

Town of Tainter
Dunn County, Wisconsin

Town Highway Access Permit Ordinance

This ordinance shall take effect after its passage and posting as provided by law.

Adopted February 10, 2011 by the Town Board of the Town of Tainter, Dunn County, Wisconsin.

signature on file
Randy Valaske, Chairman

_signature on file____
Jody Albricht, Supervisor

_signature on file____
Marty Guarneri, Supervisor

_signature on file____
Jerry Mrdutt, Supervisor

_signature on file____
Kathy Schlough, Supervisor

_signature on file____
Judy Albricht, Clerk
Witness

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Historical Information

Adoption history:

- 02-10-11 Adopted revised document replaces “Driveway and Highway Access Permit Ordinance”.
- 08-11-05 Adopted Sections 1-4

Table of Contents

SECTION 1 - INTRODUCTION.....	1
1.1 TITLE/PURPOSE	1
1.2 AUTHORITY	1
1.3 ADOPTION OF ORDINANCE.....	1
1.4 POLICY	1
1.5 RELATIONSHIP TO OTHER LAWS	1
1.6 INTERPRETATION.....	2
1.7 SEVERABILITY	2
1.8 REPEAL	2
1.9 EFFECTIVE DATE.....	2
SECTION 2 - GENERAL PROVISIONS	3
2.1 APPLICABILITY	3
2.2 EXEMPTIONS.....	3
2.3 DISCLAIMER	3
2.4 COVERAGE.....	3
2.5 NONCONFORMING HIGHWAY ACCESSSES	3
2.6 PENALTY PROVISION.....	4
SECTION 3 - DEFINITIONS.....	6
3.1 WORD USAGE.....	6
3.2 DEFINITIONS	6
SECTION 4 – SPECIFICATIONS AND REQUIREMENTS	8
4.1 HIGHWAY ACCESS SPECIFICATIONS.....	8
4.2 APPLICATION/PERMIT PROCESS	8
4.3 HIGHWAY ACCESS PLAN	9
4.4 PROVISIONS	10
LIST OF ATTACHMENTS	11
1. TOWN HIGHWAY ACCESS PERMIT APPLICATION (DRIVEWAY)	
2. TOWN HIGHWAY ACCESS PERMIT APPLICATION (ROAD)	
3. TOWN HIGHWAY ACCESS PERMIT	

Section 1 - Introduction

1.1 Title/Purpose

The title of this ordinance is the Town Highway Access Permit Ordinance. The purpose is to regulate, for public health and safety reasons, the establishment, repair, construction, improvement, modification, and reconstruction of a Town Highway Access; to assure that the methods of repair, construction, improvement, modification, and reconstruction of a Highway Access will properly protect the public health, safety, and general welfare of persons in the Town of Tainter; and to limit and regulate Town Highway Access by motor vehicles to any Town Highway. This ordinance applies to any highway, Private Road, or Driveway which connects, or will connect, to a Town Highway. This is not a Town Zoning Ordinance.

1.2 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.

1.3 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 Highway Access locations in the Town.

1.4 Policy

The Town Board shall have authority to specify the type of construction, including culverts, for all new Town Highway Accesses. The Town Board shall have authority to deny requests for a Highway Access that pose a safety hazard, that may cause excessive damage to Town Highways, or that provide access to property that is out of compliance with zoning or other ordinances. Landowners are responsible for ensuring the Highway Access is of adequate width to accommodate vehicles and equipment that use, or will use, the Highway Access without causing damage to the Town Highway, shoulder, culvert, ditch, nor any other highway structure.

1.5 Relationship to Other Laws

The adoption of this ordinance does not preclude the Town Board from adopting any other ordinance, or providing for the enforcement of any other law or ordinance, or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this ordinance does not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this ordinance.

1.6 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

1.7 Severability

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.

1.8 Repeal

All other Town ordinances or parts of ordinances in effect when this ordinance is adopted which conflict or are inconsistent with this ordinance, to the extent of the inconsistency only, are hereby repealed.

1.9 Effective Date

This ordinance shall take effect upon passage and adoption by the Town Board and posting as provided by law. The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

Section 2 - General Provisions

2.1 Applicability

This ordinance applies to landowners whose land adjoins a Town Highway and to motor vehicle operators gaining access to any Town Highway. 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.

2.2 Exemptions

None.

2.3 Disclaimer

- A. **Multiple Jurisdictions.** All persons reviewing the provisions of this ordinance should be aware that the Town of Tainter is only one of a number of governmental bodies that may have jurisdiction in the Town. The Town cannot make any representations on behalf of any other government body.
- B. **Binding Acts.** No statement or actions by any official, employee, agent or committee of the Town should be construed or taken as a binding act of the Town except a resolution, motion, or ordinance that has been adopted by the Town Board at a lawfully conducted Town Board meeting, or by the Town electorate at a duly constituted Annual or Special Town Meeting. This includes, but is not limited to, interpretation of this ordinance.

2.4 Coverage

All Motor Vehicles operating in the Town of Tainter shall use a Town approved Highway Access when entering, leaving, or crossing any Town Highway. A temporary Town Highway Access Permit is required when one-time or temporary access to a Town Highway is necessary from a location other than a Town approved Highway Access.

- A. No person shall establish or construct a Town Highway Access or reconstruct, reroute, or alter any Town Highway Access onto a Town Highway without first obtaining a Town Highway Access Permit issued by the Town.
- B. No person shall establish or construct a temporary Highway Access in order to gain access to any Town Highway or highway right-of way in the Town without first obtaining a temporary Town Highway Access Permit issued by the Town.

2.5 Nonconforming Highway Accesses

The Town Board shall have the authority to order changes and improvements to an existing Highway Access that, in the Board's opinion, constitute a safety hazard, or may cause undue damage to Town Highways, or that are not of adequate width and construction to support equipment if it is likely that such equipment will be using the Highway Access. The costs of such changes shall be the responsibility of the impacted landowner.

- A. Commencing 6 months after the effective date of this ordinance and upon receipt of written notice from the Town, no landowner may maintain or use, or allow the maintenance, or use of, an existing Highway Access that the Town Board, or its agents, determines to have a structural, location, or design deficiency that substantially limits or negates safe and timely vehicle access and travel of general public or emergency vehicles.
- B. The Town Board shall serve upon any potentially impacted landowner a copy of its written determination under paragraph 2.5A that a Highway Access substantially limits or negates safe and timely vehicle access and travel of general public or emergency vehicles. The determination of the Town Board shall not be final until a public hearing before the Town Board has been held. The Town Board shall publish a class 2 notice, under s. 985.07, Wis. stats., of the public hearing.
- C. A copy of the Town Board's written determination and notice of the public hearing shall be served by registered or certified mail on any potentially impacted landowner within 20 days of the making of the written determination and at least 10 days prior to the hearing date. The notice shall include the names of all potentially impacted landowners and the location of the subject Highway Access in the Town. The notice may specifically contain a warning that due to the existing condition of the Highway Access, emergency vehicle access to property served by the Highway Access may not be possible.
- D. Any potentially impacted landowner may provide at the public hearing evidence regarding the condition of the Highway Access. Any potentially impacted landowner may be represented by legal counsel at the public hearing and may present witnesses and cross-examine witnesses presented by the Town Board. All witnesses testifying before the Town Board shall be under oath. No person testifying before the hearing shall vote as a member of the Town Board in making a final determination regarding the subject access.
- E. The Town Board, at or after the hearing, may order any of the following:
 - 1. That the Town attorney seek a court order providing that the Highway Access be closed for general vehicle traffic use, but not closed to emergency vehicle use, until the access is structurally designed and reconstructed to allow for safe and timely general public and emergency vehicle access to and from property served by the Highway Access.
 - 2. That the Town attorney seek a court order that the Highway Access be reconstructed or repaired in a proper manner to allow for safe and timely vehicle access and travel within a reasonable time specified by the Court. Further, if the Highway Access is not so reconstructed or repaired by the date specified, the Town Board may have the Highway Access reconstructed or repaired and the cost assessed as a special assessment under its police power under ss. 66.0701 and 66.0703, Wis. stats., against the land.
 - 3. Other reasonable and necessary action that will serve to protect the public health and safety of persons within the Town, including the owner, occupants, or guests of the owner of the land.

2.6 Penalty Provision

The Town of Tainter Citation Ordinance lists violation costs, fees, assessments, and surcharges necessary to enforce this ordinance. Any person, partnership, corporation, or other legal entity

that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit the amount listed in the Town of Tainter Citation Ordinance. Citations shall be issued to the party violating this ordinance and/or to the landowner receiving services from the party violating this ordinance. Each day a violation exists or each time a violator gains access to a Town Highway from a location other than a Town approved Highway Access constitutes a separate occurrence. Citations shall also be issued for any damage caused by driving vehicles or equipment in ditches, shoulders, road surfaces, or road right of ways. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations and shall have authority to remove unapproved Highway Accesses at the expense of the landowner.

Section 3 - Definitions

3.1 Word Usage

For the purposes of this ordinance, words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and directs actions or provisions that must be followed. The capitalized word "Town" refers specifically to the Town of Tainter.

3.2 Definitions

- A. For the purposes of this ordinance, the following definitions revise, supplement, or are in addition to definitions contained in the Wisconsin Statutes.
1. **Driveway.** Means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any highway or Private Road, and will provide service to a residence, business, recreational site, or other similarly appropriate use.
 2. **Emergency vehicle.** Means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the Town.
 3. **Highway.** Means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in Wis. Stat. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include Private Roads or driveways as defined in sub. (11).
 4. **Highway Access.** Means any highway, Private Road, or Driveway in the Town of Tainter that connects or will connect to a Town Highway. The Highway Access only includes that portion of the highway, Private Road, or Driveway that lies within the connecting Town Highway right-of-way.
 5. **Impacted landowner.** Means an owner of real estate that is provided vehicular access to a public highway by a Highway Access determined to be unsafe.
 6. **Motor vehicle.** Means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. "Motor vehicle" includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile and an all-terrain vehicle shall only be considered motor vehicles for purposes made specifically applicable by statute.
 7. **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.

8. ***Town Board.*** Means the board of supervisors for the Town of ***Tainter***, Dunn County, Wisconsin and includes any designee of the board authorized to act for the board.
9. ***Town Clerk.*** Means the clerk of the Town of Tainter, Dunn County, Wisconsin.
10. ***Town Highway.*** Means any Highway other than a state or county highway in the Town of Tainter.
11. ***Wis. stats.*** Means the Wisconsin Statutes, including successor provisions to cited statutes.

Section 4 – Specifications and Requirements

4.1 Highway Access Specifications

Highway Access specifications are printed on the permit application forms.

4.2 Application/Permit Process

The Town Board shall approve an application form for Town Highway Access Permit and shall set the standard fee and expiration period for these permits. Applications shall be available from the Town Clerk.

- A. The applicant for a Town Highway Access Permit shall submit to the Town Clerk a completed application for each with the appropriate fee 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 or their designated representative 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 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.
 - 3. Highway Access Location Plan. (If required).
 - 4. Other Documents. The Town Board may require other documents to be attached to Town Highway Access Permit.
- B. The Town Board or their designated representative 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. An alternative Highway Access location will provide safer access to the Town Highway.

5. An alternative Highway Access location will preserve or better protect prime or productive agricultural or forestry land in the Town.
 6. An alternative Highway Access location 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.
 7. The Highway Access will not provide timely and adequate ingress and egress for emergency vehicles.
- C. In the event of a denial of a Town Highway Access Permit Application, the Town Board or designee 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 the denial decision. The Town Board shall recite in writing findings for any decision to modify or reverse the denial determination.
 - D. Each permit may be renewed for an additional period of 1 year. If the Highway Access has not been constructed by the end of one 1-year renewal period, a new application and fee must be submitted and approved.
 - E. The applicant shall notify the Town Board or the designated inspector after completion of 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 permit conditions and provisions of this ordinance. Upon a determination of completeness and compliance, the Town Board or their designated representative shall issue the appropriate permits.
 - F. 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.
 - G. An application fee that is non-refundable in an amount determined by a resolution of the Town Board will be charged for each permit application. These fees are specified on the permit application forms.
 - H. The Town Board, or its designees, shall have the right of inspection onto land pursuant to a warrant issued under s. 66.0119, Wis. stats., for the purpose of inspecting existing or proposed Highway Accesses to determine if the access will allow for the safe and timely travel by emergency vehicles or vehicles of the general public.

4.3 Highway Access Plan

The Town Board may in writing require a Highway Access plan prior to any proposed access construction, reconstruction, rerouting, or alteration.

- A. A Highway Access construction plan is required for any of the following unless the requirement is waived by the Town Board or their designated representative in writing:
 1. Construction of a Highway Access that requires the disturbance of land with a slope of more than 10%.

2. A Highway Access that requires a retaining wall or other special erosion control measure as determined by the Town Board or their designated representative prior to any permit issuance.
 3. A Highway Access that crosses a waterway or has the potential to significantly alter existing drainage patterns or quantity of runoff.
 4. When construction or modification of the Highway Access necessitates construction or improvement of a bridge or culvert.
 5. When the Town Board in writing requests a Town Highway Access plan.
- B. If required by the Town Board or their designated representative, a Highway Access plan will include a scale plan showing all of the following:
1. Location. The precise location of the Highway Access with sufficient detail of the served road or driveway to determine compliance with this ordinance.
 2. Slope. A profile of the Highway Access route before and after construction showing a maximum finished slope of 10%.
 3. Retaining Walls. The location and structure of any retaining walls.
 4. Bridges. The location, size, and design calculations of any bridges.
 5. Culverts. The location, size, and design calculations of any culverts.
 6. Erosion Control. Required mulching, matting, or other erosion control.
 7. Storm Water Management. Drainage methods engineered for the particular surface type, including location and dimensions of ditches, proper grading technique, projected water handling capability, and water loads at Highway Access.
 8. Other Highway Access Points. The location of any other access points onto the Town Highway within one mile of proposed access point.

4.4 Provisions

- A. No construction, reconstruction, rerouting, or alteration of a Highway Access may commence until all of the following conditions are met:
1. The Highway Access plan, if required, is approved by the Town Board or their designated representative.
 2. A Town Highway Access Permit is issued by the Town.
 3. When applicable, any other necessary approvals are obtained from government agencies outside the Town of Tainter.
 4. The Town Board shall, when applicable, seek review and comment from the local fire chief, or his or her deputies, regarding the proposed Highway Access and whether the proposed access will allow for adequate and timely emergency vehicle access.
- B. The preparation of a Highway Access plan does not guarantee the approval of a Town Highway Access Permit by the Town Board.
- C. 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 the general public and by emergency vehicles.

- D. The approval of a Town Highway Access Permit application by the Town Board does not constitute a determination that the access 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 either 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.
- E. The approval of the Town Highway Access Permit application does not establish or commit the Town to future approval of any access as a public road or highway in the Town.

List of Attachments

- 1. Town Highway Access Permit Application (Driveway)**
- 2. Town Highway Access Permit Application (Road)**
- 3. Town Highway Access Permit**

TOWN OF TAINTER
N8150 County Road D
Colfax, WI 54730

TOWN HIGHWAY ACCESS PERMIT APPLICATION (Driveway)

It is unlawful to commence work before the Town of Tainter Chairman or designee approves this application and a Highway Access Permit is placed in a conspicuous location next to the proposed access.

NAME AND ADDRESS OF APPLICANT		TOWN HIGHWAY	COUNTY DUNN
		TOWN OF TAINTER	
ACCESS IS (circle one): Permanent / Temporary	TYPE OF DRIVEWAY	PROPOSED LAND USE	COMPLETION DATE
Location of Highway Access			
_____ side of the road _____ miles _____ of _____			
Quadrant _____ Section _____ Township _____ North Range _____			
REQUIRED DRAINAGE STRUCTURE		IF NO DRAINAGE STRUCTURE, STATE WHY	
DESCRIPTION OF PROPOSED WORK (INCLUDE SPECIAL RESTRICTIONS, INTERSECTION CLEARANCES, OTHER DETAILS, AND REFERENCE TO ANY SKETCHES WHICH MAY BE ATTACHED.)			

*******PLEASE PLACE VISIBLE STAKES AT THE DESIRED LOCATION FOR OUR INSPECTION*******

Installation of the Highway Access is the responsibility of applicant. All Highway Accesses shall be constructed in accordance with all requirements printed on the reverse side, and any special conditions stated herein. The maintenance of the Highway Access shall be the responsibility of the applicant or current land owner(s) served by the Highway Access.

Phone # Signature of Applicant Date

APPROVED

Town of Tainter Chairman or Designee Date Application Number

FINAL INSPECTION

Town of Tainter Chairman or Designee Date

HIGHWAY ACCESS GENERAL REQUIREMENTS (Driveway)

All new Town Highway Accesses (or any changes to existing Town Highway Access) require a Town Highway Access Permit. State highway access permits are available from the Wisconsin Department of Transportation. County highway access permits are available from the Dunn County Highway Department.

First: A \$75.00 permit fee is due upon filing the Town Highway Access Permit Application. Make checks payable to Town of Tainter.

Second: The Highway Access must be complete and ready for final inspection within 2 years of permit issue. You must notify the Town Board or the designated inspector within 30 days of Highway Access completion.

Third: The permittee shall furnish all materials, do all work, and pay all costs in connection with the construction of the Highway Access and its appurtenances on the Town Highway right of way. In every instance, the subsequent maintenance of the Highway Access and of its appurtenances within the limits of the Town Highway right of way shall be the responsibility of the indicated permittee or current land owner(s) served by the Highway Access, who shall be obligated to pay all costs and accomplish all works necessary in relation to the said maintenance of the Highway Access. Materials used and the type and character of the work shall be suitable and appropriate for the intended purpose.

Fourth: No revisions or additions shall be made to the Highway Access or its appurtenances on the right of way without the written permission of the Town Board.

Fifth: The Town of Tainter reserves the right to make such changes, additions, repairs and relocations within statutory limits to the Highway Access or its appurtenances on the right of way as may at any time be considered necessary to facilitate the relocation, reconstruction widening and maintaining of the Town Highway, or to provide proper protection to life and property on or adjacent to the highway.

Sixth: The permittee, his successors or assigns agree to hold harmless the Town of Tainter and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.

Seventh: The Town of Tainter does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of windrows of such material, upon any portion of any Highway Access or entrance along any Town Highway, even though snow, ice or sleet is deposited or windrowed on said Highway Access or entrance by its authorized representatives engaged in normal winter maintenance operation.

Eighth: The permittee is responsible for notifying the Town inspector upon Highway Access completion.

LOCATION, DESIGN AND CONSTRUCTION

The location, design, and construction of the Highway Access shall be in accordance with the following policy and limits, which limits are in no case to be exceeded unless specifically authorized by the Town of Tainter. The primary concern for the Highway Access is to permit safe access to Town Highways.

(a) A Highway Access shall be located and restricted as to width as necessary so that the entire Highway Access roadway and its appurtenances are contained within the frontage along the Town Highway of the property served. At public intersections, a Highway Access shall not provide direct ingress or egress to or from the public 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 Town highway signs or signals. A Highway Access shall be so located and constructed that vehicles approaching or using it will have adequate sight distance in both directions along the Town Highway.

(b) The number of Highway Accesses permitted serving a single property frontage along a Town Highway shall be the minimum deemed necessary by the Town of Tainter for reasonable service to the property without undue impairment of safety, convenience and utility of the Town Highway.

(c) The surface of the Highway Access connection with rural-type road sections shall slope down and away from the road shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the Highway Access area flowing on the Town roadbed.

(d) The Highway Access shall not obstruct or impair drainage in Town Highway side ditches or roadside areas. When deemed necessary by the Town Board or their designated representative, culverts adequate for highway surface water drainage will be required. The Town Board or their designated representative will determine the size and length of the culvert, but in no case will the culvert be less than the equivalent of a 12-inch diameter pipe and a minimum of 20 feet in length. Culverts must be constructed from material that is suitable and intended for culvert use. Culverts may be purchased through the Town.

TOWN OF TAINTER
N8150 County Road D
Colfax, WI 54730

TOWN HIGHWAY ACCESS PERMIT APPLICATION (Road)

It is unlawful to commence work before the Town of Tainter Chairman or designee approves this application and a Highway Access Permit is placed in a conspicuous location next to the proposed access.

NAME AND ADDRESS OF APPLICANT		TOWN ROAD	COUNTY DUNN
		TOWN OF TAINTER	
	TYPE OF HIGHWAY ACCESS	PROPOSED LAND USE	COMPLETION DATE

Location of Highway Access

_____ side of the road _____ miles _____ of _____

Quadrant _____ Section _____ Township _____ North Range _____

REQUIRED DRAINAGE STRUCTURE	IF NO DRAINAGE STRUCTURE, STATE WHY
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DESCRIPTION OF PROPOSED WORK (INCLUDE SPECIAL RESTRICTIONS, INTERSECTION CLEARANCES, OTHER DETAILS, AND REFERENCE TO ANY SKETCHES WHICH MAY BE ATTACHED.)

*******PLEASE PLACE VISIBLE STAKES AT THE DESIRED LOCATION FOR OUR INSPECTION*******

Installation of the Highway Access is the responsibility of applicant. All Highway Accesses shall be constructed in accordance with all requirements printed on the reverse side, and any special conditions stated herein. The maintenance of the Highway Access shall be the responsibility of the applicant until the Town Board accepts the Highway Access and the road it serves in writing.

Phone # Signature of Applicant Date

APPROVED

Town of Tainter Chairman or Designee Date Application Number

FINAL INSPECTION

Town of Tainter Chairman or Designee Date

HIGHWAY ACCESS GENERAL REQUIREMENTS (Road)

All new Town Highway Accesses (or any changes to existing Town Highway Access) require a Town Highway Access Permit. State highway access permits are available from the Wisconsin Department of Transportation. County highway access permits are available from the Dunn County Highway Department.

- First:** A \$100.00 permit fee is due upon filing the Town Highway Access Permit Application. Make checks payable to Town of Tainter. The Highway Access Permit is good for two (2) years.
- Second:** Prior to opening the Highway Access to the public, the access must meet all requirements of this application, must meet Town road standards, and must be inspected by the Town Board or their designated inspector. You must notify the Town Board or the designated inspector within 30 days of Highway Access completion.
- Third:** The permittee shall furnish all materials, do all work, and pay all costs in connection with the construction of the Highway Access and its appurtenances on the Town Highway right of way. Until the Town Board accepts the Highway Access and the road it serves in writing, the subsequent maintenance of the Highway Access and its appurtenances within the limits of the Town Highway right of way shall be the responsibility of the permittee, who shall be obligated to pay all costs and accomplish all works necessary in relation to the said maintenance of the Highway Access. Materials used and the type and character of the work shall be suitable and appropriate for the intended purpose.
- Fourth:** No revisions or additions shall be made to the Highway Access or its appurtenances on the right of way without the written permission of the Town Board.
- Fifth:** The Town of Tainter reserves the right to make such changes, additions, repairs and relocations within statutory limits to the Highway Access or its appurtenances on the right of way as may at any time be considered necessary to facilitate the relocation, reconstruction, widening and maintaining of the Town Highway, or to provide proper protection to life and property on or adjacent to the highway.
- Sixth:** The permittee, his successors or assigns agree to hold harmless the Town of Tainter and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
- Seventh:** The Town of Tainter does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of windrows of such material, upon any portion of any Highway Access that has not been accepted in writing by the Town Board, even though snow, ice or sleet is deposited or windrowed on said Highway Access by its authorized representatives engaged in normal winter maintenance operation.
- Eighth:** The permittee is responsible for notifying the Town inspector upon Highway Access completion.

LOCATION, DESIGN AND CONSTRUCTION

The location, design, and construction of the Highway Access shall be in accordance with the Town of Tainter Road Construction Ordinance and the policy and limits set forth below. These limits are in no case to be exceeded unless specifically authorized in writing by the Town of Tainter. The primary concern for the Highway Access is to permit safe access to Town Highways.

- (a) The Highway Access shall be located and constructed so that vehicles using the access will have adequate sight distance in both directions along the Town Highway. To facilitate safe and efficient traffic flow, the permittee will construct a right turn lane along the Town Highway serving the Highway Access when the Town Highway is designated a collector road.
- (b) The number of Highway Accesses serving a single property frontage along a Town road shall be the minimum deemed necessary by the Town of Tainter for reasonable service to the property without undue impairment of safety, convenience and utility of the road.
- (c) The surface of the Highway Access shall be sloped so that ordinary surface water drainage from the Highway Access does not flow onto the Town Highway.
- (d) The Highway Access shall not obstruct or impair drainage in roadside ditches or roadside areas. Unless waived by the Town Board or their designated representative, culverts are required for Highway Accesses and shall be adequate for surface water drainage along the road. In no case will culverts be less than the equivalent of an 18-inch diameter pipe. The minimum culvert length is 40 feet and must be constructed from material that is suitable and intended for culvert use. Culverts may be purchased through the Town.

IT IS UNLAWFUL TO COMMENCE WORK BEFORE THIS PERMIT IS PLACED IN A
CONSPICUOUS PLACE NEXT TO THE PERMITTED HIGHWAY ACCESS.

This Certifies That A

TOWN HIGHWAY ACCESS PERMIT

For a Road or Driveway (circle one)

Has Been Issued To

In compliance with requirements of the Town of Tainter Highway Access Permit Ordinance for a Highway Access located on the

_____ side of the road _____ miles _____ of _____

Quadrant _____ Section _____ Township _____ North Range _____

Dated _____

Expiration Date _____

Application No. _____

Issuing Authority