
b. Greater than 50 units	A, D
<i>3. Commercial/industrial</i>	<i>Type</i>
a. Up to 25,000 sq. ft.	C
b. Greater than 25,000 sq. ft.	A, B, D

(d) In the event that the applicant proposes a use not enumerated herein, the Engineer shall make the determination of the applicable criteria based upon the need to preserve highway capacity and safety.

(e) A bypass lane shall be required for all "T" type intersections when traffic on the adjacent county highway exceeds two thousand five hundred (2,500) vehicles per day and a bypass lane is ordered by the engineer.

SECTION 5. Section 15-55 of the Waukesha County Code of Ordinances shall be repealed and recreated to read as follows:

Sec. 15-55 Location and Construction Requirements

- (a) The location, design, and construction of an access point shall conform to the following:
1. An Access Point shall be located and restricted as to width as necessary so that the entire Access Point or roadway and its appurtenances are contained within the frontage along the highway of the property served. The Engineer may permit the use of highway rights-of-way to complete construction of the Access Point where said construction would otherwise be outside the boundaries of applicant's property. At public highway intersections, an Access Point shall not provide direct ingress or egress to or from the public highway

intersection area and shall not encroach on or occupy areas of the roadway or right-of-way deemed necessary for effective traffic control or for highway signs or signals.

2. An Access Point shall be so located and constructed that vehicles either approaching it or using it will have adequate sight distance in both directions along the highway. This adequate sight distance shall be defined as follows:
 - A. For developments of four (4) units or less, the sight distance shall be equal to the stopping sight distance for the posted speed on the county highway immediately in front of the property.
 - B. For developments of more than four (4) residential units and for all other developments, the sight distance shall be at least equal to the 1990 AASHTO Design Guide Curve B-2.
3. Except on a controlled-access highway, the number of Access Points permitted serving single property frontage prior to any land division along a county trunk highway shall be the minimum deemed necessary by the Engineer for reasonable service to the property without undue impairment of safety, convenience, and utility of the highway. Successive land divisions shall not increase the number of Access Points permitted. However, the number of Access Points permitted shall not be greater than the following:

Distance	Number of Access Points
Less than 600 ft.	1
600 ft. – 1,499 ft.	2
1,500 ft. – 2,500 ft.	3
Greater than 2,500 ft.	4

In addition, a minimum distance of five hundred (500) feet shall be maintained from the intersection of any federal highway, state highway, county trunk highway, or other public or private side road. Such distance shall be measured from the centerline of the Access Point to the nearest edge of pavement of the federal highway, state highway, county trunk highway or other public or private side road.

- (b) When a property seeking access to a county trunk highway also has frontage on a city, village or town road, then the access to the property shall be from the city, village or town road. In exceptional circumstances, the Department of Public Works will allow access to the county trunk highway but these requests will be reviewed on a case-by-case basis.

- (c) For Access Points other than private driveways, vision corner easements shall be provided if deemed necessary by the Department of Public Works. Vision corner easements shall begin at a point along the side road (or driveway) centerline one hundred (100) feet from the centerline of the adjoining county trunk highway and shall traverse diagonally to a point one hundred fifty (150) feet along the centerline of the county trunk highway from the center of the side road. Within the area of the vision corner easement, the height of all plantings, berms, fencing, signs or any other structure shall be limited to twenty-four (24) inches above the intersection elevation. No roadway access is permitted over the vision corners from the adjacent lots.
- (d) Preliminary Survey/Plat Review.
1. Preliminary or conceptual certified survey maps and subdivision plats which are adjacent to a county trunk highway shall be sent to the Department of Public Works during the review process by the local municipality. The Department of Public Works will undertake a preliminary review of the map or plat to determine its compliance with the access control requirements of this Article.
 2. Failure of an owner to obtain a preliminary review of a certified survey map or subdivision plat when adjacent to a county trunk highway may prohibit the issuance of an access permit from any parcels created as set forth in this Article.
 3. The preliminary approval by the Department of Public Works is based on terms of this Article, topographic conditions, traffic conditions, speed limits, other access locations and geometric standards which are existing at the time that such approval is given.
 4. The issuance of a permit to construct a driveway will be based upon conditions present at the time that the driveway permit is applied for. Therefore, the preliminary approval may not guarantee the issuance of an access permit when the permit is applied for.
- (e) The island area on the right-of-way between successive Access Points or adjoining an Access Point and between the highway shoulder and right-of-way line shall remain unimproved for vehicular travel or parking. Such areas shall be considered as restricted and may be filled in or graded down only as provided by this Article.
- (f) The surface of the Access Point connecting with rural-type highway sections shall slope down and away from the edge of pavement a sufficient amount and distance to preclude ordinary surface water drainage from the Access Point area flowing onto the highway roadbed.
- (g) The Access Point shall not obstruct or impair drainage in highway side ditches or roadside areas. Access Point culverts, where necessary, shall be adequate for surface water drainage along the highway and in no case less than the equivalent of a fifteen (15)-inch diameter pipe. The distance between culverts under successive Access Points shall be not less than ten (10) feet except as such

restricted area is permitted to be filled in under the provisions of this ordinance. The Department of Public Works may opt to require that all culvert pipes for single family home Access Points be installed by Department of Public Works personnel unless the Engineer approves installation by the property owner's contractor after notice to the Department of Public Works by the contractor or property owner. In the event that installation is performed by the permittee or contractor, prior to backfilling, the Department of Public Works must inspect and approve the installation. Culvert pipes installed by the Department of Public Works shall be supplied by the permittee.

- (h) When any curb or gutter is removed for constructing an Access Point, the new connections shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. The Access Point surface shall connect with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The Access Point construction shall include replacement of sidewalk areas which are inadequate or become damaged by reason of vehicular travel across the sidewalk.
- (i) Any highway surfaces, shoulders, ditches and vegetation that are disturbed by the construction of the Access Point shall be restored to the equivalent of the original condition by the permittee. In the event that the permittee fails to comply with this section and the Department of Public Works must engage in restoration work, the permittee shall be charged an hourly rate in addition to the cost of necessary supplies used in such work.
- (j) The restricted area between successive Access Points may be filled in or graded down only when the following requirements are fully complied with:
 - 1. The filling in or grading down shall be to grades approved by the Engineer and except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the highway roadbed in a suitable manner.
 - 2. Culvert extension under the restricted area shall be of like size and equivalent acceptable material of the Access Point culvert and intermediate manholes adequate for clean-out purposes may be required where the total culvert length exceeds one hundred (100) feet.
 - 3. Where no highway side ditch separates the restricted area from the highway roadbed, permanent provision may be required to separate the area from the highway roadbed, to prevent its use for Access Point or parking purposes, by construction of a border, curb, rail or posts deemed adequate by the Engineer.

SECTION 6. Section 15-56 shall be repealed and recreated to read as follows:

Sec. 15-56 Public Works Department authority, permit requirements and application process.

- (a) The applicant shall complete the required permit forms as supplied by the Department of Public Works. They shall be submitted to the Department of Public Works along with supplemental information required by this Article.

- (b) Applications shall be accompanied by a subdivision plat, certified survey map, plat of survey or proposed site plan showing the location of the Access Point desired.
- (c) The applicant shall stake the location or centerline of the proposed Access Point in the field with surveying lath and an identifying colored ribbon.
- (d) Applicants for access to developments with more than one hundred (100) residential units or fifty thousand (50,000) square feet of building area for commercial, industrial or institutional development or any combination thereof, shall be required to submit a traffic impact study in a form as specified by the Department of Public Works. The Department of Public Works reserves the right to require a traffic study for any development or may require an abbreviated traffic study if deemed necessary.
- (e) Applicants must represent all parties in interest to the land and the Department of Public Works shall provide a permit form which requires the applicant to affirmatively state that they represent all parties in interest.
- (f) Before a permit is issued, the Department of Public Works may require that the permittee show to the Engineer's satisfaction:
 - 1. That the type of construction and materials to be used by the applicant are suitable and appropriate for the intended purpose of the applicant; and,
 - 2. That the permittee has a plan to make the installation of the Access Point without jeopardy to or interference with traffic using the highway.
- (g) No relocations, revisions or additions shall be made to the proposed or existing access point or its appurtenances on the right-of-way without the written permission of the Engineer. Upon completion and approval of the Access Point, no revisions may be made without the prior written approval of the Engineer.
- (h) All permittees must agree, on the form supplied by the Department of Public Works, to hold the county harmless against any action for personal injury or property damage sustained by reason of the issuance or exercise of the permit.
- (i) The Department of Public Work's authorization to issue permits pursuant to this Article is limited to permits for placing, constructing and altering private Access Points, with and without pipes, for the movement of traffic between county trunk highways and abutting property, and to landscaping or other minor grading or alterations in roadway slopes and embankments on county trunk highways adjacent to lands owned by the permittee.
- (j) Permits for such installations or alterations within the limits and conditions established hereby shall be issued by the Engineer and permits for such installations or alterations exceeding the limits or conditions established hereby shall be issued only on specific approval of the Director.
- (k) No permit shall be issued or be valid for construction of an Access Point connecting adjacent lands directly with the through roadway of a controlled-access highway unless and until such Access Point is authorized and approved by the Director.

SECTION 7. Section 15-57 shall be repealed and recreated to read as follows:

Sec. 15-57 Appeal of denial of permit.

Any applicant for a permit under this Article is entitled to pursue an appeal pursuant to Chapter 18, Miscellaneous Provisions, Article IV. Municipal Appeals of the Waukesha County Code of Ordinances.

SECTION 8. Section 15-58 shall be repealed and recreated to read as follows:

Sec. 15-58 Violations.

(a) Any Access Point which is found to have been constructed in violation of these regulations shall be declared illegal. The illegal Access Point shall be treated as follows:

1. The violator shall be notified, in writing, that he has an illegal Access Point and must apply for a permit.
2. The violator shall be given ten (10) business days within which to file a proper application.
3. The violator's application shall be reviewed and either a permit issued or a notice of correction issued.
4. The violator shall have twenty (20) business days to submit a plan of corrections and timetable for building same for approval by the Engineer.
5. If the violator fails to apply for a permit or submit a plan of corrections, or implement the plan in accordance with the timetable, the Access Point shall be removed or rendered unusable by the Department of Public Works. Costs associated with said removal or obstruction shall be charged to the violator.

(b) Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, forfeit not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) and the cost of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. Compliance therewith may also be enforced by court-ordered injunction at the suit of the county as provided by law.

SECTION 9. Section 15-59 shall be repealed and recreated to read as follows:

Sec. 15-59. Conditions related to reconstruction of county trunk highways.

Should the permittee desire to reconstruct a portion of the county trunk highway in order to comply with the provisions of this Chapter, the following

additional conditions may be imposed by the Director prior to issuing any permit:

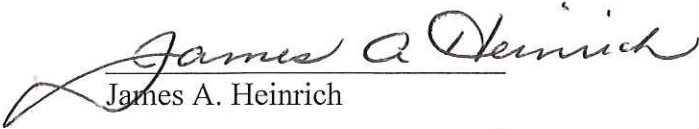
1. Undertake soil borings and a soil report prepared by an approved firm. Prepare a pavement design based on the soil boring data and the existing ADT (Average Daily Traffic) plus a ten (10) percent increase. The design must use WDOT pavement design methods. The minimum typical section allowed will be six (6) inches of asphaltic concrete pavement, HMA Pavement Type 4 MT 58-28S on a base of twelve (12) inches of crushed aggregate base course.
2. Utility coordination must be completed prior to approval of plans. The coordination includes documentation showing utility agreements and time schedule for relocation of any utilities. The copies of utility agreements must be attached to the final plans and are required prior to issuing any permits or the beginning of construction.
3. The permittee will hold public information meetings at which the proposed work will be presented and public comments can be received. The process will give the opportunity for written comments. Comments will be reviewed by the Department of Public Works and the Department of Public Works may require changes to the proposed work based upon comments received.
4. All grading and paving work within the County highway right of way will be limited to the period between May 15 and October 15. Exceptions are landscaping and placement of incidental items (signs, guardrails, etc.).
5. Permittee is responsible for the placement and maintenance of all barricades and detours associated with the work. All detour routes must be approved in advance by the maintaining authorities.
6. A performance bond, letter of credit, or certified check sufficient to construct the entire project will be provided to the County and will be returned after the work is completed to the Department of Public Works' satisfaction. The Permittee will also provide appropriate liability insurance in amounts as determined by the Department of Public Works.
7. The Permittee and the Department of Public Works shall agree upon the need for and length of time for any road closure. This agreement shall be in writing and signed by both the Permittee and the Department of Public Works. Should the Permittee fail to complete work to the satisfaction of the Department of Public Works within the time agreed upon, a penalty may be imposed upon the Permittee. The penalty shall be calculated by multiplying the average daily traffic (ADT) on the road prior to the closure times the detour length in miles times the daily vehicle operating cost as determined by the Department of Public Works. The penalty shall be imposed for each and every day that the road remains closed beyond the agreed upon opening date. Should the Permittee fail to pay said penalty, he shall forfeit his performance bond in paragraph (6) above.

AMEND WAUKESHA COUNTY CODE OF ORDINANCES BY REPEALING AND
RECREATING CHAPTER 15, DIVISION 4 OF ARTICLE II, SECTIONS 15-51
THROUGH 15-59 REGARDING ACCESS TO AND ALTERATIONS
IN COUNTY TRUNK HIGHWAYS

Presented by:
Executive Committee



Paul L. Decker, Chair



James A. Heinrich



Christine M. Howard



Larry Nelson



David W. Swan

Absent

Peter M. Wolff



David D. Zimmermann

Note * 2 Signature
Pages

As Amended

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 8/28/18, 
Kathleen Novack, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X

Vetoed: _____

Date: 9/4/18, 
Paul Farrow, County Executive

AMEND WAUKESHA COUNTY CODE OF ORDINANCES BY REPEALING AND
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Presented by:
Public Works Committee



David W. Swan, Chair



Jennifer Grant

absent

Keith Hammitt



Darlene M. Johnson



Richard Morris



Thomas J. Schellinger

absent

Steve Whittow

Approved by:
Executive Committee

~~_____
Paul L. Decker, Chair~~

~~_____
James A. Heinrich~~

~~_____
Christine M. Howard~~

~~_____
Larry Nelson~~

~~_____
David W. Swan~~

~~_____
Peter M. Wolff~~

~~_____
David D. Zimmermann~~

*Note *
Signature
Pages*

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Kathleen Novack, County Clerk

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Approved: _____
Vetoed: _____

Date: _____,
Paul Farrow, County Executive

D1 - Foti	AYE	D14 - Wood	AYE
D2 - Zimmermann	AYE	D15 - Mitchell	AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	AYE
D7 - Grant	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Gaughan	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	(M) AYE	D23 - Hammitt	Notified
D11 - Howard	AYE	D24 - Whittow	AYE
D12 - Wolff	AYE	D25 - Johnson	(2) AYE
D13 - Decker	AYE		

A- 172-O-32

Passed (24 Y - 0 N - 1 Absent)

Majority Vote >

D1 - Foti	AYE	D14 - Wood	AYE
D2 - Zimmermann	AYE	D15 - Mitchell	AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
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D6 - Walz	AYE	D19 - Cummings	AYE
D7 - Grant	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Gaughan	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	(M) AYE	D23 - Hammitt	Notified
D11 - Howard	AYE	D24 - Whittow	AYE
D12 - Wolff	AYE	D25 - Johnson	(2) AYE
D13 - Decker	AYE		

172-0-32

Passed (24 Y - 0 N - 1 Absent)

Majority Vote >