

## **CHAPTER 22**

### **HIGHWAY DEPARTMENT/OTHER THAN TRAFFIC REGULATION**

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## **22.01 HIGHWAY SETBACKS AND ACCESS REQUIREMENTS**

- (1) Class A Highways.** All federal or state highways are designated as Class A Highways. The setback from Class A Highway shall be one hundred ten (110) feet from the centerline of the highway or fifty (50) feet from the right-of-way, whichever is greater. Access driveways for all U.S. Highways and State Trunk Highways are administered by the Wisconsin Department of Transportation. Questions regarding access should be directed to the Maintenance Section, Wisconsin Department of Transportation, Northeast Region, PO Box 28080, Green Bay, WI 54324-0080. State permit applications are available at the Marinette County Highway Department.
- (2) Class B Highways.** All lettered county highways are designated as Class B Highways.

  - (a) SETBACKS.** The minimum setback from a Class B Highway shall be seventy-five (75) feet from the centerline or forty-two (42) feet from the right-of-way line, whichever is greater.
  - (b) ACCESS DRIVEWAYS.** A minimum distance of one hundred (100) feet shall be required between access driveways along the same side of a Class B Highway.
  - (c) HIGHWAYS WITH SPECIAL ACCESS CONTROL.** The following highways in Marinette County have special access control enforced on them: USH 141 from the South County Line to North of the Junction with USH 8; USH 141 at its Junction with CTJ 'N' in Niagara; USH 41; STH 180 from a point two (2) miles North of Junction with CTH 'G' one and three tenths (1.3) miles North.
  - (d) LOCAL MUNICIPALITY CONFLICT.** If a local municipality has an ordinance with more restrictive requirements than this Ordinance, then the more restrictive ordinance shall apply.
  - (e) VARIANCE.** The Marinette County Infrastructure Committee shall have the authority to grant a variance from the requirements of this Ordinance in cases of unrealistic conditions or extraordinary hardship. Variances may only be considered on a case-by-case basis.  
(Ord #229 1/23/01, Ord #292 9/27/05)

## **22.02 TRAFFIC VISIBILITY TRIANGLE REQUIREMENTS**

- (1)** At every intersection of two public roads or a public road and a railroad right-of-way, there shall be a traffic-visibility triangle. Within the triangle, no obstructions such as structures, parking or vegetation shall be allowed between two and one half (2.5) feet and ten (10) feet above the elevation of the roadway.
- (2)** Such traffic-visibility triangles shall be formed by the intersection centerlines and a line connecting points on the centerlines of the intersecting highways, or railroad right-of-way at the following distances:

  - (a)** On Class A Highways, three hundred (300) feet from the intersecting centerlines minimum on highway, one hundred twenty (120) feet minimum on side road.

- (b) On Class B Highways, one hundred (100) feet from the intersecting centerlines.
- (c) On railroad rights-of-way, three hundred thirty (330) feet from the center of the highway along the center of the railroad right-of-way.
- (3) Use of public highway right-of-way by plowing, cultivating and growing of field crops shall be in accordance with §86.021 Wisc. Stats.
- (4) Planting of trees and shrubs on a highway right-of-way shall be in accordance with §86.03 Wisc. Stats.

### **22.03 DRIVEWAY STANDARDS**

The following standards shall apply to the portions of all driveways located within the right-of-way of all Class A and B Highways:

- (1) **Driveway Access Permits.** A permit shall be obtained from the jurisdiction having control over the Highway prior to issuance of a zoning or building permit. The Wisconsin Department of Transportation and the Marinette County Highway Department require a permit in accordance with §86.07 Wis. Stats. For construction or modifications on or across any Highway right-of-way under this jurisdiction. Individual municipalities may also require a permit for roads under their jurisdiction. Applications for these permits are available at the Wisconsin Department of Transportation, PO Box 28080, Green Bay, WI 54324-0080, for State Highways and at the Marinette County Highway Department, 501 Pine Street, Peshtigo, WI 54157 for County Highways. Township permits can be acquired from the Town business office, Town Chairperson, or Town Clerk where applicable. (Updated address 10.1.18)
- (2) All new driveways proposed to be installed or any existing driveway or alleged existing driveway on which the landowner proposes improvements or changes in use shall be subject to the requirements of the issuing agency, which shall include the following as a minimum.
  - (a) Driveway surface width shall be as required on the access permit.
  - (b) The driveway shall slope down and away from the road at a minimum two percent (2%) grade and a maximum five percent (5%) grade for the first ten (10) feet from the edge of the shoulder to minimize water flowing onto the public road.
  - (c) All portions of the driveway between the edge of the highway shoulder and the right-of-way line shall be constructed and maintained by and at the expense of the driveway owner except modifications made during highway improvement projects.
  - (d) Any drainage culverts required on the public right-of-way to pass water beneath driveways shall be installed and maintained, including replacement, by and at the expense of the driveway owner except modifications made during highway improvement projects are normally at the expense of the highway owner. Pipe size will be determined by the flow volume and as shown on driveway permit.

#### **22.04 SEASONAL WEIGHT LIMIT RESTRICTIONS**

- (1) It is the policy of Marinette County to require reduced weight limits on county roads during certain time periods to prevent excess stress on pavement and to prolong the useable life of the road system.
- (2) Seasonal weight limit restrictions normally commence on March 15 and remain in effect until conditions warrant removal. Reduced weight limits will be signed and enforced. Removal of restrictions may be done countywide or by area, due to differing conditions throughout the county. The media will be notified when restrictions are imposed and as restrictions are removed.
- (3) Vehicles involved in the following designated activities are exempt from seasonal weight restrictions:
  - (a) Perishable food hauler
  - (b) School buses
  - (c) Vehicles transporting solid waste on County "A" from the Village of Crivitz to Shaffer Road
  - (d) Emergency vehicles
  - (e) Solid waste haulers collecting residential or commercial waste
  - (f) Leachate removal from Mar-Oco Landfill
  - (g) Septage hauling
- (4) Single use emergency permits may be granted by the County Highway Department upon request. Such requests will be limited in scope, such as: emergency fuel deliveries and emergency septic system replacement. Total weight limits, most advantageous route and time of day restrictions may be imposed on these permits.
- (5) Businesses located on a County Highway or on a Town Road that connects to a County Highway may obtain a seasonal overweight permit from the County Highway Department to transport, over the most advantageous route to and from the business, only the minimum necessary products, supplies, equipment or other materials to carry out the activities of the business. Total weight limits and time of day restrictions may be imposed on these permits.
- (6) The County Highway Commissioner may suspend the seasonal overweight permits under extreme spring thaw conditions for a period not exceeding seven (7) calendar days. Permittees will be notified directly of any suspension of the permits.
- (7) Persons seeking to appeal a decision of the Highway Commissioner under this section shall file a written letter of appeal with the Highway Commissioner. The Highway Commissioner shall notify the Chairperson of the Committee who shall determine if it is necessary to hold a special meeting of the Infrastructure Committee to discuss the appeal or place it on the next scheduled agenda. The Infrastructure Committee shall decide whether to uphold, uphold with modifications or reverse the decision of the Highway Commissioner. (Ord #390-17 2/28/17)

#### **22.05 OBSTRUCTING-LITTERING-VEGETATION CONTROL**

No person shall place, deposit or cast or cause to be placed, deposited or cast upon any highway or public ground within the county any grass clippings other than grass clippings generated as a result of mowing the right-of-way, leaves,

ashes, rubbish, paper, rocks, snow or ice, advertising signs, election signs or anything or substance whatever which may obstruct any such highway or public ground, or impede, hinder or endanger travel thereon, or which shall or may injure or disfigure the same, or tend to the injury of disfigurement thereof, or tend to render the same unclean or a nuisance; nor shall any person cause or allow any motor vehicle or other vehicle, or any box, crate, bale, package, merchandise or other thing to stand or be in or upon any such highway or public ground longer than may be actually necessary.

## **22.06 MAILBOXES**

- (1) **Installation.** A person may install and maintain a mailbox within the county trunk highway right-of-way adjacent to or near the person's residence provided that the mailbox complies with all requirements established by the United States Postal Service and all requirements established by this ordinance. The term "mailbox" means any device used to receive mail, newspapers, packages, or similar items and the term includes any structure used to support the mailbox.
- (a) **LOCATION.** A mailbox must be placed on the right side of the highway, except in the case of one-way traffic; at the far side of the driveway; and a minimum of sixty (60) feet from any intersecting road in the direction of the delivery route.
  - (b) **SETBACK.** The mailbox must be set back a sufficient distance so that no portion of the mailbox extends over the traveled portion of the highway or the outside edge of the shoulder.
  - (c) **HEIGHT.** The bottom of the mailbox receptacle must be a minimum of forty-two (42) inches to a maximum of forty-eight inches from the street surface.
  - (d) **MATERIAL.** A mailbox must be constructed of light sheet metal, plastic, or a similar material. The mailbox must be firmly attached to any support structure in order to minimize the possibility of its separating from the structure if struck by a vehicle.
  - (e) **NUMBER AND SEPARATION.** No more than two (2) mailboxes may be mounted on a single support post. A lightweight newspaper box mounted below a mailbox will not be counted toward this limit. Support posts must be separated by a distance that is equal to three-quarters of the height of the support posts.
  - (f) **SUPPORT STRUCTURE.** A mailbox support structure must be designed to break off or move out of the way if struck by a vehicle. No support may extend more than twenty-four (24) inches into the ground; be placed in concrete; or fitted with an anchor plate. A metal support may have an anti-twist device if the device does not extend more than ten (10) inches below the ground surface. The maximum material specifications for a support post are:
    - (1) A square wood post must not be larger than four (4) inches by four (4) inches nominal.
    - (2) A round wood post must not be larger than four (4) inches in diameter.

(3) A metal pipe must have an inside diameter of one and one-half (1 ½) inches or less.

(4) A metal channel must weigh less than two (2) pounds per foot.

**(2) Installation Variance.** The Highway Commissioner is authorized to grant a variance on a case-by-case basis to any requirements specified in sub. (1) provided the variance is authorized in writing and does not compromise public safety.

**(3) Damaged Mailbox Policy.** In the event a mailbox is damaged by direct impact from a Marinette County snowplow, Marinette County will replace the damaged mailbox with a standard or oversized metal mailbox based on size of damaged box. Decorative or other types of ornamental mailboxes will be replaced with a standard or oversized metal mailbox. Marinette County will not replace mailboxes that are damaged from plowed snow or ice. The owner of a damaged mailbox must provide the damaged mailbox at the time of pickup of a replacement mailbox. Repair replacement of mounting and/or posts, as well as installation of the mailbox, is the responsibility of the owner. (Ord #338 3/23/10)

#### **22.07 UTILITY ACCOMODATION POLICY**

Marinette County adopts and shall follow the most current Wisconsin County Highway Association Utility Accommodation Policy. (Ord #375-14 6/24/14)

#### **22.20 ENFORCEMENT**

Any person who violates any provision of this chapter shall be subject to forfeiture as provided in §25.04 of the Marinette County Code of Ordinances. (Ord #180 8/26/97, Ord 290 8/30/05)