

CHAPTER 8
PUBLIC WORKS

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19 **8.01 DEFINITIONS.** Unless otherwise provided herein, the definitions accepted by
20 the American Association of State Highway and Transportation Officials (AASHTO)
21 shall prevail.

22
23 **ACCESS ROAD.** A private driveway or a private roadway giving access to a public
24 road.

25
26 **AGRICULTURAL FIELD ROAD.** Road used primarily to access agricultural land. A
27 field road may also access agricultural buildings but not a dwelling.

28
29 **BASE COURSE.** The supporting base material of the roadway, including shoulder.

30
31 **BUILDING.** A single-family or other residential dwellings, commercial buildings and
32 industrial buildings. The term does not include or refer to accessory structures such as
33 pole sheds.

34
35 **DRAINAGE.** The gradual drying of highway by system of ditches, trenches, channels,
36 etc.

37
38 **DRIVEWAY PERMIT ISSUER.** An official appointed by the Town Board whose duty it
39 is to issue driveway permits providing ingress to or egress from a town road consistent
40 with appropriate state, city and town requirements.

41
42 **DRIVEWAY, PRIVATE.** An access that provides ingress or egress from one residence to
43 a public road.

44
45 **EMERGENCY UTILITY WORK.** Unforeseen action by a utility deemed necessary to
46 restore an existing utility facility to protect the general public.

47
48 **GRADE.** The rate of ascent or descent of roadway.

49
50 **HIGHWAY.** The road or way over which the public generally has a right to pass, to
51 include the complete right-of-way. A Town highway, designated by name or number,
52 that exists now or is added in the future.

53
54 **PERMIT.** The document by which the town grants a utility permission to work within,
55 use, occupy, or cross the highway.

56
57 **PIPELINE.** A utility facility installed to carry or convey a fluid, gas, or other material,
58 generally underground, including the casing and the carrier.

59
60 **PRIVATE LINES.** Facilities which convey or transmit commodities as defined by utility
61 (see "Utility Lines"), but are owned and operated by an individual(s) or non-utility
62 business.

63
64 **PRIVATE ROAD.** An access that provides ingress or egress to a public road serving two
65 (2) but no more than five (5) private residences. If more than five (5) dwellings are

66 proposed using one common access road, Town Road Standards Section 8.04 of the
67 General Code must be followed.

68
69 PUBLIC ROAD. A road serving more than five (5) residences that shall conform to
70 standards established in Section 8.04 of the General Code and all those roads, established
71 prior to July 1, 2002 that qualify for State Highway Aids.

72
73 REMODELED OR ALTERED. Only changes made to a building which increase the
74 value of such building by more than one third.

75
76 RESPONSIBLE PERSON. A person having control over a utility project that is not
77 administered by the Town.

78
79 RIGHT-OF-WAY. A general term denoting acquired interests or rights in land (either all
80 or partial) that are necessary to build, maintain, and operate a highway facility. It is not
81 just a fee interest or a permanent highway interest but encompasses all necessary rights of
82 both a permanent and temporary nature.

83
84 SUBDIVISION. A division of a lot, parcel, or tract of land by the owner thereof or the
85 owner's agent for the purpose of sale or of building development and to which any of the
86 following applies:

- 87 1. The act of division creates 5 or more parcels or building sites of 1 1/2 acres each
88 or less in area.
89 2. Five or more parcels or building sites of 1 1/2 acres each or less in area are
90 created by successive divisions within a period of 5 years.

91
92 SURFACE. The top of the roadway, or traveled surface.

93
94 TOWN. Town of River Falls.

95
96 TRAVELED WAY. The portion of the roadway for the movement of vehicles which
97 includes auxiliary lanes land ramps but excludes the shoulders. The traveled way usually
98 lies between the edge line striping.

99
100 UTILITY. Any corporation, company, individual or association, including their lessees,
101 trustees, assigns, or receivers, or any sanitary district, cooperative association, town,
102 village or city that owns, operates, manages or controls any plant for fixed equipment
103 within Pierce County for a transmission of communications or the conveyance,
104 production, storage, transmission, sale, delivery or furnishing of electrical power, light,
105 heat, fuel, gas, oil, petroleum products, water, steam, fluids, sewerage, drainage,
106 irrigation, or similar facilities. This definition also includes the owners or operators of
107 cable television systems, publicly owned fire or police signal systems, traffic and street
108 lighting facilities or privately owned facilities which perform any of the utility functions
109 above.

110

111 UTILITY OPERATION. Any activity by a utility to assure the function of an existing
112 utility for its intended purpose.
113

114 **8.02 REGULATING PRIVATE DRIVEWAYS AND ACCESS ROADS.**
115

116 (1) PERMIT REQUIRED. No access road, agricultural field road, or private
117 driveway providing ingress or egress to a Town road shall be hereafter
118 constructed, altered or removed without first obtaining a permit from the Town
119 driveway permit issuer.
120

121 (2) MINIMUM STANDARDS FOR CONSTRUCTION. Prior to the granting of the
122 permit, the applicant shall submit plans for construction which satisfy the
123 following minimum standards:
124

125 (a) Design.
126

127 1. The access road shall be so designed as to avoid an unreasonable
128 interference with the natural flow of water. The first 20 feet of the access
129 road from the edge of the highway shall be near level but slightly lower
130 than the highway in order to assure that water from the access road does
131 not run on to the traveled portion of the highway. Flooding of the surface
132 of the Town road in any manner shall create a presumption of
133 unreasonable interference.
134

135 2. Access roads shall have a minimum of 5 inches of crushed rock and shall
136 be placed no closer than 10 feet from the lot line, as measured from the lot
137 line to the nearest edge of the ditch or of the shoulder, whichever is
138 nearest.
139

140 3. Access road slope shall be no greater than 10.0%, unless documentation is
141 obtained from design engineers or the fire department and ambulance
142 service, stating that the slope will not affect public or private safety in
143 providing emergency services.
144

145 (b) Intersection. The access road shall intersect with the Town road at a right
146 angle.
147

148 (c) Culvert. Culvert must be adequate for drainage. Any culvert shall be installed
149 at the preexisting grade and have a minimum diameter of 12 inches.
150

151 (d) Side-to-Side Clearance. All access roads shall have a minimum side-to-side
152 width clearance of 20 feet, a minimum road base width of 16 feet and a
153 minimum driving surface width of 12 feet. Such roads shall be constructed so
154 as to sustain a minimum weight load of 25 tons.
155

156 (e) Driveway Access. A private driveway access road shall be at least 100 feet
157 from any intersection when measured from the center line of the driveway to
158 the nearest edge of the traveled surface of the intersecting road.
159

160 (f) Subdivision Access. With regard to access roads providing ingress or egress
161 from a Town road to a subdivision, speed limit being posted at 35 mph or less
162 (both subdivision and Town road), the access road shall be located so as to
163 provide a sight distance of 250 feet in any direction along the Town road
164 being intersected, not veering from road surface. Sight distance is computed
165 with the observer at height of 3.75 feet and the object seen at height of 6
166 inches. For purpose of this section, the word “subdivision” shall be given the
167 meaning set forth in Wis. Stat. §236.02(12). In all other cases, the access road
168 shall be located so as to provide a sight distance of 350 feet in any direction
169 along the Town road being intersected. Sight distance in those cases shall be
170 computed with the observer at a height of 3.75 feet and the object seen at
171 height of 6 inches.
172

173 (g) Vision Clearance Triangle for Roads and Driveways.
174

175 1. The distances for a vision clearance triangle shall be measured from
176 the intersection of the centerlines of the intersecting roads, or road and
177 driveway. Brush, tree limbs and/or trees and other vegetation are not
178 permitted and shall be removed in order to achieve the required sight
179 distances.
180

181 2. Vision clearance triangle for private driveways connecting to a Town
182 road. The minimum driveway leg of the triangle shall be 30 feet. The
183 minimum Town road leg of the triangle shall be 250 feet for a 35 mph
184 road or 350 feet for a road with an unposted speed limit.
185

186 3. A Town road with either a stop sign or a yield sign. For a Town road
187 with either a stop sign or a yield sign, the leg of the triangle is 30 feet
188 for the Town road.
189

190 4. Uncontrolled intersection. For roads without signage, the road
191 centerline legs of the triangle must be 250 feet if posted at 35 mph or
192 less, and 350 feet if speed limit is unposted.
193

194 (h) Access Roads and Driveways Over Bridges and Culverts.
195

196 1. 25-year Flood Requirements. Access roads and driveways over bridges or
197 culverts must be constructed, erected and maintained as specified by the
198 Town permit issuer. The permit issuer may require, depending on areas to
199 be drained or site conditions, that the bridge, culvert, or access road
200 comply with engineering specifications sufficient to sustain and carry a
201 weight load of not less than 25 tons and must have the ability to withstand
202 water from a 25-year flood. Pierce County Highway Department and U.S.

203 NRCS Standards shall govern in determining if the “25-year flood”
204 requirement has been complied with. Bridges, as well as culverts with a
205 diameter greater than 30 inches, shall be inspected every five (5) years,
206 beginning on that date five (5) years from the date of the initial grant or
207 permit, and in addition shall be inspected after any 25-year flood, for the
208 purpose of insuring compliance with this section. Any such inspection
209 shall be initiated by the Town, by inspector retained by the Town, and the
210 cost thereof shall be assessed against the owner. If the cost of such
211 inspection be not paid by the owner then it shall be added as a special
212 charge against the premises on the tax roll.

- 213
- 214 2. Agreement. The owner of any premises to be served by an access road or
215 driveway traversing a bridge or culvert, over 30 inches or more, must
216 execute an agreement with the Town, in form suitable for recording in the
217 office of the Register of Deeds, containing the following: the owners must
218 agree for themselves, their heirs and assigns, to be responsible for
219 maintenance of the bridge and/or culvert in accordance with this
220 subsection; and, in the event they fail to so maintain said bridge and/or
221 culvert then the Town may fix, repair or maintain same, and add the
222 changes thereof as a special lien on the tax roll against the property for
223 which the building (driveway) permit was issued under Wis. Stat.
224 §66.0703, the applicant specifically waiving notice of any hearing or
225 proceeding regarding the fixing of the assessment; provided, however, the
226 Town shall first give the applicant a 30-day notice directing the applicant
227 to fix and repair said bridge and/or culvert prior to the Town undertaking
228 said repairs. Where more than one owner of property is served by the
229 subject bridge and/or culvert the charges assessed hereunder shall be
230 assessed proportionally among the owners in an amount equal to the
231 fractional share of the cost thereof, the said fraction to have a numerator of
232 one and a denominator equal to the total number of owners of properties
233 (serviced by permits issued under this section) having access to their
234 premises by way of the subject driveway.

235

236 (i) Dead-ends.

- 237
- 238 1. Access roads and driveways in excess of 300 feet in length, and which
239 terminate in a dead-end, shall have a 13½ foot height clearance and
240 terminate at a turn around with either a minimum 90 foot diameter or
241 sufficient area and design to enable the turn around of a tandem axle truck.
242 Private driveways and private roads may utilize a T-turn around. In
243 calculating driveway length hereunder there shall be counted the length of
244 the new or altered driveway, together with any other access road or
245 driveway it connects or intersects en route to the Town road or other
246 public highway.
- 247
- 248 2. Measurements to determine compliance with this subsection shall be taken
249 as shown in “Exhibit A” set forth at the end of this Chapter.

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(j) Improvements. Improvements required under this section must be completed before commencement of work of improvement or construction of any building.

(k) Variances. Variances for a good cause may be granted as to the above standards. Application for such variances shall be made to the Town Board through the Town Clerk.

(l) Crop Land. Access roads and driveways shall not be placed on land classified 1, 2, or 3, as defined in Section 17.065(3)(b) in the General Code except upon special permit granted by the Town Board. When issuing such permits, the Town Board may impose such restrictions as it deems appropriate to preserve the integrity of agricultural lands and soil types 1, 2, or 3. The Board may require location of any permitted residential access road or driveway along field ravines and fence lines, and allow a driveway along a property line if the approved Certified Survey Map was recorded in the office of the Pierce County Register of Deeds prior to May 2, 1994.

(m)Erosion Control. The owner shall comply with all erosion control requirements of the Code of General Ordinances.

(3) APPLICANT TO PAY ALL EXPENSES. All expenses of construction, reconstruction, alteration or removal of any access road and all expenses of repair or redesign of the Town road caused by any access road shall be the liability of the applicant.

(4) BOND. The Town Board may, in its discretion, require the applicant to furnish the Town an indemnification bond or letter of credit in an amount equal to the reasonable expenses contemplated by the Town by reason of the issuance of the permit. The sufficiency of the indemnification bond shall satisfy the sole discretion of the Town Board.

(5) APPLICATION.

(a) Private Driveway Access. All buildings hereafter erected or moved into the Town, and any other new buildings as defined in Section 14.03(1)(a), shall have uninterrupted access to said building from a public road, and the private driveway or private road shall meet the requirements of this Section. A private driveway may connect with a private road prior to connection with the public road.

(b) Altered Roads. This section shall apply to all new driveways and access roads, and all driveways and access roads hereafter altered, which are intended to serve a building. Alteration of a driveway or access road includes the laying or replacement of culverts or bridges, and the widening and lengthening of the driveway. Where a building is erected or altered,

297 increasing its value by more than one third, or a new building created, served
298 by an existing driveway, said driveway shall comply with this section.

299

300 (c) Variance. Where, because of practical necessity or impossibility, it appears
301 the owner of an existing access road or driveway cannot improve his/her road
302 to meet the conditions of this section, and where this section would require
303 such improvements because of alterations to a building increasing its value by
304 more than one third, the Town Board may in its discretion grant a variance to
305 allow the alterations and/or improvements to the building with such
306 modifications or improvements to the existing driveway or access road,
307 culverts or bridges.

308

309 **8.03 PRIVATE ROAD ACCESS STANDARDS.**

310

311 (1) PURPOSE. It is in the public interest to preserve land by avoiding the needless
312 proliferation of driveways and numerous public accesses to highways.

313

314 (2) APPLICATION.

315

316 (a) Private Road Access. All buildings hereafter erected or moved into the Town,
317 and any other new buildings as defined in Section 14.03(2), shall have
318 uninterrupted access to said buildings from a public road, and the access road
319 shall meet the requirements of this Section.

320

321 (3) REQUIREMENTS. Prior to the granting of a permit for a private road the
322 applicant shall submit plans for construction of such, which satisfy the following
323 minimum standards:

324

325 (a) Design.

326

327 1. The access road shall be so designed as to avoid any unreasonable
328 interference with natural flow of water. The first 20 feet of the access road
329 from the edge of the highway shall be near level, but slightly lower than
330 the highway in order to assure that water from the access road does not run
331 onto the traveled portion of the highway. Flooding of the surface of the
332 Town road in any manner shall create a presumption of unreasonable
333 interference.

334

335 2. Private roads shall have a minimum of six (6) inches of pea gravel or
336 breaker rock covered with six (6) inches of crushed rock surface.

337

338 3. Private roads shall be no closer than ten (10) feet from the lot line.

339

340 4. Private road slope shall be no greater than ten (10) percent.

341

342 5. Private roads shall intersect with Town roads at right angles.

343

- 344 6. Culverts must be adequate for drainage. Any culvert shall be installed at
345 the same grade as preexists and have a minimum diameter of twelve (12)
346 inches.
347
- 348 7. Side to side clearance of all private roads shall be 22 feet with a minimum
349 travel surface of 18 feet with a two (2) foot shoulder each side of the road.
350
- 351 8. Private roads shall be constructed so as to sustain a minimum weight load
352 of 25 tons.
353
- 354 9. Private roads shall be at least 100 feet from any intersection.
355
- 356 10. Private roads shall have a minimum of 250 feet curve radius.
357
- 358 11. Private road layout and road signage shall promote public safety.
359
- 360 12. Private access roads shall be located so as to provide a sight distance of
361 250 feet in any direction along the Town road being intersected if the
362 posted speed limit is 35 mph or less, not veering from road surface. Sight
363 distance is computed with observer at a height of 3.75 feet and object seen
364 at a height of six (6) inches. In all other cases, the access road shall be
365 located so as to provide a sight distance of 350 feet in any direction along
366 the Town road being intersected, not veering from road surface. Sight
367 distance in those cases shall be computed with observer at a height of 3.75
368 feet and object seen at height of six (6) inches.
369
- 370 13. Private roads in excess of 300 feet in length and which terminate in a
371 dead-end shall have a 13½ foot height clearance and terminate at a turn-a-
372 round with either a minimum 90 foot diameter or sufficient area and
373 design to enable the turnaround of a tandem axle truck. Private roads may
374 use a T-turn around. In calculating road length hereunder the length of the
375 new and altered road together with any other access road or driveway it
376 connects or intersects in route to a Town road or other public highway
377 shall be counted. Measurements to determine compliance with this
378 subsection shall be taken as shown in “Exhibit C” set forth at the end of
379 this Chapter.
380
- 381 14. Any improvements required under this section shall be completed before
382 commencement of work on improvement or construction of any building.
383
- 384 15. Access roads shall not be placed on land classified 1, 2, or 3 as defined in
385 Section 17.065(3)(b) of the General Code except upon special permit
386 granted by the Town Board. When issuing such permits the Town Board
387 may impose such restrictions as it deems appropriate to preserve the
388 integrity of agricultural lands and soil types 1, 2, or 3. The Board may

389 require location of any permitted residential access road along field
390 ravines and fence lines.

391

392 16. Private roads shall comply with all erosion control requirements as stated
393 in Section 17.12 of the General Code.

394

395 17. Remodeled or altered buildings, increasing the value of such building by
396 more than one third, shall require improvement to the driveway, from the
397 building to the private road, to meet private road standards prior to the
398 issuance of a building permit.

399

400 18. The permit issuer will inspect the proposed site to insure that all
401 regulations can be satisfied. A fee will be charged each time the inspector
402 is asked to view the site. The amount of the fee will be set by the Town
403 board from time to time. Permit application forms must be filled out by the
404 permit issuer and signed by the applicant.

405

406 19. Bridges and Culverts. Private roads over bridges or culverts must be
407 constructed, erected, and maintained as to comply with engineering
408 specifications sufficient to sustain and carry a weight load of not less than
409 25 tons and must have the ability to withstand water from a 25-year flood.
410 Pierce County Highway Department and the NRCS Standards shall govern
411 in determining whether there is compliance with the 25-year flood
412 requirement. Such engineering specifications shall be reviewed by the
413 Town Engineer with cost thereof to be paid by the applicant. Bridges, as
414 well as culverts with a diameter greater than 30 inches, shall be inspected
415 every five (5) years, beginning five (5) years from date of the initial grant
416 or permit. In addition they shall be inspected after any 25-year flood, for
417 the purpose of insuring compliance with this section. Any such inspection
418 shall be initiated by the Town by an inspector retained by the Town and
419 the cost thereof shall be assessed against the owner. If the cost of such
420 inspection is not paid by the owner then it shall be added as a special
421 charge against the premises on the tax roll.

422

423 (4) AGREEMENTS.

424

425 (a) The owner of any premises to be served by a private road or private driveway
426 traversing a bridge or culvert, over 30 inches in size, must execute an
427 agreement with the Town, in form suitable for recording in the office of the
428 Register of Deeds, containing the following: the owners must agree for
429 themselves, their heirs and assigns, to be responsible for maintenance of the
430 bridge and/or culvert in accordance with this subsection; and, in the event they
431 fail to so maintain said bridge and/or culvert then the Town may fix, repair, or
432 maintain same, and add the charges thereof as a special lien on the tax roll
433 against the property for which the building (driveway) permit was issued
434 under Wis. Stat. §66.0703, the applicant specifically waiving notice of any
435 hearing or proceeding regarding the fixing of the assessment; provided,

436 however, the Town shall first give the applicant a 30-day notice directing the
437 applicant to fix and repair said bridge and/or culvert prior to the Town
438 undertaking said repairs. Where more than one owner of property is served by
439 the subject bridge and/or culvert the charges assessed hereunder shall be
440 assessed proportionally among the owners in an amount equal to the fractional
441 share of the cost thereof, the said fraction to have a numerator of one and a
442 denominator equal to the total number of owners of properties (served by
443 permits issued under this section) having access to their premises by way of
444 the subject driveway.

445
446 (b) All newly established private roads will require a maintenance agreement,
447 signed by all parties using such road, to be recorded with the Pierce County
448 Register of Deed's Office. A copy of such agreement shall be filed with the
449 Town clerk.

450
451 (5) VARIANCE. Where, because of practical necessity or impossibility, it appears
452 the owner of an existing access road cannot improve his road to meet the
453 conditions of this section, and where this section would require such
454 improvements because of alterations to a building increasing its value by more
455 than one third, the Town Board may, in its discretion grant a variance to allow the
456 alterations and/or improvements to the building with such modifications or
457 improvements to the existing driveway or access road, culverts or bridges as the
458 Town Board may direct.

459

460 **8.04 ROAD CONSTRUCTION STANDARDS.**

461

462 (1) PURPOSE. It is in the public interest to establish minimum highway design
463 standards for highways being constructed in the Town to accommodate
464 anticipated traffic and afford satisfactory access to police, fire fighting,
465 ambulance, snow removal, sanitation, and road maintenance equipment.

466

467 (2) MINIMUM ROAD DESIGN STANDARDS. All Town highways shall be
468 classified as local roads unless designated by the Town Board as collector or
469 arterial. The classification of all roads under this ordinance shall be determined
470 by the Town Board based upon anticipated traffic and relation of the highway to
471 traffic patterns within the Town and other highway systems. Local roads are
472 those with the lowest traffic count, with access to private property as their
473 principal function. Collector highways are those intended to act as collectors
474 from local roads to higher priority roads or developed areas. Arterials are
475 intended to serve as corridors through the Town serving inter-regional and inter-
476 area traffic movement.

477

478 (3) ROAD WIDTH. All roads, whether local, collector, arterial or in a subdivision
479 shall have a right-of-way of 66 feet. They shall be graded in such a manner not to
480 exceed 6% unless necessitated by exceptional topography and approved by the
481 Town Board.

482

- 483 (4) SURFACE. Road base shall have a minimum of 10 inches of breaker rock
484 covered with 7½ inches of crushed rock to a width of 26 feet and road surface
485 covered with 2 inches of compacted blacktop to a width of 22 feet. If road terrain
486 prevents a 26 foot overall width, then a 20 foot width of blacktop may be allowed
487 if approved by the Town Board. A 20 foot width of blacktop may be allowed if
488 the speed limit is less than 35 mph because of a dead end road or because of
489 curves, bridges, or culverts, and if approved by the Town Board.
490
- 491 (5) CENTER LINE. Minimum radii or curvature on the center line of 300 feet.
492
- 493 (6) VISIBILITY. Clear visibility measured along the center line, shall be provided
494 for at least 300 feet.
495
- 496 (7) CUL-DE-SACS. Cul-de-sacs or dead end streets designed with one end closed
497 shall not exceed 500 feet in length and shall provide a turnaround having a
498 minimum radius to the outside curb of 70 feet. See “Exhibit B” at the end of this
499 Chapter.
500
- 501 (8) DRAINAGE. Roads shall have adequate design to provide surface water
502 drainage, as deemed necessary by the Town Board.
503
- 504 (9) DITCHING AND CULVERTS. The ditching of the roadway must be complete
505 and have proper elevation to provide for adequate drainage. Any culverts
506 necessary for proper drainage shall be installed after elevation and location is
507 obtained from the Town Board. The minimum length of any culvert installed in a
508 road bed shall be at least 2 feet greater than the base course width. Apron end
509 walls shall be used. The diameter and length will be subject to the approval by
510 the Town Board, after flow determination. In no case shall a culvert be less than
511 18 inches in diameter.
512
- 513 (10) EROSION CONTROL. Erosion control must meet the requirements of Storm
514 Water Management in Chapter 21 and is the responsibility of the land developer.
515
- 516 (11) NEW ROADS. New roads when intersecting with existing highways shall do so
517 at a right angle (90°). Roads that are to be taken over by the Town must be
518 allowed to settle for one full year after the base and crushed rock has been
519 applied. Sufficient funds to complete the road, including blacktopping, must be
520 set aside in an escrow account, bond or letter of credit. Any shouldering after
521 blacktop is applied shall be at the expense of the land developer, along with signs,
522 barriers, culverts, bridges, and the like.
523
- 524 (12) AUTHORITY FOR HIGHER STANDARDS. The road design standards stated
525 above are intended to be minimum design standards. The Town Board shall have
526 the discretion to impose higher design standards wherein the opinion of the Town
527 Board, local condition or anticipated traffic in quantity or quality will require
528 higher standards.

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(13) APPLICATION FOR DETERMINATION OF APPLICABLE STANDARDS. Any person may apply to the Town Board to determine what design standards should apply in a particular location and provide the description of the proposed highway and design standards. No person shall commence construction of any highway anticipated to be made a town road without first having written Town Board approval of the proposed highway design.

(14) FINAL INSPECTION AND ACCEPTANCE BY THE TOWN BOARD. Upon completion of the proposed highway the Town Board will proceed to make a final inspection, accepting or rejecting the highway at its discretion. If the highway is rejected, then corrections must be made as stated by the Town Board before final inspection will be made again. If final acceptance is made by the Town Board, the owner or owners will convey the road to the Town by warranty deed, free and clear of any liens or encumbrances.

(15) AGRICULTURAL LANDS. No residential access road or driveway shall be installed across lands classified 1, 2, or 3 as defined in Section 17.065(3)(b) of the General Code, except upon receipt of a special permit from the Town Board under Section 8.02(2)(k) of the General Code.

8.05 UTILITY ACCOMODATION.

(1) INTERPRETATION AND PURPOSES. The Town constructs, operates, and maintains the Town Highway System. Utility companies provide service to individual users. Both the town and utility companies typically provide facilities that consider future as well as present needs. Cooperation between these two entities is essential if the public is to be served at the lowest costs consistent with the respective public service needs, obligations, and interests.

(2) PRIMARY PURPOSE OF THE TOWN HIGHWAY SYSTEM. The primary purpose of the Town Highway System is to provide a safe and convenient means for the vehicular transportation of people and goods. Any permitted use and occupancy of highway right-of-way for non-highway purposes is subordinate to the primary interests of the traveling public.

(3) PURPOSE OF THE UTILITY ACCOMMODATION ORDINANCE. The purpose of this ordinance is to prescribe the policies and procedures that shall be met by any utility whose facility currently occupies, or will occupy in the future, any Town highway or bridge over which the town has maintained jurisdiction.

(4) UTILITY ACCOMMODATION.

(a) Permits. It is the policy of the Town to permit utility facilities on Town Highways when:

- 575 1. Such use and occupancy does not adversely affect the primary functions of
576 the highways or materially impair their safety, operational, or visual
577 qualities.
578
- 579 2. There would be no conflict with the provisions of federal, state or local
580 laws or regulations or the accommodation provisions stated herein.
581
- 582 3. The occupancies would not significantly increase the difficulty or future
583 cost of highway construction or maintenance.
584

585 (b) Additions. Nothing in this policy shall be construed as limiting the rights of
586 the town to impose restrictions or requirements in addition to and/or
587 deviations from those stated herein in any permit where the town deems it
588 advisable to do so. An appropriate explanation for such action shall be
589 provided to the utility.
590

591 (c) Alterations. The permitted facilities shall, if necessary, be altered by the utility
592 to facilitate alteration, improvement, safety control, or maintenance of the
593 highway as may be ordered after permit approval. All costs for constructing,
594 maintaining, altering, and relocating the permitted facilities shall be the
595 obligation of the applicant, unless a specific town-executed utility agreement
596 otherwise provides. If the utility encounters a hardship which prevents
597 installation in accordance with the terms of the permit, the utility may deviate
598 from the terms of the permit as necessary to avoid the hardship, but in making
599 such deviation does so at the risk of having to move the installation. Therefore
600 the utility is urged to obtain pre-approval from the Town prior to taking action
601 which deviates from the terms of the permit. Any deviation must be reported
602 to the Town Board. The Town has final determination as to the validity of the
603 hardship. If the Town determines that the changes were made due to the
604 installer's preference, and not due to hardship, the utility will take action
605 within 10 days to correct such alterations. For clarification purposes:
606 hardships are solid rock, impassable swamps, cemeteries, or similar
607 circumstances that make construction physically or economically unfeasible.
608

609 (5) GENERAL PROVISIONS.
610

611 (a) Authority. The Town regulates the use and occupancy of highways under Wis.
612 Stats. Chapters 83, 86 and 182.017.
613

614 (b) Design Responsibility. The utility shall be responsible for the design of the
615 utility facility to be installed or adjusted within the right-of-way. The Town
616 shall be responsible for review of the utility's proposal and for permit
617 approval.
618

619 (c) Buried Line Location Notification. Each applicant for a permit for work on a
620 Town highway shall provide a reliable line-locate notification service by
621 either or both of the following means: If the applicant has membership in a

622 one-call utility notification service, the applicant shall enter the complete and
623 current telephone number(s) for the service on the face of each permit
624 application. The applicant shall also provide written notification to the Town
625 upon or in advance of any subsequent changes in the one-call contact
626 information, such as, cessation of membership, changes in the contact
627 telephone number(s), etc.

628
629 (d) Utility Facility Condition Requirements. All utility facilities shall be kept in
630 good state of repair both structurally and from the standpoint of appearance.

631
632 (6) SPECIFIC PROVISIONS. Chemical Treatment and Cutting of Trees. The utility
633 shall be prohibited from chemical treatment or cutting of trees on highways
634 without a permit from the Town. The permit application shall provide the area
635 intended to be treated, the schedule in which the work is to be completed, and the
636 chemical and application rate. If a permit for chemical treatment is granted by the
637 Town it is the responsibility of the utility to notify adjacent land owners. Cutting
638 of trees in conjunction with activities listed as maintenance do not require a
639 permit.

640 (7) COMPLIANCE.

641
642
643 (a) Authority. All utilities are required to abide by the provisions stated in this
644 Chapter and those specific provisions related to their individual-permits.

645
646 (b) The provisions of this Chapter shall be enforced by the Town Board. In
647 emergency circumstances the Town Chair, or the Chair designee, can approve
648 deviations from the permit.

649
650 (8) FAILURE TO COMPLY.

651
652 (a) Permit Revocation. When a utility is in noncompliance with the provisions of
653 their permit, the Town may revoke the utility's permit. The utility may
654 reapply for a permit to the Town Board when they can demonstrate a good
655 faith effort to comply.

656
657 (b) Withholding Approval of Future Permits. Continued violations by a utility of
658 this Chapter and/or the provisions of their permits may cause the Town to
659 withhold approval of permit applications for that utility until the violations are
660 corrected to the satisfaction of the Town. The severity and number of written
661 reprimands against a utility shall serve as a guide in determining future permit
662 approval.

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664 (9) PERMIT REQUIREMENTS

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666 (a) Need for a Permit. A utility shall obtain a permit from the Town before any
667 use or occupancy of Town highway rights of way is allowed.

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(10) REQUIRED INFORMATION.

- (a) Permit Application Forms. One original permit form, with 12 additional copies, shall be submitted per application to the Town Clerk via regular mail, courier service, or delivered in person.
- (b) Permit Drawings. Each permit application shall contain detailed drawings showing the existing and/or proposed location of all utility facilities within the right-of-way with respect to the existing highway or any planned highway improvement. The details shall include dimensions from the proposed utility installation to the commonly accepted right-of-way line and to the edge of the traveled way. For highway crossings, a cross-section detail showing depth of bury or overhead clearance is required along with the location of any bore pits (if needed). A distance reference from the crossing to the nearest public roadway intersection is also required. Measurements showing approximate distance from the proposed facility to side road intersection, county line, etc. shall be submitted with all permit drawings.
- (c) Installation Information. The utility shall provide installation information:
 - 1. This information shall include, but is not limited to, a description of the location, size, type, nature, and extent of the utility facilities to be installed or to be adjusted, and the impact on the utility's existing facilities which remain in place within the right-of-way.
 - 2. The Town may require the utility to provide a description of proposed construction procedures, special traffic control and protection measures, proposed access points, the vegetation to be removed, and coordination of activities with the Town highway department.
 - 3. When an attachment to a structure is proposed, additional information is required. This information should include, but not be limited to, bridge number, weight of lines, hanger spacing, hanger details, and expansion/contraction details. (See Chapter 21 of the General Code for additional requirements regarding structure attachments.)
- (d) The application may be obtained from the Town Clerk. The Town Board shall give final approval.
- (e) Fees. The Town Board shall from time to time set the amount of the following fees, which are due at time of application:
 - 1. The permit application and review fee.
 - 2. The inspection fee for each permit. An inspection fee is not required for spraying and trimming permits.

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3. The fee for open cuts across roadways.

(11) CONSTRUCTION REQUIREMENTS.

- (a) Permit at Job Site. When a permit is required, a complete copy of the permit shall be in possession of the utility work forces, or the contract forces under utility control, at all times when utility work is being performed within the right-of-way.
- (b) Use of Temporary Guard Poles. No guard pole shall be set within the right-of-way unless specifically authorized by the permit. By definition, a guard pole is used to prevent aerial lines from falling onto the traveled way. Any guard poles permitted in the clear zone shall comply with Location Requirements of the permit.
- (c) After Hours Equipment Storage. All machinery and equipment not in use shall be parked and/or stored in a manner which does not obstruct the traveled portion of the highway or the use thereof, and does not pose a hazard to the use of the traveled portion of the highway and its adjoining shoulder. All such equipment, when so stored, shall be marked with fluorescent warning signs on all sides.
- (d) Unexpected Field Conditions. Any modification of the terms of the approved permit to meet changed or unexpected field conditions shall require prior approval from the Town. Any modifications from the original permit shall be submitted to the Town with a detailed “as built” site plan.
- (e) Blasting. Any blasting on the right-of-way is prohibited unless specifically authorized by the permit.
- (f) Vegetation.
 - 1. No tree or shrub shall be cut, trimmed, or damaged to facilitate the installation of a newly permitted utility unless specifically authorized by the permit.
 - 2. When the removal of a tree is permitted, the stumps shall be removed and the area restored. Stumps may be cut flush to the ground with written approval of the Town.
- (g) Survey Markers. No U.S. government section corners may be disturbed without notifying the county surveyor's office. Any private survey corners disturbed that are documented by recorded survey will be restored by a registered surveyor at the utility's expense.

(12) TRAFFIC CONTROL.

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(a) Authority.

1. All utility work performed on Town highways shall abide by:
 - a. Specific provisions within this section.
 - b. Three traffic control diagrams as shown on the following pages, and
 - c. Current Wisconsin Manual on Uniform Traffic Control Devices (MUTCD) and any supplements thereto.
2. The standards set forth in the Wisconsin MUTCD are minimum guidelines, and additional traffic control shall be used when necessary.

(13) CLEANUP AND RESTORATION.

(a) Work Site Cleanup.

1. All debris, refuse, and waste resulting from the utility's activities shall be removed from the site. Burning of cuttings, brush, or other debris shall not be permitted within the limits of the right-of-way.
2. All replaced poles shall be completely removed from the highway. No replaced pole shall be allowed to remain, in whole or in part, and it shall not be sawed off. Any holes shall be properly backfilled and compacted. All anchor rods shall be removed or cut off one foot below ground level.
3. Once permanent lines are installed, all temporary lines shall be removed. Damage caused by unremoved temporary lines will be the liability of the utility.

(b) Restoration of Highway.

1. The utility shall be responsible for prompt restoration of the highway.
2. Any curb, gutter, pavement, sidewalk, driveway, gravel base, ballast, shouldering material, or other element of the highway disturbed by the permitted works shall be restored in kind to the qualities, grades, compactions and conditions at least equal to those prevailing prior to the permitted work operations and in a manner satisfactory to the Town.
3. Failure of the utility to make prompt and satisfactory restorations of the highway may be cause for the Town to arrange for restoration by others at the utility's expense.
4. Any subsequent heaving, settlings, or other faultings attributable to the permitted works shall be repaired in a manner satisfactory to the Town at the utility's expense.

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5. Any turf area of the highway disturbed by the permitted works and operations shall be restored with topsoil having a depth of not less than 4 (four) inches and reseeded to perennial grass, or sodded to the satisfaction of the Town. The restoration shall be performed within one week after completion of the facility installation. Exceptions may be allowed (e.g., in the case of bad weather) with prior approval from the Town.
6. If, in the opinion of the Town, the permitted works or facilities are found to obstruct highway drainage, unduly increase the difficulty of highway maintenance, or in any other manner adversely affect a highway interest, the utility shall, upon notice, cure the fault as directed and restore the highway facility to the satisfaction of the Town.

(14) MODIFICATION OF UTILITY’S PERMIT. The Town reserves the right to modify the utility's permit application as necessary to protect the highway interests. The modifications may be more restrictive than what was originally proposed. The permit, as approved, shall embody the conditions to which the utility shall comply in order to use and/or occupy the right-of-way.

8.06 ACCESS TO TOWN ROADS FROM ADJOINING CITIES OR TOWNS

- (1) APPLICABILITY. This Section shall apply to developers and to individuals desiring access to a Town road, where such access is from a development in an adjoining town or city where the development consists of five (5) or more residences, or commercial industrial use or operation.
- (2) PRELIMINARY APPLICATION FOR A PERMIT.
 - (a) Application forms shall be available from the Town Clerk. The application shall include:
 1. Name of applicant or developer including address and phone number.
 2. The location of proposed access to the Town road together with a scale map.
 3. The names, locations and right of way widths of any existing roads or other public or private ways, easements, railroad or utility rights of way and any existing access control limitations.
 4. The location of existing property lines, buildings, driveways, streams, other water courses, lakes, rivers, wetlands, etc.
 5. The existing land use and its zoning designation.

858 6. A preliminary application fee shall be set by the Town Board from time to
859 time and paid to the Town Clerk prior to the Town Engineer's review.

860

861 (b) Preliminary Engineer Review.

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863 1. After receiving the preliminary applications the Town Engineer shall
864 review the preliminary application and make recommendation as to the
865 estimate of his/her costs to evaluate the effects of the granting of an access
866 permit to an existing Town road. Such estimate of costs shall include only
867 that portion which will affect the existing Town road.

868

869 2. If such Town road has been designated by the Town or State to be a Rustic
870 Road such evaluation shall take into consideration State and Town criteria
871 so as to maintain the designation and character of the Rustic Road.

872

873 3. The Town Engineer shall within thirty (30) days provide the applicant by
874 mail with his/her estimate of cost of evaluating the access permit
875 application.

876

877 4. The applicant shall notify the Town Board whether the applicant agrees to
878 pay the projected costs as estimated by the Town Engineer.

879

880 5. The Town Board shall direct the Town Engineer to commence the
881 evaluation after payment has been made to the Town Clerk to cover the
882 estimated costs. The applicant shall be responsible for the actual costs.

883

884 (3) GRANT OF ACCESS PERMIT

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886 (a) The Town Board, upon receipt of the Town Engineer's recommendations, to
887 include protection of the existing Town road, may grant such permit.

888

889 (b) The Applicant may seek a variance from the Board with respect to any of the
890 Town Engineer recommendations by providing clear evidence that such work
891 is unnecessary. The Board shall have complete discretion whether to grant
892 any such variance request.

893

894 (c) The Applicant shall guarantee payment of all legal engineering and other costs
895 incurred by the Town, and the Town Attorney shall make recommendation
896 concerning the adequacy, manner and method of the guarantee.

897

898 (d) In making its decision in granting the permit the Board shall consider all of
899 the Town Engineer's recommendations and any other improvements it deems
900 necessary to protect the Town road and in so doing may impose such
901 conditions upon the granting of the permit as it deems reasonable and
902 necessary.

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904 (4) CONSTRUCTION AND MAINTENANCE GUARANTEE STANDARDS

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(a) Purpose. A financial guarantee shall be provided by the applicant to ensure the proper construction, installation, and maintenance of required road, utilities, storm-water management, erosion and sediment control measures, required landscaping, and other improvements. A financial guarantee shall also include any removal of existing features, temporary erosion and sediment control, and any future storm water management structures.

(b) Guarantees:

1. The owner, the developer, or both, shall be identified as the party responsible to provide a construction and maintenance guarantee.
2. The nature and duration of the guarantee shall be structured to achieve all installation and inspections required by the Town Board.
3. The Town may extend the time allowed for installation of the improvement for which its guarantee has been provided.
4. A construction and maintenance guarantee shall be required before the construction of any required improvements and as a condition of the permit of approval.
 - a. The construction and maintenance guarantee shall be in an amount established by the Town Board and shall not be less than one hundred and twenty percent (120%) of the cost of installation of the improvements.
 - b. The construction and maintenance guarantee shall remain in force until substantial completion of all required improvements and until released by the Town Board.
 - c. A portion of the original construction and maintenance guarantee shall be retained by the Town Board upon completion of the required improvement for maintenance purposes.
 - i. The retained guarantee shall be held for a period not less than two (2) years following final acceptance or approval of the improvements by the Town Board.
 - ii. The retained guarantee shall be in an amount not to exceed fifteen percent (15%) of the cost of the improvements.

(c) Guarantee. The Town Board, upon recommendation of its attorney, shall require the guarantee be in the form of:

- 951 1. A security bond from a bonding company authorized to do business in this
952 State; or
953
954 2. An irrevocable letter of credit from a reputable bank or lending institution;
955 or
956
957 3. Cash or an instrument readily convertible into cash; or
958
959 4. Any other similar form of guarantee approved by the Town Board.
960

961 (d) Release of Financial Guarantee

- 962
963 1. Upon substantial completion of all required improvements the
964 developer/applicant shall notify the Town Engineer of the completion of
965 the required improvements in writing by certified mail.
966
967 2. The Town Engineer shall then make a final inspection of the
968 improvements and shall then authorize approval, partial approval or
969 rejection of such improvements.
970
971 3. A statement of any reasons for any rejection and corrective action shall be
972 provided in writing to the Town Board and the developer/owner.
973

974 **8.10 PENALTY.**

- 975
976 (1) GENERAL. Except as otherwise provided, any person found to be in violation of
977 any provision of this chapter shall be subject to a penalty as provided in Section
978 25.04.