

## Chapter 456

### STREETS, SIDEWALKS AND PUBLIC PLACES

**[HISTORY: Adopted by the Town Board of the Town of Buchanan 11-4-1997 as Ch. 74 and § 18-70 of the 1997 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Building construction — See Ch. 230.  
Subdivision of land — See Ch. 460.  
Zoning — See Ch. 525.

#### ARTICLE I General Regulations

**§ 456-1. Construction specifications.** [Amended 8-17-2010 by Ord. No. 2010-03]

Construction specifications for streets and sidewalks are on file in the Administrator/Clerk's office.<sup>1</sup>

**§ 456-2. Sidewalk construction and repair.**

- A. Owner to construct. It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Town and to pay the entire cost thereof. Whenever the Town Board shall by resolution determine that a sidewalk shall be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Town, it shall proceed according to § 66.0907, Wis. Stats. Upon the construction or reconstruction of any streets in the Town which includes curb and gutter installation, except as otherwise provided in the Zoning Ordinance<sup>2</sup> of the Town, such construction or reconstruction may include sidewalks or trails as a part of such construction or reconstruction, and the costs thereof shall be assessed according to the provisions of Chapter 10 of this Code. This section shall not apply to resurfacing projects. [Amended 8-17-2010 by Ord. No. 2010-03]
- B. Permit required. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Town unless he/she is under contract with the Town to do such work and has obtained a permit therefor from the Town Building Inspector at least seven days before work is proposed to be undertaken. Applicable fees shall be charged for such permits.
- C. Specifications. All sidewalks within the Town shall hereafter be repaired, rebuilt and constructed in accordance with the following specifications:

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<sup>1</sup>. Editor's Note: Original Sec. 74-2, Street and sidewalk grades, which immediately followed this section, was repealed 8-17-2010 by Ord. No. 2010-03.

<sup>2</sup>. Editor's Note: See Ch. 525, Zoning.

- (1) Subgrade. The subgrade shall be prepared by excavating to the line, grade and cross section as established by the Town Board. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the Building Inspector, a subbase of sand, sand and gravel or other approved porous material shall be placed under the sidewalk. On embankments, the subgrade shall extend at least one foot beyond each edge of the sidewalk.
- (2) Materials. All sidewalks shall be of air-entrained concrete composed of six bags per cubic yard of one course construction and built to the established line and grade. Gravel shall be of good quality and washed. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.
- (3) Forms. Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Wood forms shall be surfaced plank of at least two inches thickness, except for sharply curved sections. Metal forms shall be of approved section. The forms shall be the full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before the concrete is placed against them. Concrete shall be placed in the forms on a moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall be struck off level with the top of the forms and finished with wooden flats. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of 1/4 inch per foot of width of sidewalk. All joint and edges shall be finished with a one-fourth-inch radius edging tool.
- (4) Residential walks. Residential walks shall be four feet in width and not less than four inches thick, except within driveway approaches where the minimum thickness shall be six inches, provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of the ordinance from which this section derives. Sidewalks in front of commercial or industrial establishments shall not be less than eight feet in width and five inches in thickness, except within driveway approaches where the minimum thickness shall be seven inches.
- (5) Finishing. Before the last finish has set, the sidewalk shall be steel troweled and brushed in the transverse direction. Before final finishing, the surface shall be checked with a ten-foot straight edge, and any areas departing more than 1/8 inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still elastic.
- (6) Jointing. Transverse, full depth, one-half-inch thick expansion joints of premolded expansion material shall be every 40 feet and at the property line, and where the walk intersects with another walk, curblines, building or driveway approach, and at buildings, walls, poles and stop boxes. The

expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly below the finished sidewalk surface. Dummy groove joints for controlled cracking at least one inch in thickness and 5/16 inch in depth shall be placed at intervals of approximately five feet. Steel division plates shall be placed at right angles to the center line of the sidewalk at intervals of not less than 15 feet. All joints shall be at right angles to the direction and grade of the walk. Diagonal joints may be used only when approved by the Town Building Inspector.

- (7) Curing and drying. As soon as any of the concrete work mentioned before in this section has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the impervious coating, wet fabric or paper methods. For impervious coating or membrane curing, only those materials meeting requirements of ASTM Specs. C156-44T, "Method of Test for Efficiency of Materials for Curing Concrete," shall be used. Such specifications are hereby adopted by reference as if fully set forth in this subsection. Walks shall be kept free from all traffic at normal temperatures for 48 hours and, in cold weather below 50° F., for 96 hours. No concrete shall be poured when the temperature may be expected to fall below 35° F. in any seventy-two-hour period or upon frozen subgrade.

**§ 456-3. Driveways.**

- A. Town approval required. No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the Town Building Inspector. No driveway apron on Town right-of-way shall be constructed of concrete.
- B. Specifications for driveway construction. Specifications for driveway construction are as follows:
  - (1) Interference with intersections. At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Town for effective traffic control or for highway sign or signals.
  - (2) Interference with street. No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or roadside areas or with an existing structure on the right-of-way. When required by the Building Inspector to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.
  - (3) Number of approaches limited. No more than one driveway entrance and approach shall be constructed for any lot or premises, except where deemed

necessary and feasible without undue impairment of safety, convenience and utility of the street by the Town Building Inspector. Any two approaches shall be at least 10 feet apart.

- (4) Workmanship and materials. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in § 456-2C insofar as such requirements are applicable, including thickness requirements in § 456-2C(3).
- (5) Permittee liable for damage or injury. The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When the curb or gutter is removed, the new connection shall be of equivalent acceptable material, and the curb returns shall be provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat workmanlike manner. Any sidewalk areas which are damaged or inadequate by reason of vehicle travel across the sidewalk shall be replaced in accordance with the requirements of § 456-2C.
- (6) Grade not to exceed one foot above grade of adjacent service road. No person shall construct or cause to be constructed any driveway having a grade greater than one foot above the grade of the adjacent road without having obtained a variance from the Town Board.

**§ 456-4. Permit required for culverts.**

- A. No person, firm, corporation, agent, or other entity shall install or remove or have installed or removed a culvert in the Town of Buchanan without having been issued a culvert permit by the Town Administrator/Clerk or other official designated by the Town Board. Culverts must be installed prior to any motor vehicle or heavy equipment being driven onto or placed on the site. Ingress and egress shall be permitted only over the installed culvert. [Amended 8-17-2010 by Ord. No. 2010-03]
- B. The Town Board shall designate a permit fee which amount shall be paid prior to the issuance of any permit.
- C. Whoever violates this section shall upon conviction of such violation be subject to a forfeiture of not less than \$300 nor more than \$1,000 together with the costs of prosecution. The Town reserves the right to remove any culvert not consistent with this section. [Amended 8-17-2010 by Ord. No. 2010-03]

**§ 456-5. Street and sidewalk excavations and openings.**

- A. Permit required. No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the Town without first obtaining a permit therefor from the Town Building Inspector.

- B. Fee. The fee for a street opening permit shall be as listed in the Town of Buchanan Fees and Licenses Schedule.<sup>3</sup> [Amended 8-17-2010 by Ord. No. 2010-03]
- C. Bond. Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Town Administrator/Clerk an indemnity bond, approved by the Town Chairperson, in the sum of \$25,000, conditioned that he/she will indemnify and save harmless the Town and its officers from all liability for accidents and damage caused by any of the work covered by his permit; that he/she will fill up and place in good and safe condition all excavations and openings made in the street; that he/she will replace and restore the pavement over any opening he/she may make as near as possible to the state and condition in which he/she found it; that he/she shall keep and maintain the street or public way in such condition, normal wear and tear excepted, to the satisfaction of the Town Building Inspector for a period of one year; that he/she will pay all fines imposed upon him/her for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Town Board; and that he/she will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Town. Such bond shall also guarantee that if the Town shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year. Recovery on such bond for an accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond, but it shall cover any and all accidents, injuries or violations during the period of excavation for which it is given. As an alternative to the requirements of this subsection, an annual bond may be given under this section covering all excavation work to be done by the principal for one year beginning January 1, which shall be conditioned as specified in this subsection and in the amount determined by the Town Board as necessary to adequately protect the public and the Town.
- D. Insurance. In lieu of the provisions of Subsection C of this section, prior to commencement of excavation work a permittee shall furnish the Town Building Inspector satisfactory written evidence that he/she has in force and will maintain during the life of the permit and the period of excavation public liability insurance of not less than \$100,000 for one person, \$300,000 for one accident and property damage insurance of not less than \$50,000. If the permittee is making more than one excavation at any one time, the insurance coverage required is doubled.
- E. Regulations governing street and sidewalk openings. Regulations governing street and sidewalk openings are as follows:
- (1) Frozen ground. No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary, as determined by the Town Administrator/Clerk or Town Building Inspector.
  - (2) Removal of paving. In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and, together with the excavated material from trenches,

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<sup>3</sup>. Editor's Note: The Town Fees and Licenses Schedule is on file in the office of the Town Administrator/Clerk.

shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.

- (3) Protection of public. Every person shall enclose with sufficient barriers each opening which he/she may make in the streets or public ways of the Town. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Red lights or torch lamps shall be kept burning from sunset to sunrise, one red light or torch lamp to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Town Building Inspector, no trench shall be excavated more than 250 feet in advance of pipelaying nor left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectually from accidents for damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Town in defending any action brought against it for damages, as well as cost of any appeal that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
  - (4) Replacing street surface. In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which, in the opinion of the Building Inspector, is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling opening, the earth must be puddled or lain in layers not more than six inches in depth, and each layer tamped or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, shearing or other lumber shall be left in any trench. The Town may elect to have the Town make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.
- F. Excavation in new streets. Whenever the Town Board determines to provide for improvement or repaving of any street, such determination shall be made not less than 30 days before the work or improvement or repaving shall begin. Immediately after such determination by the Town Board, the Town Administrator/Clerk's office shall notify in writing each person, utility, department or other agency owning or controlling any sewer, water main, conduit or other utility in or under the street or any real property abutting the street that all such excavation work in such street must be completed within 30 days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate the street for a period of five years after the date of improvement or repaving unless, in the opinion of the

Building Inspector, an emergency exists which makes it absolutely essential that the permit be issued.

- G. Emergency excavations authorized. In the event of an emergency, any person owning or controlling any sewer, water main, conduit or utility in or under any street and his agents or employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit; provided, however, that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit under this section.
- H. Town work excluded. The provisions of this section shall not apply to excavation work under the direction of the Town Building Inspector or contractors performing work under contract with the Town necessitating openings or excavations in Town streets.
- I. Highways closed to travel; penalties for unlawful use. Whenever any highway is impassable or unsafe for travel or during the construction or repair of any highway, and until it is ready for traffic, the authorities in charge of the maintenance or construction thereof may keep it closed by maintaining barriers at each end of the closed portion. The barriers shall be of such material and construction and so placed as to indicate that the highway is closed and shall be lighted at night. Any person who, without lawful authority, removes, takes down, alters the position of, destroys, passes over or beyond any barrier so erected, or travels with any vehicle upon any portion of a highway closed by barriers as provided in this section, or walks or travels in any manner upon the materials placed thereon as part of the repair or construction work, shall be liable to a fine of not less than \$50 nor more than \$500, or to imprisonment not less than 10 nor more than 60 days, on failure to pay, and in addition thereto, shall be liable for all damages done to the highway, such damages to be recovered by the Town.<sup>4</sup> [Amended 8-17-2010 by Ord. No. 2010-03]
- J. Cost of roads.
  - (1) Developer to pay initial costs for roads. Unless otherwise determined by the Town Board, the initial installation costs for all roads, whether dedicated or not, within subdivisions in the Town, including but not limited to those for the laying out, construction, grading, graveling and blacktopping, shall be the full responsibility of the developer. "Initial installation costs" shall include such costs necessary to bring existing, improved and unimproved roads, as well as nonexistent roads, in compliance with then existing local, state and federal specifications at the time.
  - (2) Town not to accept roads until complete and blacktopped. The Town shall not accept any road as a Town road until construction of said road has been completed and it has been blacktopped.

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<sup>4</sup>. Editor's Note: Original Sec. 74-5(j), Temporary roads, which immediately followed this subsection, was repealed 8-17-2010 by Ord. No. 2010-03.

- (3) When road to be completed and blacktopped. Every road in every subdivision shall be completed and blacktopped by the developer when the first of the following events occurs:
  - (a) When 70% of the lots within said subdivision have been sold as determined by the Town Board; or
  - (b) Three years from the acceptance of the final plat.

**§ 456-6. Obstructions and encroachments.**

- A. Prohibited. No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he/she is the owner or occupant, except as provided in Subsection B of this section.
- B. Exceptions. The prohibitions of Subsection A of this section shall not apply to the following:
  - (1) Awnings which do not extend below any point seven feet above the sidewalk, street or alley.
  - (2) Public utility encroachments duly authorized by state law or the Town Board.
  - (3) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two hours.
  - (4) Temporary encroachments or obstructions authorized by permit under Subsection C of this section.
  - (5) Excavations and openings permitted under § 456-5.
- C. Street privilege permit. A street privilege permit may be issued according to the following conditions:
  - (1) Required. Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Town may be granted to applicants by the Town Building Inspector or Town Administrator/Clerk for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this subsection and has obtained a building permit if required by Chapter 230.
  - (2) Bond. No street privilege permit shall be issued until the applicant shall execute and file with the Town Administrator/Clerk a bond in an amount determined by the Town Building Inspector, conditioned that the applicant will indemnify and save harmless the Town from all liability for accidents or damage caused by reason of operations under such permit, will remove such

encumbrance upon termination of the operations, will leave the vacated premises in a clean and sanitary condition, and repair any and all damage to the streets, alleys, sidewalks or public property of the Town resulting from such building or moving operations.

- (3) Conditions of occupancy. The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Town Building Inspector for violation thereof:
  - (a) Such temporary obstruction shall cover not more than 1/3 of any street or alley.
  - (b) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
  - (c) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four feet in width guarded by a closed fence at least four feet high on both sides may be maintained during the period of occupancy.
  - (d) The process of moving any building or structure shall be as continuous as practicable until completed, and if ordered by the Town Administrator/Clerk, shall continue during all hours of the day and night.
  - (e) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
  - (f) Buildings shall be moved only in accordance with the route prescribed by the Town Administrator/Clerk or Town Building Inspector.
  - (g) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.<sup>5</sup>

**§ 456-7. Tree trimming and sanitation.**

- A. Trees to be kept trimmed. Trees standing in and upon any public street or place, or upon any lot or land adjacent thereof, shall be pruned and trimmed by the owners or occupants of the property on or in front of which such trees are growing so the lowest branches projecting over the public street or sidewalk will provide a clearance of not less than 14 feet and a clearance of not less than 10 feet over any other public place and so that no dead, broken or otherwise hazardous branches

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<sup>5</sup>. Editor's Note: Original Sec. 74-7, Snow and ice removal, which immediately followed this section, was repealed 8-17-2010 by Ord. No. 2010-03.

shall be likely to fall and do injury to the public. Any tree not trimmed as provided in this section shall be deemed hazardous. [Amended 8-17-2010 by Ord. No. 2010-03]

- B. Hazardous and infected trees. Any tree or part thereof, which the Town Administrator/Clerk shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Town, or to be injurious to sewers, sidewalks or other public improvements, whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Town Administrator/Clerk shall give written notice to the owner to remedy the situation, which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours nor more than 14 days, as determined by the Town Administrator/Clerk on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim the tree within the time limit, the Town Administrator/Clerk shall cause the tree to be removed, treated or trimmed and shall enter such cost as a special charge against the property.
- C. Cottonwood and Boxelder trees. No person shall plant or maintain within the Town any female tree of the species *Populus deltoides*, commonly called the Cottonwood, or any tree commonly called the Seed-bearing boxelder or *Acer negundo*, which may now or hereafter become infested with Boxelder bugs. Such trees are hereby declared a nuisance. Any person having any such trees on his premises shall cause the same to be removed. If any owner shall fail to remove any such tree within 30 days after receiving written notice from the Town Administrator/Clerk, the Administrator/Clerk shall cause the removal of such tree and place such charge upon the next tax roll as a special charge against the premises.
- D. Planting of certain trees restricted. No person shall hereafter plant any Catalpa, Chinese elm, White poplar, Lombardy poplar, or any fruit or nut tree in or upon any public street, parkway, boulevard or other public place within the Town unless he/she shall first secure written permission from the Town Administrator/Clerk, who shall approve any such planting if, in his opinion, such tree will not constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system. The Town Administrator/Clerk shall cause the removal of any tree planted in violation of this subsection. [Amended 8-17-2010 by Ord. No. 2010-03]
- E. Dutch elm disease control. Trees with Dutch elm disease shall be controlled as follows:
  - (1) The Town Administrator/Clerk is hereby empowered to enter upon private property within the Town for the purpose of inspecting all elm trees thereon, to determine whether any of such trees are infected with Dutch elm disease, or infested with the carriers thereof, or are in need of pruning to remove all the dead branches. He/she is further empowered to inspect such private premises to determine the presence of any dead trees, elm or otherwise, logs or firewood or stumps.

- (2) If after the inspection of any premises within the Town by the Town Administrator/Clerk wherein any infected, infested or dead elm tree or any part thereof, stumps, branches, logs or firewood exist, he/she shall give notice in writing to the owner or, if the owner cannot be found, to the person in charge of or in possession of the premises, that he has:
  - (a) Thirty days to remove and destroy any infected or infested tree or part thereof upon verification to the Town Administrator/Clerk by a state or county agent of the existence of Dutch elm disease; and
  - (b) Thirty days to remove all dead trees or parts thereof. In the case of elm stumps, such Administrator/Clerk shall direct the owner to treat the disease-carrying medium or to remove the same whenever possible.
- (3) The Town Administrator/Clerk is herewith empowered, after expiration of such notice and noncompliance therewith, to remove from such premises and destroy any infested, infected or dead elm tree or parts thereof and, in the case of stumps, to treat the stumps so as to destroy the disease-carrying medium or to remove the stumps wherever possible. Such removal, destruction and treatment shall be at the expense of the owner of the land upon which such trees or parts thereof are located and shall be assessed, collected and enforced against such land as taxes are assessed, collected and enforced.

**§ 456-8. Roads to be inspected prior to gravel.**

No person, firm, corporation, agent or other entity shall lay or have laid gravel on any public road or highway prior to having said public road or highway inspected by such official designated by the Town Board and having obtained authorization to lay gravel thereon.

ARTICLE II  
**Access Control Regulations**  
**[Added by Ord. No. 2000-1]**

**§ 456-9. Authority.**

This article is adopted under the authority granted by §§ 60.10(2)(h) and 61.34 and Ch. 236 Wis. Stats.

**§ 456-10. Purpose and intent.**

The purpose of this article is to promote the safe and efficient ingress and egress to certain Town roads in the interest of public safety, convenience and general public welfare; to protect the public investment in roads by preventing premature function obsolescence; to reduce accidents caused by frequent and poorly designed points of access; promote the balanced use of land for the mutual protection of landowners, motorists, and the Town of Buchanan; to enhance the road appearance for making Town road travel more pleasant.

**§ 456-11. Jurisdiction.**

These regulations shall apply to all Town roads except all roads in approved subdivisions.

**§ 456-12. Compliance with ordinances, regulations and plan.**

Any person, firm, corporation, municipality or other entity seeking access from lands abutting the listed roads under the § 456-11 shall comply with the requirements of this article and:

- A. Applicable Town ordinances and regulations.
- B. Comprehensive Plan or Comprehensive Plan components adopted by the Town of Buchanan.
- C. The Official Map of the Town of Buchanan.

**§ 456-13. Right of access.**

- A. Each existing parcel of land abutting a controlled-access Town road at the time of enactment of this article shall be entitled to private access when in compliance with the provisions of this article.
- B. After the designation of a controlled-access road, no owners or occupants of the parcels of land created after enactment of the article will have the right or easement of access by reason of the fact that their property abuts the controlled-access Town road, unless otherwise provided for herein.

**§ 456-14. Approval necessary for obtaining access.**

- A. No entrance upon or departure from the Town's roads designated as controlled-access roads in this article shall be permitted except at places specially designated and provided for such purposes.
- B. No public street or highway shall be opened into or connected with any controlled-access Town road under this article or converted from a private access, an agricultural access or a trail access to a public access without review by the Town of Buchanan Plan Commission and the Town Board and approval by both. Such approval shall be given only if the public interest shall be served thereby, and it shall specify the terms and conditions on which such approval is given.
- C. No private access point, agricultural access, or trail access may be opened into or connected with a controlled-access Town road under this article without review by the Town of Buchanan Plan Commission and the Town Board and approval by both. Such approval shall be given only if the public interest is served, and it shall specify the terms and conditions on which such approval is given. In the interest of public health, safety and general welfare, the Town of Buchanan may at any time revoke this approval or require modification in the access. The permit granted by this commission shall be for private access, trail access, or agricultural access only, and this permit cannot be transferred between those different uses. A new permit must be approved if a use changes or if another use is added.

**§ 456-15. Vacation of access control.**

A controlled-access highway shall remain such until the access control is revoked by the order of the Town of Buchanan Town Board. The Town Board may revoke access control on a Town road or part thereof, provided that, after a traffic engineering survey investigation and access control study and a public hearing, the Town of Buchanan Town Board finds that the revocation on such highway or part thereof is in the public interest. The Town of Buchanan Town Board shall record the formal notice of revocation of access control on the Town road.

**§ 456-16. Addition of access control.**

The Town of Buchanan Town Board may invoke access control on additional Town roads or parts thereof, pursuant to § 61.34, Wis. Stats. The Town of Buchanan Town Board shall record the formal notice of access control on such Town roads.

**§ 456-17. Existing points of access.**

All existing points of access may be continued after the adoption of this article. However, if the Town Board believes that the use of an access has been discontinued for a period of at least one year, the Town Board shall notify the owner by certified mail that it is considering vacating the access, and the Board shall allow the owner the opportunity to reply. In the event the Board decides that the access has been abandoned for one year, the Board may require the access be vacated. If so determined, it is illegal to use this access point thereafter.

**§ 456-18. Change of use.**

Any point of access permitted under this article shall be subject to review by the Town of Buchanan Town Board. After such review, the Town Board may determine that there has been a change in use which will affect safe and efficient ingress and egress to a controlled Town road. This determination shall be based primarily on significant change in volume of traffic or the type of vehicle using that point of access. Upon such determination, the Town Board may require modifications to the access to meet the standards and specific provisions (in §§ 456-19 and 456-20) or it may revoke the access unless otherwise provided herein.

**§ 456-19. Spacing and frequency.**

- A. One access may be permitted for each parcel of land as defined under a previous section, but whenever possible, access should be granted on minor roads instead of controlled-access Town roads when there is a choice between the two types of roads.
- B. Access permits shall not be issued where the horizontal distance between access points on a controlled-access road will be less than 600 feet, unless there is no other way.

- C. A maximum of eight access points per mile per side of highway shall be permitted, unless there is no other way to provide access to an existing parcel.

**§ 456-20. Design.**

The design of driveway or street intersections for appropriate sight distance, return radius, angle, profile, width, parking and internal circulation shall be based on minimum standards of the American Association of State Highway and Transportation Officials, the National Cooperative Highway Research Program Report No. 93, "Guidelines for Medial and Marginal Access Control on Major Roadways," and §§ Trans 231.03 to 231.07, Wis. Adm. Code, and shall comply with the provisions of the access permit issued by the Town of Buchanan Town Board. In locating access points along the controlled-access roads, consideration shall be given to the alignment of the proposed intersecting streets directly across from each other in order to facilitate safe and efficient flow of traffic across the road.

**§ 456-21. Permits.**

- A. In order for any new access point on a Town road designated as controlled-access under this article to be reviewed or approved, an application for a permit shall be made to the Town of Buchanan.
- B. The Town Zoning Administrator or Building Inspector at the direction of the Town of Buchanan Town Board shall conduct periodic inspections to determine compliance with the ordinance provisions and shall maintain permanent records of date submitted and permits issued.
- C. An access permit shall expire one year from the date of issuance if evidence of use has not been established within that time.
- D. Upon issuance of a permit, the point of access shall be inspected during and after construction.
- E. When violations occur, the Town of Buchanan Town Board shall revoke the access permits.

**§ 456-22. Data requirements.**

The Town of Buchanan Town Board may require submission of a scale drawing showing the property lines, the topography, streams, lakes and ponds, marshes and the location of the existing and proposed buildings and structures, together with engineering data as deemed necessary for the design of intersection.

**§ 456-23. Variances.**

- A. Any person aggrieved by an order, requirement or interpretation made by the Town of Buchanan Plan Commission may appeal such decision to the Town of Buchanan Board of Adjustment. Where the Board of Adjustment finds that practical difficulty and unnecessary hardship may result from strict compliance with this article, it may vary the regulations so that substantial justice may be done, provided that the public

interest is secured and that such variance will not have the effect of nullifying the intent and purpose of this article.

B. In granting variances, the Town of Buchanan Board of Adjustment shall request the evidence of practical difficulty and hardship and record the reasons in the minutes of which the variance was granted.