

**CHAPTER 79  
COUNTY TRUNK HIGHWAY  
ACCESS CONTROL**

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[History: cr., sub nom. Ch. 30, 07/15/71.]  
State Law Reference: Section 83.027, Wis. Stats.

**SUBCHAPTER I**

**79.01 PURPOSE AND INTENT.** In general, this chapter provides for the review and approval of proposed new points of access onto county trunk

highways. The purpose of this chapter is to promote the safe and efficient ingress and egress to county trunk highways in the interest of public safety, convenience and general welfare; to protect the public investment in highways by preventing premature functional obsolescence; to reduce highway accidents caused by frequent and poorly designed points of access; to promote the balanced use of land for the mutual protection of land owners, motorists and Dane County; and to enhance the highway appearance for making highway travel more pleasant.

[History: am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

**79.02 AUTHORITY.** This chapter is adopted under the authority of ss. 83.015(2), 83.07 and 86.07, Wis. Stats.

[History: am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

**79.024 DELIVERY OF NOTICES, ORDERS AND DECISIONS.** Any notice, order or decision required by any provision of subchapter I shall be delivered to the affected person(s). *Delivered* means delivery in person, or delivery by deposit with the U.S. postal service of certified mail, addressed to the recipient at the recipient's last known address. If delivery is by certified mail, delivery shall be deemed completed on the date of mailing and the use of mail service shall not increase the time allowed to act in answer to or in consequence of such delivery.

[History: cr., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

**79.025 PENALTIES. (1)** Any person violating any provision of this chapter shall forfeit not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200) for each day that a violation exists. Each day that a violation exists shall constitute a separate offense.

**(2)** Any person who has the ability to pay any forfeiture entered against him or her under this chapter but refuses to do so within thirty (30) days after judgment is entered may be confined in the Dane County Jail until such forfeiture is paid, but in no event shall the confinement exceed thirty (30) days.

[History: renum. from 79.20, OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98; (1) am., OA 21, 2003-04, pub. 12/03/03, eff. 01/01/04.]

**79.026 ENFORCEMENT. (1)** The corporation counsel shall prosecute all violations of this chapter upon request of the agency or the department.

(2) In addition to an action to collect a forfeiture, the corporation counsel is directed to seek an injunction in any case deemed appropriate after consultation with the department, to enforce this ordinance.

[History: renum. from 79.21, OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

**79.027 ADDITIONAL ENFORCEMENT.** (1) It shall be unlawful and a violation of this ordinance for any landowner, either directly or through action of any tenant or other user of lands, to alter the contour of the lands abutting controlled access highways in such a manner as to permit vehicular access from adjacent lands to a controlled access highway without first obtaining all permits required by this ordinance.

(2) The department is authorized to issue an order, upon its determination that a violation of the provisions of subsection (1) above has occurred, requiring the landowner to remove any such alteration by a date certain which shall in any event be at least 20 days from the date of delivery of the notice.

(3) Any order issued pursuant to subsection (1) above may be appealed to the agency by filing a written notice of appeal, within 10 days of the date of delivery of the removal notice, with the department. The agency shall set a time and place for considering the appeal, which shall in any event be at least 20 days from the date of receiving the notice of appeal, and shall provide notice of the appeal date, time and location to the appellant. The person subject to the order shall have the right to appear and contest the order and to present evidence and witnesses on his or her behalf. If the agency sustains the order, the person subject to the order shall remove the alteration by the date set forth in the decision which shall in any event be at least 20 days from the date of delivery of the agency's decision to the person.

(4) If the person subject to the order shall refuse to comply with the order, the department may request the corporation counsel to seek a court order allowing the department to remove the alteration and billing the costs thereof to the landowner. In addition to such relief, any person violating the removal order shall forfeit not less than \$50 nor more than \$200 for each day of refusal or neglect to obey any such order beyond the date set forth in the order or the date the notice was actually or constructively received, whichever is later.

[History: renum. from 79.22 and (2) and (3) am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98; (4) am., OA 21, 2003-04, pub. 12/03/03, eff. 01/01/04.]

**79.03 TITLE.** (1) This chapter shall be known as, referred to, or recited as the County of Dane County Trunk Highway Regulations.

(2) Sections 79.05 through 79.29, inclusive, shall be known as subchapter I. Unless otherwise stated, subchapter I applies only to controlled access county trunk highways.

(3) Sections 79.30 through 79.49, inclusive, shall be known as subchapter II. Unless otherwise stated, subchapter II applies only to general access highways which are part of the county trunk system.

[History: (1) am. and (2) and (3) cr., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

**79.04 DEFINITIONS.** For the purpose of these regulations, certain words or phrases used herein are defined as follows:

(1) *Access* shall mean a point where a private driveway or road or town road connects to a county trunk highway.

(2) *Adoption date* shall mean the date that a specified county trunk highway became subject to the provisions of subchapter I.

(3) *Agency* shall mean the Dane County Transportation Committee.

(4) *Average daily traffic* or *ADT* means the average number of vehicles passing over a given point in a 24 hour period. The number may be determined by actual counts or by estimates based on available data. For purposes of this chapter, the ADT shall be made or calculated at a point on the connecting road within 100 feet of its intersection with a county trunk highway. *Connecting road* as used in this subsection means any driveway or road, public or private, for which an access permit is required under this chapter.

(5) *Controlled access highway* shall mean a highway on which the traffic is such that the county board has found, determined and declared it to be necessary, in the interest of public safety, convenience and general welfare to regulate entrance upon and departure from the highway or street except at places specifically designated and provided for such purposes, and to exercise special controls over traffic on such highway or street.

(6) *Department* shall mean the Dane County Highway and Transportation Department.

(7) *General access highway* shall mean a county trunk highway which is not a controlled access highway.

(8) *Mile* shall mean a mile measured to include 1/2 mile in either direction from each particular point of access under consideration.

(9) *Parcel* shall mean contiguous lands under the control of a developer(s), not separated by streets, highways or railroad rights-of-way, established prior to the adoption date of a particular county trunk highway.

(9m) *Special Event* means any temporary, planned, extraordinary occurrence on highway right-of-way including, but not limited to, parades, processions, festivals and bicycle, motorcycle or foot races/rides.

(10) *Temporary access* is one for a year or less. [History: am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98; (1) am., OA 8, 1998-99, pub. 09/16/98; (9m) cr., OA 35, 2011-12, pub. 02/28/12.]

**79.05 JURISDICTION IN UNINCORPORATED AREAS.** [intro.] The provisions of subchapter I shall apply to the following county trunk highways within unincorporated Dane County:

- (1) AB From the eastern boundary of the City of Madison to C.T.H. "MN"
- (2) B From eastern boundary of the City of Fitchburg to U.S.H. 51
- (3) B From U.S.H. 51 to C.T.H. "N" (except areas within the City of Stoughton)
- (4) B From the northern boundary of the Village of Rockdale to the southern boundary of the Village of Cambridge
- (5) BB From the eastern boundary of the City of Madison to the western boundary of the Village of Cottage Grove
- (6) BB From the eastern boundary of the Village of Cottage Grove to S.T.H. 73
- (7) C From U.S.H. 151 to Happy Valley Road (except areas within the City of Sun Prairie)
- (8) CC From C.T.H. "D" to the western boundary of the Village of Oregon
- (9) CV From the northern boundary of the City of Madison to U.S. 51
- (10) CV From the southern boundary of the Village of DeForest to Windsor Road
- (11) CV From S.T.H. 19 to Windsor Road
- (12) D From C.T.H. "CC" to the southern boundary of the City of Fitchburg
- (13) D From the northern boundary of the City of Fitchburg to Wingra Drive (except areas within the City of Madison)
- (14) G From S.T.H. 92 to U.S. 18-151

- (15) ID From the western County line to the intersection with S.T.H. 78 in Section 10 & 11, T6N R6E (except areas within the Village of Blue Mounds)
- (16) ID From the eastern boundary of the Village of Mount Horeb to the intersection with U.S.H. 18-151 in Section 7, T6N R7E
- (16m) K From U.S.H. 12 to C.T.H. "M"
- (17) M From the northern boundary of the City of Verona to C.T.H. "S"
- (18) M From the eastern boundary of the City of Middleton to S.T.H. 113
- (19) MC Those segments outside of the City of Madison
- (20) MM From the northern boundary of the Village of Brooklyn to the southern boundary of the Village of Oregon
- (21) MM From the northerly boundary of the City of Fitchburg to C.T.H. "MC" (except areas within the City of Madison)
- (22) N From U.S. 51 to the southern boundary of the Village of Cottage Grove
- (23) N From the northern boundary of the Village of Cottage Grove to the southern boundary of the City of Sun Prairie
- (24) N From the northern boundary of the City of Sun Prairie to C.T.H. "V"
- (25) P From C.T.H. "S" in Section 33, T7N R7E to the southern boundary of the Village of Cross Plains
- (26) PB From S.T.H. 69 in Section 33, T5N R8E to the intersection with Sun Valley Parkway in Section 2, T5N R8E
- (27) PB From the intersection with S.T.H. 69 in Section 11, T5N R8E to U.S. 18-151
- (28) PD From U.S.H. 18-151 in Section 16, T6N R7E to the western boundary of the City of Fitchburg (except areas within the City of Madison)
- (29) PD From U.S.H. 18-151 in Sections 6 and 7, T6N R9E to C.T.H. "D"
- (30) PD From the eastern boundary of the Village of Mount Horeb to the intersection with U.S.H. 18-151 in Section 7, T6N R7E

- (31) Q From the northern boundary of the City of Middleton to the southern boundary of the Village of Waunakee
- (32) S From S.T.H. 78 to C.T.H. "P" in Section 33, T7N R7E
- (33) S From C.T.H. "P" (in Pine Bluff) to the western boundary of the City of Madison
- (34) T From the eastern boundary of the City of Madison to C.T.H. "TT" in Section 36, T8N R10E
- (35) T From C.T.H. "TT" in Sections 13 and 24, T8N R11E to the western boundary of the Village of Marshall
- (36) TT From C.T.H. "T" in Section 36, T8N R10E to C.T.H. "N"
- (37) TT From C.T.H. "N" to C.T.H. "T" in Sections 13 and 24, T8N R11E
- (38) V From S.T.H. 113 to U.S.H. 51 (except areas within the Village of DeForest)

**[History:** (5), (9), (17), (18), (27), (29) and (31) adopted 07/15/71; (1), (4), (6), (8), (14), (16m), (19), (20), (22), (23), (24), (25), (32), (35) and (37) adopted 05/17/73; (10) adopted 05/17/79; (2), (3), (7), (11), (12), (13), (21), (26), (28), (30), (33), (34), (36) and (38) adopted 05/16/85; 79.04 am., renum., OA 1, 1985-86, adopted 05/16/85; (15) and (16) am., OA 17, 1985-86, adopted 01/16/86; [intro.] am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

#### 79.06 JURISDICTION IN OTHER AREAS.

[intro.] The provisions of subchapter I shall also apply within those incorporated areas of Dane County where a decision of the Dane County Board has been referred to and approved by the governing body of such incorporated area, or in those incorporated and unincorporated areas where access-control by the Wisconsin Department of Transportation has been transferred to Dane County in accordance with the provisions of ss. 83.027 and 84.25(13), Wis. Stats. The following highway segments are made subject to access control:

- (1) **"BW"** from the intersection with Raywood Road in the City of Madison easterly to the intersection with Copsps Avenue in the City of Monona.
- (2) **"MV" WEST:** Beginning at the intersection of County Trunk Highway "MV" (formerly United States Highway 18 & 151) and Country View Road, located in the SW 1/4 - SW 1/4 of Section 16, T6N, R8E, Town of Verona, Dane County, Wisconsin; said point being approximately 1,220 feet east and 25 feet north of the Southwest Corner of said Section 16; thence easterly 0.52

miles to a point on or near the east line of the SW 1/4 - SE 1/4 approximately 330 feet north of the south line of said Section 16, T6N, R8E, said point being at the intersection of County Trunk Highway "MV" (formerly United States Highway 18 & 151) and Nine Mound Road.

(3) **"MV" EAST:** Beginning at the intersection of County Trunk Highway "MV" (formerly United States Highway 18 & 151) with the west line of the NE 1/4 - SE 1/4 of Section 15, T6N, R8E, Town of Verona, Dane County, Wisconsin, said point being approximately 1,320 feet west and 1,856.2 feet north of the Southeast Corner of said Section 15; thence northeasterly a distance of 0.853 miles to the intersection of County Trunk Highway "MV" (formerly United States Highway 18 & 151) and Nesbitt Road located in the SW 1/4 - NE 1/4 of Section 14, T6N, R8E, said point being approximately 2,600 feet south and 470 feet east of the North Quarter Corner of said Section 14.

**[History:** cr., Sub. 1 to OA 11, 1989-90, pub. 03/30/90; [intro.] am. and (2) and (3) cr., OA 18, 1996-97, pub. 08/06/96; [intro.] am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

#### 79.07 COMPLIANCE WITH ORDINANCES, REGULATIONS AND PLANS.

[intro.] Any persons, firm or corporation seeking access to land abutting a county trunk highway designated in sections 79.05 or 79.06 shall comply with the requirements of subchapter I and:

- (1) Applicable Dane County ordinances and regulations.
- (2) Master plans or master plan components adopted by the Dane County Board or by the Dane County Regional Planning Commission.
- (3) The official map of any municipality or governmental unit having jurisdiction.

**[History:** [intro.] am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

**79.08 RIGHT OF ACCESS.** After the designation of a controlled access highway, no owners or occupants of abutting lands shall have the right of easement of access, by reason of the fact that their property abuts on the controlled access highway, unless otherwise provided for herein.

**79.09 ACCESS AUTHORIZATION.** (1) **Access.** Except at places specifically designated and provided for such purposes, no private entrance upon or departure from a designated controlled access highway shall be permitted by the department. The department may designate a

private access point as temporary and subject to periodic review. In the interest of public health, safety and general welfare, the department may revoke a temporary access permit or it may require modifications to remedy a problem situation.

**(2) Connection with streets or highways.** Review and approval by the department shall be required prior to any private entrance upon or departure from a designated controlled access highway being converted to public street or highway status. Such approvals shall be given by the department only if the public interest shall be served thereby and shall specify the terms and conditions on which such approvals are given.

[History: am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

**79.10 VACATION.** A controlled access highway shall remain in force until the access control is revoked by an action of the county board on recommendation of the agency. 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 after a public hearing conducted by the agency, the county board finds that the revocation of access control on such highway or portion thereof is in the public interest. The department shall record the formal notice of revocation of access control on the highway with the Dane County Register of Deeds.

[History: am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

**79.11 EXISTING POINTS OF ACCESS.** All existing points of access may be continued after the implementation of subchapter I. However, if the use of an established point of access is discontinued for a period of one year, the department may revoke the access privilege or require alterations or improvements to achieve compliance with the standards set forth in subchapter I. Modifications to points of access which were established prior to adoption of subchapter I shall be subject to the requirements set forth herein.

[History: am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

**79.12 CHANGE OF USE.** Any point of access permitted under subchapter I shall be subject to review and approval by the department where the department determines that there has been a

change in the use which will affect safe and efficient ingress and egress to, and use of, a controlled access highway. This determination shall be based primarily on a significant change in the volume of traffic or the type of vehicle using that point of access.

[History: am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

### **79.13 STANDARDS OF SPECIFIC PROVISIONS. (1) Spacing and frequency. (a)**

One 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 600 feet, except as provided under subsections (a), (b), (d) and (e) of section 79.13(1).

**(c)** A maximum of six access points per side per mile of highway shall be permitted, except as provided under subsections (a), (b), (d) and (e) of section 79.13(1).

**(d)** In areas where a speed zone of less than forty (40) miles per hour has been adopted by county ordinance the minimum horizontal distance between access points shall be 300 feet with a maximum number of twelve (12) access points per side per mile of highway, except as provided under subsections (a), (b), (c) and (e) of section 79.13(1).

**(e)** In areas controlled by paragraphs (a), (b) and (c), additional access points may be permitted where the sole purpose of the additional access is to facilitate the continuance of agriculture operations on adjacent properties, and provided further that the public safety, convenience, general welfare and investment is protected. The department shall make appropriate findings in each individual case before granting any such additional access permits.

**(2) Design.** The design of a driveway or a street intersection for appropriate sight distances, return radii, angles, profiles and widths shall be based upon engineering standards as established by the department to be generally in conformance with the minimum standards of the American Association of Highway Officials and the National Cooperative Highway Research Program Report #93, "Guidelines for Medial and Marginal Access Control on Major Roadways." In locating access points along a controlled access highway, consideration shall be given to the alignment of

the potential street intersections in order to facilitate the safe and efficient flow of traffic across the highway. The design is the responsibility of the owner and shall be completed in accordance with the State Facilities Development Manual and the Manual on Uniform Traffic Control Devices. Plans must be approved by the department. Traffic projections may be required to determine the impact of the access and the design classification.

[History: (1)(e) and (2) am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

**79.14 ADMINISTRATION. (1) Permits. (a) Applications.** Applications for permits shall be made to the department, 2302 Fish Hatchery Road, Madison, Wisconsin.

**(b) Permits required.** Permits shall be required for all new access points along a county trunk highway designated as a controlled access highway in section 79.05 or 79.06.

**(c) Authority.** The authority to approve, conditionally approve, or reject applications for access is delegated to the department by the Dane County Board of Supervisors.

**(d) Staff consultation.** Prior to department action on an access application, the staff of the Dane County Department of Planning & Development shall be consulted regarding the proposed access.

**(e) Inspections.** The department shall conduct periodic inspections to determine compliance with subchapter I and shall maintain permanent records of data submitted, staff recommendations and permits issued.

**(f) Expiration of permit.** An access permit shall expire one year from the date of issuance if evidence of use has not been established within that time.

**(g) Construction inspections.** Upon issuance of a permit, the point of access shall be inspected during and after construction.

**(h) Revocation.** When violations occur, the department may revoke the access permit.

**(2) Required data.** Applications shall be made on forms available at the main office of the department, 2302 Fish Hatchery Road, Madison, Wisconsin. 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 applications.

**(3) Variances. (a)** Any person denied an access permit may appeal to the agency. Where the

agency 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.

**(b) Entering in minutes.** Any modifications or variance thus granted shall be entered in the minutes of the agency setting forth the reasons which, in the judgment of the agency, justified the modification or variance.

**(4) Controlled access maps.** The locations of all recognized access points are shown on the maps entitled *controlled access maps* on file in the office of the department. The department shall periodically update the *controlled access maps* to show any changes resulting from the actions of the agency. The *controlled access maps*, together with all information shown thereon and all amendments thereto, shall be a part of these regulations.

[History: (1)(d) and (5) am., OA 1, 1985-86, adopted 05/15/85; 79.14 am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

#### **79.145 HIGHWAY ACCESS FOR SPECIAL EVENTS: PERMIT REQUIRED.**

**(1) Authority.** This Section is adopted under the authority of ss. 349.185 and 349.23(1), (2), and (3), Wis. Stats.

**(2) Permits.**

**(a)** Permits shall be required for all special events which take place in or along county trunk highway right-of-way.

**(b)** Applications for permits shall be made to the department, 2302 Fish Hatchery Road, Madison, Wisconsin. Only complete applications containing all required information shall be considered.

**(c)** Completed applications will be accepted beginning March 1 of the calendar year the event takes place. An event date will be reserved on a first-come, first-serve basis. Applications must be submitted at least 30 days prior to the scheduled event.

**(d)** Completed applications must include the following information: (i) Completed permit application; (ii) signed "Requirements For Permit To Use County Trunk Highways" form; (iii) Completed and signed "Indemnification/Hold Harmless" form; (iv) Detailed map of event route; (v) Certificate of Insurance naming Dane County as an additional insured.

(3) *Review.* The department and the Sheriff's Office shall evaluate the application and the department shall approve, approve with conditions, or deny the permit request. The reasons for denial shall be set forth in writing and provided to the applicant. Permits shall be issued unless it is determined that one of the following conditions exist:

- (a) the time and size of the event would substantially interrupt the safe and orderly movement of vehicular or pedestrian traffic in or around the vicinity of the event's location;
  - (b) The concentration of persons at the event would interfere with the administration of emergency services;
  - (c) another highway use permit has already been applied for or issued for substantially the same time and location;
  - (d) the event is reasonably likely to cause injury to persons or property and there is inadequate planning for crowd control of participants;
  - (e) the time, size or nature of the event is incompatible with the normal activity at that location so as to impermissibly intrude on the comfort or convenience of local residents;
  - (f) the applicant has provided incomplete or fraudulent information on the application or has failed to satisfy the permit requirements; or
  - (g) any other condition which, in the discretion of the department, creates an unacceptable health or safety risk.
- (4) The department shall notify the Parks department and each affected municipality when a permit application is received.
- (5) All applicants for a special event permit shall agree, as a condition of the permit, to indemnify, defend and hold Dane County and its officials, employees and agents harmless against all claims, liability, loss, damage or expense incurred by the County on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted.
- (6) A preliminary decision shall be made on the application within fourteen (14) days of receipt by the department. Applicants shall be notified of any changes in permit conditions or routes at least twenty-one (21) days prior to the scheduled event.
- (7) Each permit shall be valid for the dates and times stated therein. A separate permit shall be required for each separate event.
- (8) Any applicant may appeal the denial of a special event permit to the Dane County Highway Committee or its designee. All appeals

shall be made in writing to the department within ten (10) days of denial.

(9) *Penalty.* Any person who fails to obtain a special event permit in violation of this ordinance may be subject to the penalties set forth in sec. 79.025 herein.

[History: cr., OA 35, 2011-12, pub. 02/28/12.]

**79.15 CONTROLLED ACCESS HIGHWAYS; FEES.** [intro.] The department shall collect fees for connections to controlled access highways according to the following schedule:

- (1) For a permit to construct a temporary access, \$110.
- (2) For a permit to construct an access to agricultural lands, \$110.
- (3) For a permit to construct an access to a single family residential dwelling site, \$110.
- (4) For a permit to construct an access to a multi-family residential dwelling site, \$220.
- (5) For a permit to construct an access to a projected commercial site, with an ADT of less than 100, \$220.
- (6) For a permit to construct an access to a projected commercial site, with an ADT of 100 but less than 1,000, \$550.
- (7) For a permit to construct an access to a projected commercial site, with an ADT of 1,000 or more, \$1,100.
- (8) For a permit to construct an access consisting of a public street or road, \$1,100.
- (9) For a permit to construct an access consisting of a private street or road, \$1,100.
- (10) For a permit to engage in miscellaneous work in a highway right-of-way, \$45.
- (11) For a permit to engage in public utility work in a highway right-of-way, \$55.
- (12) For a permit to bore in a highway right-of-way, the fee set forth in sub. (11) and, in addition thereto, \$45 for each boring.
- (13) For a permit to make an open cut, crossing pavement in highway right-of-way, the fee set forth in sub. (11) and, in addition thereto, \$220 for each cut.
- (14) For a permit to trench in a highway right-of-way, the fee set forth in sub. (11) and, in addition thereto, \$110 for each 1,000 feet or fraction thereof in excess of 1,320 feet.
- (15) For a permit to construct or place a vault or other structure in a highway right-of-way, the fee set forth in sub. (11) and, in addition thereto, \$110 for each vault or other structure.
- (16) For a permit to construct improvements at an intersection with a highway, \$1,100.
- (17) For issuance of an overweight or oversize vehicle load permit on a single trip basis, \$65.

**(18)** For issuance of an overweight or oversize vehicle load permit on a multiple trip, calendar year basis, \$220.

[**History:** cr., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98; (17) am. and (18) cr., OA 8, 1998-99, pub. 09/16/98; (13) am., OA 21, 1998-99, pub. 03/02/99; (1) – (18) am., OA 21, 2003-04, pub. 12/03/03, eff. 01/01/04; am., Sub. 1 to OA 21, 2006-07, pub. 11/30/06, eff. 01/01/07.]

[79.16 - 79.29 reserved.]

[**History:** 79.20 renum. as 79.025, OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

[**History:** 79.21 renum. as 79.026, OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

[**History:** 79.22 renum. as 79.027, and (2) and (3) am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

## SUBCHAPTER II

**79.30 REGULATIONS APPLICABLE TO GENERAL ACCESS HIGHWAYS.** (1) The department is authorized to issue access permits for connections to general access highways. While such access is of right for adjacent landowners, there are costs that accrue to the county in overseeing the construction of such connections in order to assure conformity with highway engineering requirements and to minimize adverse impact on highway travel.

(2) The department is also authorized to issue permits for construction in highway rights-of-way, including the traveled portion of the highway. It is the policy of the county that the county's costs of overseeing such work and in issuing such permits is to be recovered from the persons and firms engaging in such work.

[**History:** cr., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

### **79.31 GENERAL ACCESS HIGHWAY FEES.**

[intro.] The department shall collect fees according to the following schedule:

(1) For a permit to construct a temporary access, \$75.

(2) For a permit to construct an access to agricultural lands, \$75.

(3) For a permit to construct an access to a single-family residential dwelling site, \$75.

(4) For a permit to construct an access to a multi-family residential dwelling site, \$220.

(5) For a permit to construct an access to a projected commercial site, with an ADT of less than 100, \$220.

(6) For a permit to construct an access to a projected commercial site, with an ADT of 100 but less than 1,000, \$550.

(7) For a permit to construct an access to a projected commercial site, with an ADT of 1,000 or more, \$1,100.

(8) For a permit to construct an access consisting of a public street or road, \$1,100.

(9) For a permit to construct an access consisting of a private street or road, \$1,100.

(10) For a permit to construct an access not otherwise specified, in a highway right-of-way, \$45.

[**History:** cr., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98; (1) – (9) am., (10) cr., OA 21, 2003-04, pub. 12/03/03, eff. 01/01/04; am., Sub. 1 to OA 21, 2006-07, pub. 11/30/06, eff. 01/01/07.]

**79.32 GENERAL ACCESS HIGHWAY FEES; CONTINUED.** The department shall collect the permit fees set forth in subsections (10) through (18), inclusive, of s. 79.15 for similar work to be done or similar activities to occur on or in general access highways.

[**History:** cr., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98; am., OA 21, 1998-99, pub. 03/02/99.]

[79.33 - 79.49 reserved.]

### **79.50 REGULATIONS APPLICABLE TO AGRICULTURAL COMMERCIAL VEHICLES AND IMPLEMENTS OF HUSBANDRY.**

[**History:** cr., 2014 OA-061, pub. 12/29/14, eff. 01/01/15.]

#### **79.51 DEFINITIONS.**

(1) *Agricultural Commercial Vehicle* shall have the meaning given in Sec. 340.01(1o).

(2) *Implement of Husbandry* shall have the meaning given in Sec. 340.01(24).

(3) *Maintaining authority* shall mean the Department.

[**History:** 79.51 cr., 2014 OA-061, pub. 12/29/14, eff. 01/01/15.]

**79.52 PERMIT REQUIRED.** It shall be unlawful and a violation of this ordinance for any person, without a permit therefor, to operate an implement of husbandry, including a Category B implement of husbandry, or an agricultural commercial vehicle on any county trunk highway under the jurisdiction of the department which exceeds the length and/or weight limits imposed by s. 348.15(3)(g), Wis. Stats.

[**History:** 79.52 cr., 2014 OA-061, pub. 12/29/14, eff. 01/01/15.]

#### **79.53 ADMINISTRATION.**

(1) Authority. This Subchapter is adopted under the authority of s. 348.27(19)(b)5a, Wis.

Stats. and Trans. 230 of the Wisconsin Administrative Code.

(2) Permits. Applications for permits shall be made to the department, 2302 Fish Hatchery Road, Madison, Wisconsin. Only applications containing all required information shall be processed.

(3) Fee. No fee shall be charged for issuance of a permit.

(4) Review. Upon receiving an application for a permit under this section, the department shall provide the applicant with a final decision on the application within three (3) weeks of its receipt. If the department fails to approve or deny the application during this 3-week period, the application is considered approved until the applicant receives a denial meeting the requirement of subsection (6) or until six (6) weeks from receipt of the application. If the department fails to approve or deny the application within 6 weeks of its receipt, the application is approved.

(5) Amendment. Any person to whom a permit has been issued under this section may, at any time, apply for an amendment to the permit to reflect a change in the applicant's circumstances or information, including a change in the listing or map of highways to be traveled. Upon receiving an application for amendment, the department shall provide the applicant with a decision on the application within five (5) business days of its receipt. If the department fails to approve or deny the application within the 5-day period, the application is considered approved until the applicant receives a denial under subsection (6) or until 10 business days from receipt of the application. If the department fails to approve or deny the application within 10 business days of its receipt, the application is approved.

(6) Denial of permit. If the department denies a permit application it shall notify the applicant in writing of the denial and the notice shall include a reasonable and structurally based explanation of the denial that relates to the preservation of the roadway. If the only basis to deny the application is the listing or map of highways accompanying the application, the department shall modify the application to include an approved alternate route or map of highways for operation and approve the application.

(7) Permit renewal. Permits issued under this section shall automatically renew each year unless there is a material change to any roadway for which the permit applies. Permit holders shall be notified in writing of a non-renewal.

(8) Suspension/Revocation of Permit. Alteration of a permit, providing false information on the permit application or failure to comply with the conditions of a permit shall be just cause for suspension of a permit upon verbal or written notice or revocation of a permit upon notice and an opportunity for a hearing.

(9) Appeal. Any person aggrieved by an adverse determination by the department under this section, shall file a written request for appeal with the Public Works Committee within 30 days of the date of the adverse decision.

[History: 79.53 cr., 2014 OA-061, pub. 12/29/14, eff. 01/01/15.]

**79.54 ENFORCEMENT.** Failure to obtain a permit or to have permit in possession shall constitute a violation.

[History: 79.54 cr., 2014 OA-061, pub. 12/29/14, eff. 01/01/15.]

#### **79.55 PENALTIES.**

(1) If weight exceeds by 1,000 pounds or less – forfeiture of not less than \$50 and not more than \$100 upon first conviction and upon the 2<sup>nd</sup> and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$200.

(2) If weight exceeds by more than 1,000 pounds:

(a) For the first conviction, a forfeiture of not less than \$50 nor more than \$200 plus an amount equal to whichever of the following applies:

1. One cent for each pound of total excess load when the total excess is not over 2,000 pounds.

2. Three cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.

3. Five cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000.

4. Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.

5. Fifteen cents for each pound of total excess load if the excess is over 5,000 pounds.

(b) for the 2<sup>nd</sup> and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$300, plus an amount equal to whichever of the following applies:

1. Two cents for each pound of total excess load when the total excess is not over 2,000 pounds.

2. Five cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
3. Eight cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000.
4. Twelve cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.

5. Eighteen cents for each pound of total excess load if the excess is over 5,000 pounds.  
[History: 79.54 cr., 2014 OA-061, pub. 12/29/14, eff. 01/01/15.]

*[79.56 - 79.99 reserved.]*

**END OF CHAPTER**