

TITLE 3 – COUNTY PROPERTIES

CHAPTER 1 CERTIFICATES OF INSURANCE

3-1-1: Certificates of Insurance

3-1-1: CERTIFICATES OF INSURANCE

Certificates of insurance shall be attached to all contracts and purchase of service agreements with private individuals and companies which involve Green County as a purchaser of services and/or improvements to County properties. Said certificates shall show the amount and type of insurance provided and shall certify that the County contract or project is covered by the terms of the insurance policy. The certificates shall be filed along with the contract or agreement in the office of the County Clerk. (Ord. 79-620)

CHAPTER 2 GSA AND DOD PURCHASING AGENT

3-2-1: GSA AND DOD PURCHASING AGENT

The Green County Emergency Management Director is hereby designated as official Purchasing Agent for the GSA and DOD surplus property sales programs. (R6-3-9, amd. Ord. 88-810)

CHAPTER 3 RECORD OF COUNTY PROPERTIES

3-3-1: RECORD OF COUNTY PROPERTIES

All property belonging to the County, both real and personal, shall be kept account of by the County Clerk and by the officer or person in whose possession the same may be, on the books provided for that purpose. Every officer or person who, by virtue of his/her office, is in possession of any County property, and every officer or person in the employ of the County, or who may be hereafter elected or employed by the County, in whose office, or by whom in his/her capacity any County property is now held, or may hereafter be acquired, shall be held responsible therefor, and shall account for each and every item of such County property that is now or may hereafter come into his/her possession. (1982 Code)

CHAPTER 4 SECTION CORNERS

3-4-1: PLACEMENT OF SECTION CORNER MARKERS

A program of locating and placing of section corners for surveys requested by private citizens and local municipalities within Green County shall be started, and these section corners shall only be located and set upon a request so to do from a registered land surveyor who is engaged by a private citizen or a local municipality to do a land survey. (R5-14-73)

**CHAPTER 5
SOIL AND WATER CONSERVATION**

3-5-1: CONSERVATION WORK ON PRIVATE LANDS

The County Highway Department is hereby directed to do such terracing, bull-dozing or other conservation work on private lands on a cost basis, and such work shall be done according to specifications of the Green County Department of Land and Water Conservation. Such men, machinery, equipment and materials shall be used in performing such private work only when they are not needed to carry on the required maintenance and construction work on the public highways of Green County.¹ (R4-22-53; amd. R4-7-85)

**CHAPTER 6
COUNTY HIGHWAYS AND ROADS**

3-6-1: ROAD REPAIRS

The Highway Committee shall be authorized to enter into agreements with highway committees of other counties and states to do emergency work in and for such other counties and states, and for local units of government in said counties and states; provided, that such emergency work is officially requested by a highway department of a respective county or state.

Any work done for a municipality in such other counties or states by the Green County Highway Department shall be paid for by the county or state government of the county or state from which the request came, such county or state government or authorized agency in all respects acting as the responsible agent for its governmental subdivisions; and such work shall be done at cost but in no case shall the charges for work done be less than the equal of the amount charged for similar services and equipment by the highway department of the county or state where emergency work is performed. (R1-12-60)

3-6-2: HIGHWAY DEVELOPMENT AND PROJECTS

3-6-2-1: DEVELOPMENT PLAN

The Green County Board of Supervisors hereby approve the Green County Functional and Jurisdictional Highway Study as a guideline for future decisions related to highway development in Green County, and hereby adopts the Federal Aid Secondary System as shown on the exhibit on file with the County, said Federal Aid Secondary System to be submitted to the Federal Highway Administration for their approval. (R1-13-76)

¹See also Section 1-7-10 of this Code.

3-6-2-2: HIGHWAY PROJECTS

Highway Department projects shall conform to the following:

- A. All blacktopping with exception of patching on County roads, is subject to the Green County Highway Committee approval. All township, village or city work shall be subject to the approval of the said Green County Highway Committee.
- B. The employment and discharge of all County highway employees, including shop employees, shall be subject to the approval of the Green County Highway Committee. (R10-9-62; amd. 1982 Code)
- C. All purchases of material, equipment, repairs and supplies relative to the operation of the Highway Department shall be in accordance with subsection 1-11-2A. (Ord. 90-110)
- D. All future work programs shall be subject to a plan submitted by the Highway Commissioner to the Green County Highway Committee for their approval, and subject to the approval of the said Green County Highway Committee. The aforesaid work program consists primarily of future road works, including bridges. (R10-9-62; amd. 1982 Code)

3-6-3: SNOW REMOVAL EQUIPMENT

Snow truck plows of the County shall be stationed at Monroe, Brodhead and Monticello, and as the County Highway Committee shall see fit. These trucks will be in demand for service at all times by the Highway Commission. However, when the services of these trucks are not needed by the State and County, any township can make arrangements with the County Highway Committee to use this equipment in such township at the same price the County pays. (Volume X)

3-6-4: STATE GAS TAX, COUNTY AID

All streets and highways of the County's local municipalities that are open to the traveling public and are placed on the official State gas tax map, and are eligible for State gas tax moneys are now and hereafter placed on the County Aid System. Said streets and highways shall not be eligible for County aid wherever the building fronting the streets and highways average more than one to each sixty (60) lineal feet of street or highway. (R12-11-73)

3-6-5: HIGHWAY ACCESS

3-6-5-1: GENERAL PROVISIONS

- A. Title. This Section shall be referred to as the Green County Highway Access Ordinance.
- B. Appointment. The County Highway Commissioner shall be appointed to administer this Ordinance and shall have the power to ensure compliance with the intent and purpose of this Section by any means possible under law. The Corporation Counsel shall represent the County in all actions brought pursuant to this Section and shall have prosecutorial discretion in any and all such cases.
- C. Purpose. The purpose of this Section is to promote the public safety, welfare and convenience by easing congestion on public highways through a system of standards and regulations for limiting access to public highways.

- D. Interpretation. The provisions of this Section shall be interpreted to be the minimum requirements for highway access and shall be broadly and liberally construed in favor of the County and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes, the Administrative Code regulations, or any Town or County Ordinance which is equal to or more stringent than the standards set forth herein.

Any new proposed entrance, or the construction, modification including paving, or change in use of an existing highway access which has not yet been subject to a prior permit review, shall require an entrance permit in writing from the office of the Green County Highway Commissioner before any work can be started.

- E. Definitions.

Access Driveway; Highway Access; or Entrance: For purposes of this Section, an access driveway; highway access; and entrance shall be defined as a private driveway, road, field road, or other traveled way giving access to a public highway within the highway right-of-way to adjacent lands.

Class 1 Highway: All federal or state highways are hereby designated as Class 1 Highways.

Class 2 Highway: All County Trunk Highways not designated as a Class 1 Highway are hereby designated as a Class 2 Highway.

Class 3 Highway: All town roads, streets and highways not included in the above classifications are hereby designated as a Class 3 Highway.

- F. Miscellaneous.

- (1) Severability. Each section, paragraph, sentence, clause, word and provision of this Section is severable and if any provision shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance nor any part thereof other than that affected by such decision.
- (2) Repeal. All other ordinances or parts of ordinances of the County inconsistent with or conflicting with this Section to the extent of the inconsistency only, are hereby repealed. (Ord. 00-0103)

3-6-5-2: AUTHORITY

This Section is adopted pursuant to the authority granted by §59.03(1) and §86.07(2), Wis. Stats. (Ord. 00-0103)

3-6-5-3: JURISDICTION

The jurisdiction of this Section shall include all lands abutting to all Class 2 highways, within the County of Green, but shall not extend into the corporate limits of any municipality.

This section shall also apply to those class 3 highways in those townships which have granted the County authority to enforce these regulations on said highways. (Ord. 00-0103)

3-6-5-4: HIGHWAY ACCESS REQUIREMENTS

A. Class 1 Highways.

- (1) Access Driveways. There shall be no direct access to Class 1 Highways except as authorized by the Wisconsin Department of Transportation.

B. Class 2 Highways.

- (1) Access Driveways. A minimum distance of 500 feet shall be required between access driveways along the same side of a Class 2 Highway. Adjoining driveways for no more than two residences are permitted to accomplish the same result. The minimum distance access driveways may be located to the center line of an intersection on said highway is 250 feet.
- (2) Prior to the construction of a driveway access on a Class 2 Highway, the County Highway Department must give approval and provide for in 3-6-5-7 of this Title.

C. Class 3 Highways.

- (1) Access Driveways. There shall be no minimum distance for driveway access along Class 3 Highways. The minimum distance access driveways may be located to the center line of an intersection on said highway is 125 feet.
- (2) Prior to the construction of a driveway access on those Class 3 Highways, subject to County approval, the County Highway Department must give approval as provided for in 3-6-5-7 of this Title. (Ord. 00-0103)

3-6-5-5: STRUCTURES PERMITTED WITHIN SETBACK LINES

Setbacks shall be determined as provided in Section 4-3-5-1 of the Green County Code. (Ord. 00-0103)

3-6-5-6: ADDITIONAL REQUIREMENTS

- A. Railroad Grade Crossing: At grade intersections of all highways with railroads there shall be vision clearance triangles in each sector of such intersections. Each such vision clearance triangle shall be established by a supplementary setback line which shall be a straight line connecting points located on the setback line along the highway and the railroad right-of-way and 100 feet back from the intersections of such highway setback lines and the railroad right-of-way.
- B. Widths. The maximum and minimum width of access driveways to highways and service roads at the right-of-way side shall be as follows:
 1. Commercial and industrial land use driveways: a maximum of 40 feet width and a minimum of 24 feet is required.
 2. Residential, including residences with common drives: a maximum of 24 feet width and a minimum of 10 feet is required.

For the purposes of this Section, a residential highway access or entrance or any such access shall be one which serves no more than three residential units. Any highway access serving more than three residential homes or residential units shall be considered a road access and comply with those requirements.

3. Agriculture access drives, including field drives: a maximum of 40 feet width and a minimum of 20 feet is required.
4. Road access including access road intersections: A maximum width of 40 feet and a minimum of 24 feet is required.
5. If an increase is needed in the maximum width of any of the aforementioned highway accesses, an increase may be approved by the Green County Highway Commissioner.

C. Entrance Construction

1. Highway access entrances shall have a culvert at the ditch line where the entrance meets the County Highway, unless waived by the office of the Green County Highway Commissioner. The culvert size shall be designated by the office of the Green County Highway Commissioner and shall have end walls at the inlet and outlet. Retaining walls will not be allowed.
2. The entrance shall slope away from the traveled edge of the roadway at a slope of two percent (2%) to the horizontal line of the ditch line at the finished surface of the drive and a maximum of five percent (5%) from the same ditch line to the finish line of the driveway at the right-of-way line to prevent water and debris from washing into the County Highway.
3. The entrance side banks shall be graded at a maximum of 4:1 (four (4) feet horizontal to one (1) foot vertical).
4. The entrance off of the County Highway on a horizontal line shall be no more than one hundred ten (110) degrees or no less than seventy (70) degrees.
5. The entire entrance within the right-of-way shall have a minimum of six (6) inches of three-quarters (3/4) inch crushed rock over the entire width.
6. Radii at the outside edge of the roadway or finished shoulder to be as determined by the Highway Commissioner or his/her designee. (Ord. 00-0103)

3-6-5-7: HIGHWAY ACCESS PERMIT AND SETBACK APPROVAL PROCEDURE

- A. Highway access permit required. Whenever it is desired to construct a highway access, or when there is a change in use of a highway access, on a Class 2 or 3 Highway as defined by this Section, a permit must be obtained by the Green County Highway Department.

Approval from the office of the Green County Highway Commissioner will not be granted until all signatures have been obtained on the permit form including signatures of town officials where appropriate.

- B. Requirements: In order to obtain a permit, the following requirements must be fulfilled in the following class of highways:
1. Class 1 Highways: There shall be no direct access to Class 1 Highways except by the Department of Transportation.
 2. Class 2 Highways: A minimum distance of 500 feet shall be required between Highway access driveways while on the same side of a Class 2 Highway. The minimum distance access driveways may be located to the center line of an intersection is 250 feet. Where there are two to three lots of less than 500 feet of total frontage on a Class 2 Highway, a service road of not less than 22 feet of right-of-way may be provided unless a temporary access permit has been granted with the approval of the agency having jurisdiction over the highway.
 3. Class 3 Highways. There shall be no minimum distance for driveway access along Class 3 Highways. The minimum distance access driveways may be located to the center line of an intersection highway is 125 feet.
- C. Access Permit. Class 2 and Class 3 for those Townships adopting these provisions. Highway access permits can be applied for at the office of the Green County Highway Commissioner. Each permit application shall be submitted on forms as provided by the Green County Highway Commissioner's office.

A non-refundable Application Permit Fee for the construction or reconstruction of an entrance or department upon a Green County Trunk Highway shall be established by the Highway Committee. A schedule of the fees established shall be available for review in the Highway Department. (Ord. 13-0601, 6/11/2013)

Those Townships wishing to adopt these provisions shall do so either by Ordinance or Resolution and forward a copy of same to the Green County Highway Commissioner. A copy of those resolutions shall be made available to the public at the Highway Commissioner's office.

When facilities subject to this Chapter require a highway access permit to be issued by the Highway Commissioner, the Highway Commissioner shall, before issuing the permit, investigate or cause to be investigated whether any such driveway will comply with the requirements of Sub (B) of this Section and will not present a danger to public safety.

1. Upon a determination that the requirements of Sub (B) above, have been met and that no undue danger to public safety would be caused by the placement of a driveway access, the Highway Commissioner shall issue the permit.
2. All construction of the highway access must be completed within six (6) months of the issuance of the permit. If construction is not completed within this time frame, an extension permit will be required together with additional permit fee. Failure to comply with this requirement may result in a removal of the highway access entrance at the expense of the property owner.

D. Review of Denial of Permit.

1. If the County Highway Commissioner denies a request for a permit under this Section the Highway Committee shall, upon written request by the applicant within 30 days after the denial, review the decision of the Highway Commissioner.
2. After review, the Highway Committee may reverse, confirm or modify the decision of the Highway Commissioner. In so modifying, the Highway Committee in reviewing the decision of the Highway Commissioner, may deviate from the strict terms of the Highway Access Requirements found under Sub (B) of this Section when public safety would be jeopardized by the placement of a highway access as required, or such required placement would impose an undue hardship upon the landowner due to the lay of the land or the existence of other access driveways by other landowners which prevent the placement. The modification shall specify in writing the reasons for the modification, the exact amount of modification allowed by specifying permissible placement of the highway access, and the length of time the access shall be allowed (whether temporary or permanent).
3. If the Highway Committee confirms or modifies the decision of the Highway Commissioner, the Highway Committee shall notify the applicant of the action and the grounds for the action and shall also notify the applicant of a right to request review before Circuit Court.

E. Enforcement.

1. Violations. When a violation of this Section is encountered the Highway Commissioner shall issue the violator a written order. This order shall specify the following:
 - (a) The nature of the violation and the steps needed to correct it.
 - (b) The time period in which the violation must be corrected.
 - (c) The penalty or penalties the violator would be subject to if the apparent violation is not corrected within the given time period.
2. Noncompliance with Order. If a person does not comply with a written order from the Highway Commissioner that person may be subject to one or more of the following actions and/or penalties:
 - (a) The issuance of a citation.
 - (b) Commencement of legal action against the person seeking a court-imposed forfeiture and/or imprisonment.
 - (c) Commencement of legal action against the person seeking an injunction to the continued use of the structure or driveway access causing the violation and/or removing the structure or driveway access causing the violation and correcting the damage created by its violation.

- (d) Any other action authorized by this Section or by other applicable laws as deemed necessary by the County Highway Commissioner and/or County Corporation Counsel.
 - (e) The initiation of one action or penalty under this Section does not exempt the apparent violator from any additional actions and/or penalties listed in this Section.
 - (f) If the violation is not corrected within the time period specified in the order, the Highway Department will enter upon the right-of-way portion of the property and will correct the violation or cause it to be corrected.
 - (g) The costs of such correction is to be recovered by the County directly from the responsible person and may be assessed upon the property tax as a special assessment.
3. Penalties. In case any person is convicted of violating any of the provisions of this Ordinance, judgment shall be entered against that person in addition to court costs, a forfeiture not to exceed \$1,000 but not less than \$200. (Ord. 00-0103)

**CHAPTER 7
FEDERAL PROPERTIES PROGRAM**

3-7-1: PARTICIPATION IN PROGRAM

Green County has elected to participate in the Wisconsin Plan of Operations for the Distribution of Federal Properties, and the Green County Clerk is authorized to act as agent for and on behalf of the County of Green for acquiring Federal property from the Wisconsin Federal Property Program, to obligate any necessary funds for this purpose and to execute the Wisconsin Department of Administration Warehouse Order and Invoice Documents including terms, conditions, reservations and restrictions that the Department of Administration or General Services Administration may establish on the use and disposal of the property. (R1-3-8)

**CHAPTER 8
EROSION CONTROL**

3-8-1: EROSION CONTROL ON COUNTY PROPERTY

It shall be the policy of the Green County Board of Supervisors to control erosion on all County owned property and to keep cropland erosion within allowable limits based upon the universal soil loss equation through the use of conservation practices as provided by the Green County Soil and Water Conservation District Technical Guide. This policy shall be incorporated into all agreements or contracts involving Green County owned property. The ultimate responsibility for enforcing conservation practices on County owned land shall be with the Green County Soil and Water Conservation District. (R12-5-81)