

 ORIGINAL

TOWN OF LAMARTINE
ACCESS CONTROL ORDINANCE
Ordinance #: M-12122016

Adopted by the Town Board

Date: 12/12/2016

Amended: 7/11/2022

The Town Board of the Town of Lamartine, in the interest of public safety, convenience, general welfare and to protect the public investment of existing and proposed road(s) does hereby ordain and establish an Access Control Ordinance.

1.0 TITLE, PURPOSE, AND JURISDICTION

A. TITLE

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

B. STATUTORY AUTHORIZATION

This ordinance is established by the provisions set forth in Sections 59.02, 59.07, 60.20, 60.23 & 86.07(2), and 236 of the State of Wisconsin Statutes, and Chapter hy 31 of the Wisconsin Administrative Code.

C. PURPOSE

The purpose of this ordinance is to regulate and control access onto Township roads in order to promote the public safety, convenience, general welfare, economic viability and to protect the public investment of existing and proposed roads, and to provide for safe and efficient use of the Town of Lamartine Township Roads.

The design standards herein prescribed are to promote the orderly and safe movement in and out of property as to constitute a minimum of interference to through road traffic, and to control the use of drainage structures and appurtenances as may be necessary to preserve the physical structure of the roads.

2.0 GENERAL

- A. The present tense includes the future tense and the singular tense includes the plural.
- B. The word "shall" is mandatory; the word "may" is permissive.
- C. The words "used" or "occupied" also mean intended, designed or arranged to be used or occupied.
- D. The word "person" includes any individual, firm, association, joint stock associations, organization, partnership, limited trust, body politic, governmental agency, company, corporation and includes any trustee, receiver, assignee, or other representative thereof.
- E. All distances unless otherwise stated shall be measured in the horizontal direction.
- F. "ADT" is the average daily traffic on a segment of road.
- G. "Township Roads" or "Department" means the Town of Lamartine Highway Department.

3.0 DEFINITIONS

ACCESS:

That portion of a driveway located between the edge of the adjacent road right-of-way and the paved portion of the road.

ACCESS PERMIT:

A permit from the Town of Lamartine granting permission to connect for access purpose, to the TLR TOWN OF LAMARTINE ROAD (TLR):

Any segment of a Town of Lamartine road.

DRIVEWAY:

Any public access for motorized vehicles to one or two parcels.

FIELD ENTRANCE:

An access point, the only use of which is as an entrance or exit to an agricultural parcel of land for field work purposes.

PARCEL:

The area of land outside the public right-of-way, within the property lines of a given piece of property.

ROAD:

Any road, street, alley, expressway, highway, avenue, parkway, land, drive, boulevard, circle, bypass or other pathways intended for the public use of motorized vehicles to obtain access to more than two parcels.

RURAL TLR:

Any TLR with a 55 MPH speed limit in a largely rural or undeveloped area.

SEMI-URBAN TLR:

Any TLR outside the municipal boundaries of a city or village with a speed limit below 55 MPH.

STOPPING SIGHT DISTANCE:

A measurement calculated to determine the safe stopping distance of a vehicle at a certain speed.

TOPOGRAPHY:

The surface features of an area of Land.

URBAN TLR:

Any TLR within the municipal limits of a town, city or village.

VISION CORNER:

A clear triangle of right-of-way to control sight restrictions at access points. (See Figure 1).

4.0 REGULATIONS

- A. EXISTING ACCESS: Any use of access to a TLR (via driveway or road) prior to the effective date of this ordinance will be permitted, provided that any future improvements or alterations shall meet the terms of this ordinance.
- B. VACATED ACCESS: If the Town of Lamartine determines that the use of an access has been discontinued for a period of at least two years, the Town of Lamartine shall notify the owner by certified mail that the access is to be considered vacated. The Town of Lamartine will allow the owner 30-days to reply. If after 30-days the Township decides the access has been abandoned, the access shall be considered vacated and its use will not be permitted. Any further use of this access after it is declared vacated, will require a permit and be considered a new access under this ordinance.
- C. ACCESS PROHIBITIONS: No person shall construct an access point within the meaning of this ordinance unless a valid permit has been obtained from the Town of Lamartine Road Supervisor.

Entrance to or exit from a town road shall be prohibited except at designated access points. No person shall alter, the right-of-way including but not limited to ditches, drainage ways, culverts, bridges or pavement surfaces (including existing access points) until or unless a permit has been obtained from the Township.

- D. 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 ordinance;

5.0 ACCESS SPACING AND FREQUENCY

- A. Only one access per parcel with a minimum of 600-foot frontage will be allowed for parcels zoned residential or agricultural unless provided for elsewhere in this ordinance.
- B. Commercial and industrial zoned parcels may be allowed two (2) points of access, provided each access meets the criteria of this ordinance, the development requires more than 50 parking spaces, and/or if two (2) access points would provide for safer movement of traffic.
- C. Access to lower classified roads. Regardless of parcel zoning and proposed use, access shall be granted onto the lower classified road with lower A.D.T. adjacent to the parcel when possible.
- D. When a property owner owns more than one parcel adjacent to another, with the same zoning, all with frontage on the TLR, the parcels shall be treated as a single parcel under this ordinance.
- E. ROAD OR STREET: A driveway access shall not be permitted at a distance of less than 100-feet from the centerline of an intersecting road to the proposed driveway.
- F. In the event that the applicant proposes a use not covered by this ordinance, the Town Board shall make the determination of the applicable criteria based on the need to preserve road capacity and safety. Access proposals, which conflict with safe driving standards, may not be allowed. The Town Board will make the final decision to deny, approve, or give conditional approval to the application.

6.0 DESIGN STANDARDS

Driveways and roads with access onto TLR's must comply with the following design standards:

SEE SECTION FOR SPECIFICATIONS

- A. CULVERTS must be a minimum of 15 inches in diameter, be at least 50-feet from the nearest culvert and be constructed of corrugated metal or concrete. Endwalls may be added if requested by land owner with approval of the Town of Lamartine Road Supervisor. Plastic pipe will be permitted provided it is double or dual wall and meets design standards. (See AASHTO M-294 and / or ASTM F2306). Culvert size will be determined by the Town of Lamartine Road Supervisor so as to allow for proper drainage. All culverts must have a minimum cover of 12" or more of gravel or other satisfactory material. If slope or grade does not permit 12" of cover, the minimum coverage will be determined by the Town Road Supervisor.
- B. SLOPES to the side of the access shall not be steeper than 4 to 1 (25 percent) or that of the embankment of the TLR whichever is less.
- C. RETAINING WALLS shall be prohibited.
- D. PAVEMENT of driveway access shall consist of blacktop or compacted gravel from edge of pavement to a distance of 10-feet. Concrete will not be allowed within 10-feet of the road edge.
- E. CONSTRUCTION OF ACCESS shall be such so that drainage of the Town Roads shall not be impeded.
- F. CURB AND GUTTER must be removed at the entrance for new access and new curb and gutter must be provided within the right-of-way where applicable.

- G. ANGLE of access shall be as close to 90 degrees with the centerline of the TLR as Possible, but not less than 75 degrees.
- H. INTERIOR TURNAROUNDS shall be provided as necessary such that vehicles do not need to back out onto the TLR, except in the case of single-family residences.
- I. EXISTING HIGHWAY PROPERTY including road surfaces, curbs, shoulders, slopes, ditches and vegetation shall be restored to its original condition by the applicant.
- J. VISION CORNERS must be free of all obstructions at each access point in accordance with the VISION CORNER diagram included at the end of this ordinance. Vision corners are to be measured from a point 3.5-feet above the center of the proposed access, 10-feet back from the edge of pavement of the TLR, to two points 4.5-feet above center of the nearest on coming lane of the TLR in each direction, at a distance of "D" (as shown in diagram—See Figure 1) from the point where the TLR meets the center of the proposed access. Distance shall correspond to the speed limit of the road. Signalized intersections must meet the same standards as driveways.
- K. FACING ACCESS POINTS on opposite sides of the TLR shall be located directly opposite each other whenever possible.
- L. SHARED / JOINT access will be encouraged whenever possible to minimize the number of access points and interruption of traffic flow. Multiple access points shall not be permitted when shared access or interior roadways are an alternative.
- M. TYPE "A" ACCESS. Private driveways with access to one or two agricultural or residential parcels must have a driveway width of 16 to 24-feet and a return radius of 20-feet. (See Figure 2).

7.0 DRIVEWAYS AND CULVERTS

- A. APPROVAL REQUIRED. No persons shall construct or maintain any driveway across any ditch, sidewalk, or curbing or enter any road without first obtaining a culvert permit from the Town Road Supervisor. No building permit shall be issued nor excavation begun where a culvert will be installed, unless prior thereto a permit be obtained from the Town of Lamartine authority and the permit fees required have been paid to the Town Road Supervisor. The actual placing and covering of the installed culvert shall be accomplished in accordance with the specification contained herein, and approval for the completed installation shall be required in writing from the Town Road Supervisor designated to inspect the said installations.
- B. PERMIT FEE. A culvert permit fee shall be charged for the issuance of each permit designated for the installation of a culvert.

8.0 DRIVEWAYS AND CULVERTS – EXTENSIONS FOR EXISTING CULVERTS

- A. No existing culvert installation may be extended without first obtaining a permit for the extension from the Town Road Supervisor.
- B. Permit fees for the extension of existing culverts are listed on the Town of Lamartine Fee Schedule.
- C. The connections of any pipe to either end of an existing culvert installation shall be considered an extension of that culvert installation.
- D. No extension shall exceed ten (10) feet in length, except as provided in Subsection (D) (1) below.
 - 1) On property which is zoned for Commercial or Industrial purposes, an extension may be allowed up to a total length of sixty (60) feet.
 - 2) No extension shall cause the existing culvert and its extension together to exceed a total length of forty (40) feet, except as provided in (D)(1) above.

- 3) The Town Road Supervisor shall have the right to refuse the extension permit if it is determined that the existing installation already constitutes an impediment to drainage or requires substantial adjustment in order to maintain adequate drainage flows, or that an addition or extension to the existing culvert would create an obstruction or impediment to the existing drainage flows.

9.0 REGULATION OF TOWN CULVERTS

- A. The individual property owner shall pay the total costs of all culverts where the installation thereof is on the right-of-way abutting the property owner's land. All costs of replacement, cleaning, and other maintenance shall be at the owner's expense.
- B. All culverts on Town Roads shall be installed by an authorized person or contractor.
- C. The Town Road Supervisor shall designate the length, diameter, placement, location, and pipe material of the culvert to be installed. In the event of a disagreement by the owner, the owner may request a variance. The Town Board will review the matter against the following guidelines.
 - 1) A culvert pipe, with end-walls, shall have a minimum fifteen (15) inch diameter or the equivalent (15" arch pipe), unless a larger size is specified in subdivision requirements or is deemed necessary by the Town Road Supervisor.
 - 2) The length required for a residence shall be twenty-four (24) feet minimum, thirty-six (36) feet maximum.
 - 3) Field access culverts must be at least 40-feet long and placed under a minimum of one (1) foot of cover, be a minimum of fifteen inches (15") in diameter. They must be at least fifty-feet (50') from the nearest culvert. Access culverts shall be constructed as specified in 6.0 (A). Culvert size will be determined by the Town Road Supervisor, so as to allow for proper drainage. The additional length requirement for field access culverts is to facilitate the ingress or egress of large farm equipment, farm vehicles and commercial vehicles.
 - 4) The length required for a Commercial or Industrial culvert shall be twenty-four (24) feet minimum. Clean-outs are required for lengths greater than forty (40) feet, and at every interval of forty (40) feet thereafter.
 - 5) No culvert should be installed within ten (10) feet of the side property line, including endwalls.
 - 6) All equipment after culvert is installed shall enter and exit the building site on this culvert. There will be no driving through the open ditches on new construction sites.
- D. To protect the culvert from crushing, breaking, bending, or other damage it is required that minimum of twelve (12) inches of crushed rock or gravel be placed on the top of the culvert. No concrete is allowed in the Town road right-of-way. Asphalt is allowed on top of the twelve (12) inches of gravel. The installation of an arch (oval) culvert pipe may be required by the Town Road Supervisor under certain conditions.
- E. The Town will reset any culvert which is not properly installed and charge all expenses back to the property owner.
- F. Culvert permits are only valid for one (1) year after the date of issuance.
- G. It will be the responsibility of the contractor to be sure all traffic in and out of the building site is over the graveled driveway/tracking pad.
- H. It will also be the responsibility of the contractor to remove any mud or other debris deposited on Town roads the same day it is deposited.
- I. If the owner/contractor fails to clear the roads in the required time period, the Town will have it cleaned and charge all costs to the contractor.

- J. Owner/contractor must readjust the culvert if it is altered in any way or replace the culvert if it is crushed.
- K. Culvert Permit. All owners/contractors shall apply for a Town of Lamartine Culvert Permit and pay fee BEFORE any culvert is set in place. The owner/contractor shall be responsible for contacting the Town Road Supervisor after setting stakes in the ditch, and allowing said inspector with a forty-eight (48) hours advance notice to mark the stakes for the culvert. If the culvert is installed before the stakes are marked the owner/contractor will be responsible for any readjustments at their expense.
- L. Variance. A variance request to alter the provisions of this Chapter can be submitted to the Town board or its designee.

10.0 ADMINISTRATION & ENFORCEMENT

A. ADMINISTRATION

The Town of Lamartine Road Supervisor is hereby authorized to administer this ordinance. Applications for permits and variances shall be made to the Town Road Supervisor prior to beginning construction. The Town Road Supervisor 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) business days. Applicants commencing work prior to issuance of an approved permit are subject to denial of permit, removal of access, as well as fines and possible prosecution. Any controversial issues will be directed to the Town Board for review.

B. INTERPRETATION

All restrictions on the use of land are restricted to the objects, growth, and use of land within the rights of way of the Town of Lamartine, 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, that jurisdiction.

C. PERMIT

No structure, object or growth shall be constructed, reconstructed, altered, placed, installed, or platted within the jurisdiction of this ordinance until a permit has been issued by the Town of Lamartine. An access permit shall expire one year from date of issuance. Construction must be completed within this time. The Town of Lamartine Road Supervisor may require scale drawings or other information prior to granting a permit. The permittee shall be liable for all materials, labor and other costs connected with the construction of the access. Town of Lamartine will not be liable for any damage or injury resulting from construction of an access. Town of Lamartine will not be responsible for any maintenance including snow and ice control of any access.

D. APPLICATION FEES WITH PERMIT REQUEST—Please contact the town to obtain a current application and for the current permit fee amount for the following permit types.

New road connection or Type "A"

Agricultural Field Access

Extension Permit

*If a culvert is installed without a permit the fee amount will double.

E. HAZARD MARKING AND LIGHTING

During construction all access locations shall be properly signed and marked per standard work zone control requirements. In addition, when access work zones will be left overnight, proper flashing lights and barricades will be provided. All work zone safety equipment will be at the expense of the applicant.

F. MAINTENANCE OF HIGHWAY DURING CONSTRUCTION

During construction of the access, the permittee shall be required to keep the Town road free of large accumulations of mud and debris. The Town road will be swept clean at the direction of the Town Road Supervisor.

G. APPEALS

Any person aggrieved by a 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 and notification by the Town Board. 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. A written decision shall state the specific reasons and facts from which the final decision was made.

H. 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. No person as defined by Section 2 (D) of this ordinance shall resist, obstruct or interfere in any way with the Town Board or its designee in the enforcement of the ordinance.

I. PENALTIES

Any individual, firm, corporation, association, organization or agency found guilty of violating any part(s) of this ordinance or who refuses to comply with any provision of this ordinance shall upon such finding, forfeit not less than \$25.00 nor more than \$200.00 for each day for each offense, together with the costs of prosecution.

J. Severability

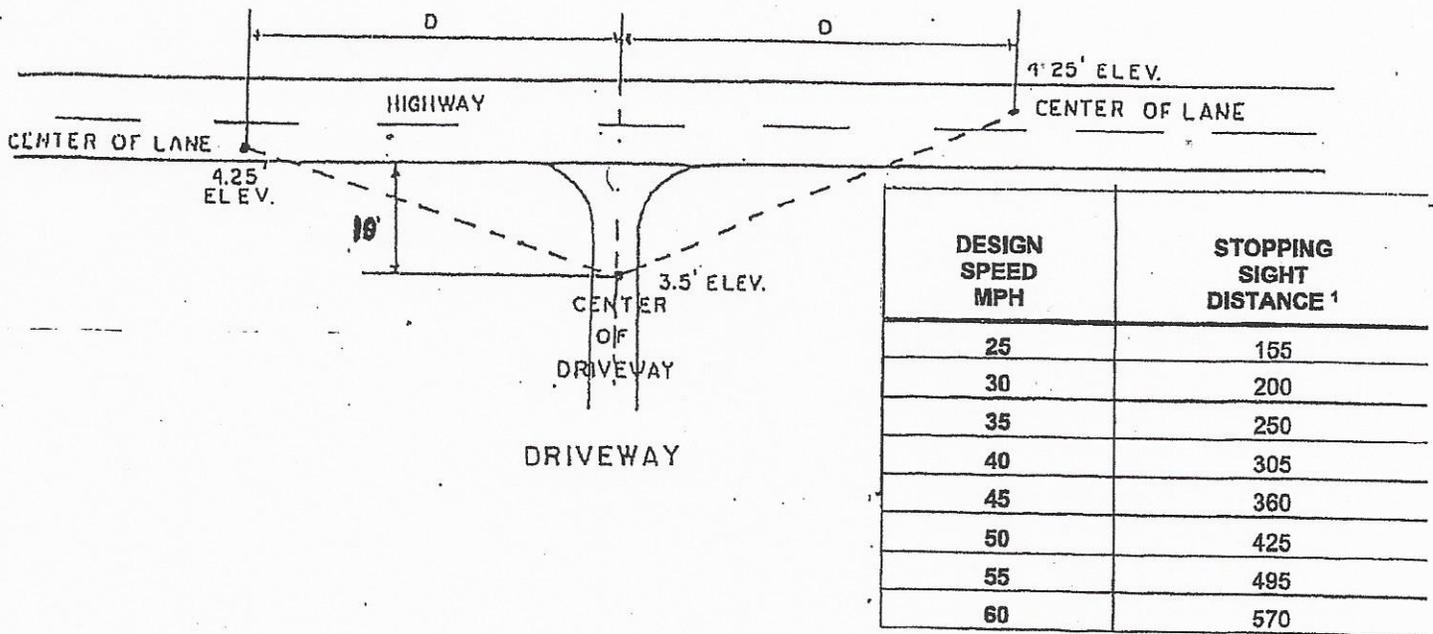
If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.



FIGURES
TOWN OF LAMARTINE
ACCESS CONTROL ORDINANCE

VISION CORNERS

FIGURE 1



ACCESS DESIGN STANDARDS

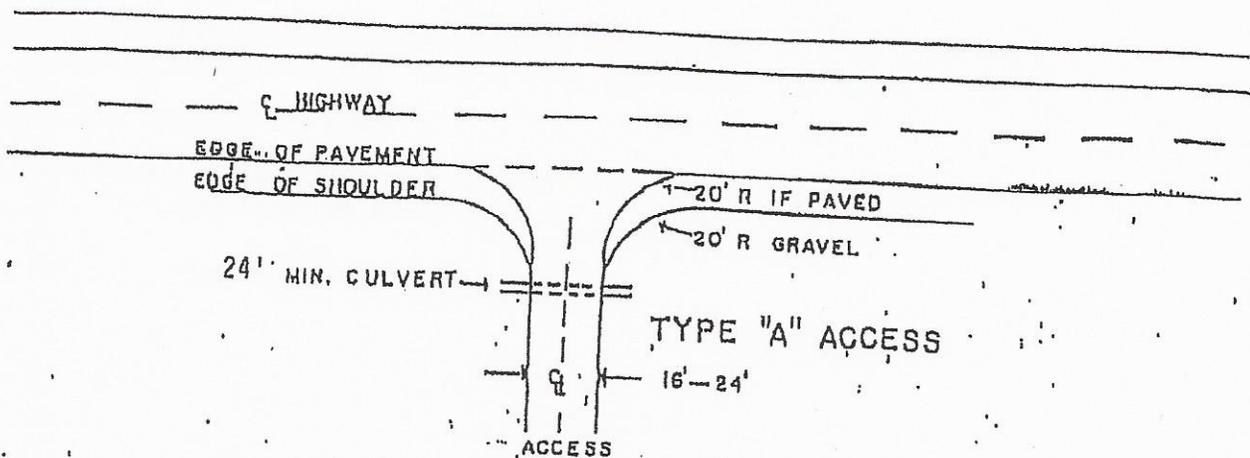
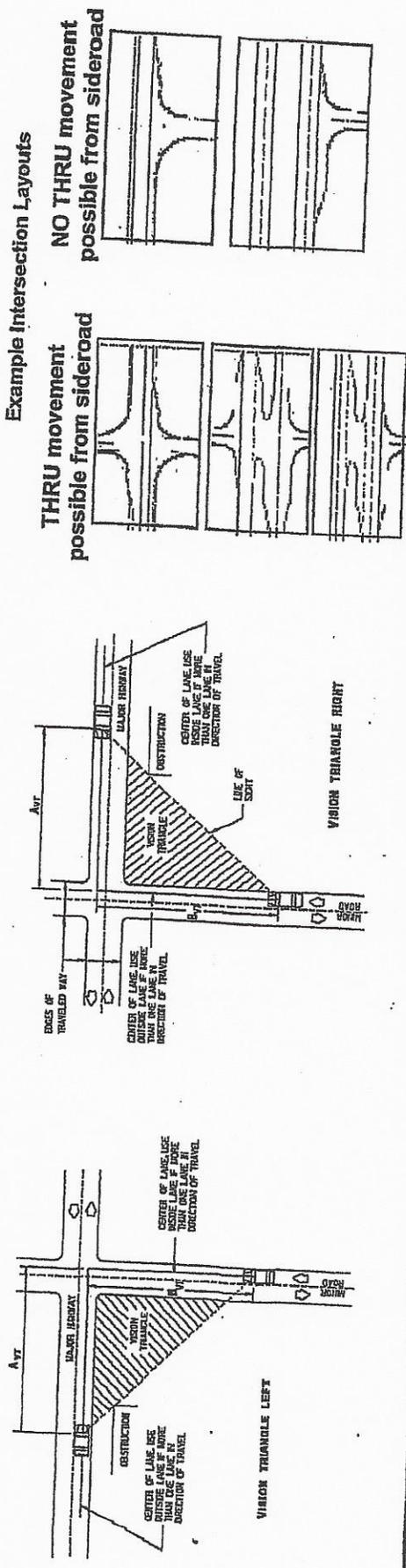


FIGURE 2

GUIDE DIMENSIONS FOR VISION TRIANGLES - STOP CONTROL ON MINOR ROAD, OR SIGNAL CONTROLLED INTERSECTION



Example Intersection Layouts

THRU movement possible from sidewalk

NO THRU movement possible from sidewalk

Example 1 4-LEG INTERSECTION (THRU MOVEMENT POSSIBLE ON SIDEROAD)

GIVEN POSTED SPEED IS 55 MPH ON THE MAJOR ROAD
POSTED SPEED IS 45 MPH ON THE SIDEROAD

SOLUTION READING FROM THE TABLE:
DISTANCE Avt ON MAJOR ROAD = 180 FT
DISTANCE Bvt ON SIDEROAD = 150 FT

Example 2 T INTERSECTION (NO THRU MOVEMENT POSSIBLE ON SIDEROAD)

GIVEN POSTED SPEED IS 55 MPH ON THE MAJOR ROAD
POSTED SPEED IS 45 MPH ON THE SIDEROAD

SOLUTION READING FROM THE TABLE:
DISTANCE Avt ON MAJOR ROAD = 180 FT
DISTANCE Bvt ON SIDEROAD = 75 FT

* Use the posted speed of the Major Highway to determine distance "A" se the posted speed of the sidewalk to determine distance "B".

** Based on distance traveled in 2 seconds at Posted speed + 5 mph.

*** Based on distance traveled in 2 seconds at 25 mph because vehicle approaching intersection on sidewalk has to slow down to make a turn.

NO THRU Movement means either existing or proposed.

NOTES:

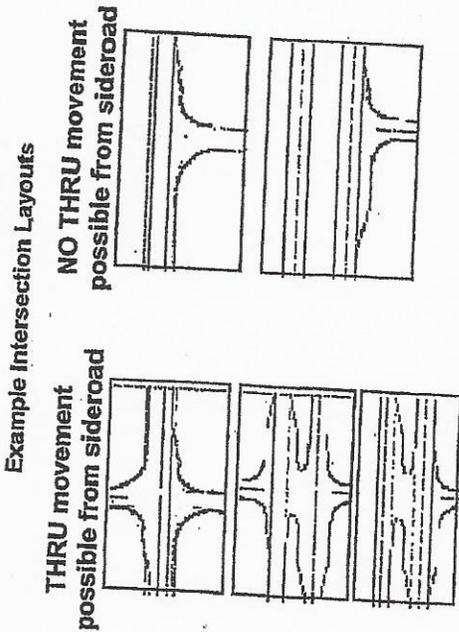
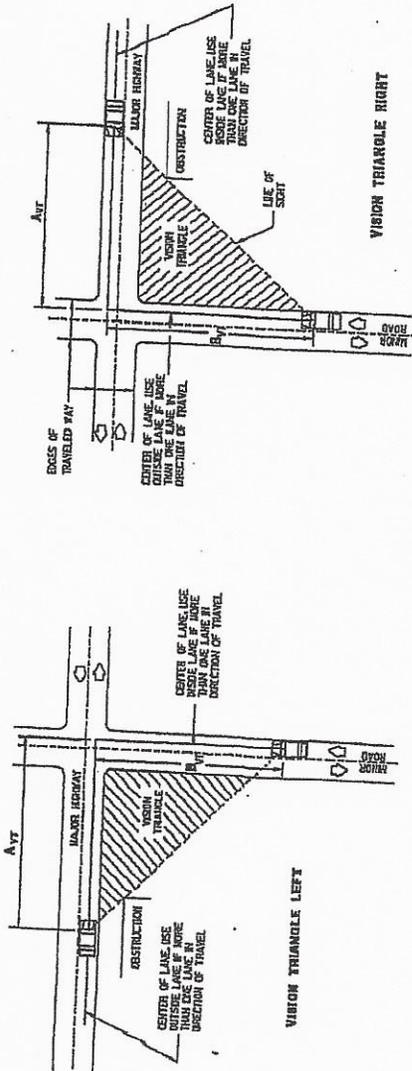
Distances are approximate and may be adjusted to fit site conditions.

These guidelines are for the Vision Triangle only, and are not to be interpreted as Intersection Sight Distance (ISD) or Stopping Sight Distance (SSD) requirements.

The Vision Triangle must be free of all obstructions.

* Posted Speed (mph)	** Distance "Avt" (feet)		***NO THRU movement possible from sidewalk ("T" intersection)	
	** Distance "Avt" (feet)	Distance "Bvt" (feet)	**THRU movement possible from sidewalk	Distance "Bvt" (feet)
25	90	90	90	75
30	105	105	105	75
35	120	120	120	75
40	135	135	135	75
45	150	150	150	75
50	165	165	165	75
55	180	180	180	75
65	210	210	210	75

GUIDE DIMENSIONS FOR VISION TRIANGLES - STOP CONTROL ON MINOR ROAD, OR SIGNAL CONTROLLED INTERSECTION



Example 1	4-LEG INTERSECTION (THRU MOVEMENT POSSIBLE ON SIDEROAD)
GIVEN	POSTED SPEED IS 55 MPH ON THE MAJOR ROAD POSTED SPEED IS 45 MPH ON THE SIDEROAD
SOLUTION	READING FROM THE TABLE: DISTANCE A _{VT} ON MAJOR ROAD = 180 FT DISTANCE B _{VT} ON SIDEROAD = 150 FT
Example 2	T INTERSECTION (NO THRU MOVEMENT POSSIBLE ON SIDEROAD)
GIVEN	POSTED SPEED IS 55 MPH ON THE MAJOR ROAD POSTED SPEED IS 45 MPH ON THE SIDEROAD
SOLUTION	READING FROM THE TABLE: DISTANCE A _{VT} ON MAJOR ROAD = 180 FT DISTANCE B _{VT} ON SIDEROAD = 75 FT

* Use the posted speed of the Major Highway to determine distance "A" and the posted speed of the sideroad to determine distance "B".
 ** Based on distance traveled in 2 seconds at Posted speed + 5 mph.
 *** Based on distance traveled in 2 seconds at 25 mph because vehicle approaching intersection on sideroad has to slow down to make a turn.
 NO THRU Movement means either existing or proposed.

NOTES:
 Distances are approximate and may be adjusted to fit site conditions. These guidelines are for the Vision Triangle only, and are not to be interpreted as Intersection Sight Distance (ISD) or Stopping Sight Distance (SSD) requirements. The Vision Triangle must be free of all obstructions.

* Posted Speed (mph)	Distance "B _{VT} " (feet)	
	** Distance "A _{VT} " (feet)	***NO THRU movement possible from sideroad ("T" intersection)
25	90	75
30	105	75
35	120	75
40	135	75
45	150	75
50	165	75
55	180	75
65	210	75