

CHAPTER 14
PUBLIC WORKS AND INFRASTRUCTURE

14.01 PUBLIC WORKS AND INFRASTRUCTURE ORDINANCE

- (1) PURPOSE.** The purpose of this ordinance is to promote the economical and orderly development of the township, to establish standards for construction of town roads, to determine liability for contributions towards construction costs of proposed new roads, to set forth guidelines for determination of conditions under which the Town will accept such new roads, to otherwise document and establish for the Town Board and members of the public other provisions and requirements concerning public works and infrastructure in the Town of Willard.
- (2) AUTHORITY.** The Town Board has the specific authority under Wisconsin Statutes, and the Town's Village Powers to adopt and enforce this ordinance.
- (3) ADOPTION OF ORDINANCE.** The Town Board has, by the adoption of this ordinance, confirmed the specific statutory authority, powers, and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance the regulations, controls, and enforcement against certain uses, activities, businesses, and operations by persons that may affect the public works and infrastructure in the Town of Willard.
- (4) SEVERABILITY.** Every provision of this ordinance shall be considered separable. The invalidity of any section, clause, provision, or portion thereof shall not affect the validity of any other portion of this ordinance.

14.02 GENERAL PROVISIONS. The town roads in the Town of Willard shall be designed and constructed to meet the minimum road and bridge standards established in Chapter 82 Wisconsin Statutes, TRANS 204 (Existing Town Road Improvement Standards).

14.03 SPECIFIC STANDARDS

- (1) NEW SUBDIVISIONS.** In new subdivisions, the Town of Willard will accept dedications of land for new town roads and approve plats, only if the roads are surveyed and constructed by the developer. Such roads must be constructed to Town standards as set forth in this ordinance. Subdivisions shall be defined by Section 236.02, Wisconsin Statutes.
- (2) ACCEPTANCE OF NEW TOWN ROADS (REQUIREMENT GUIDELINES).** Persons petitioning the Town for a new Town Road must submit to the Town the proposed description of such road and a scale map showing the proposed location of the road. The procedure of the statutory subsections must be strictly adhered to.
 - (a) Petition, Application.** Three (3) copies of a scale drawing of the proposed road which indicates the location and shows the relief of the area with two (2) foot contour elevations shall be submitted to the Town Board. Included in this drawing shall be the area to be served by the road and the manner in which drainage from the area is to be treated. If the road is not included in a subdivision, then a certified survey of said road shall be provided and a deed or deeds showing transfer of all road rights-of-way to the Town of Willard shall be tendered.
 - (b) Performance Bond.** A performance bond, fully executed, shall be filed with the Town Clerk before acceptance by the Town Board of a deed of conveyance of road rights-of-way or before approval and acceptance of a final plat including road rights-of-way. Said bond shall guarantee the completion of all subject roads according to the specifications and requirements contained in this ordinance and shall further guarantee that the Town Board shall be allowed, if necessary, to use the proceeds of said bond to complete the intended improvements.
 - (c) In considering any petition,** the Town Board will require that the petitioners or others:
 - 1. Provide deeds in fee simple for all land for right of way purposes.
 - 2. Provide satisfactory evidence of title to such lands.
 - 3. Provide a certified survey of the proposed road.
 - 4. Ensure all construction will be done by the developer, persons petitioning, or others, without expense to the Town and in accordance with all provisions as set forth in this ordinance.
- (3) ROAD STANDARDS.** All new town roads or reconstruction of existing roads must be to the following minimum geometric design standards in accordance with Wisconsin Statutes:
 - (a) Local service, intermittent traffic**
 - 1. Right-of-way 3 rods
 - 2. Roadway width 20 feet
 - 3. Surface width 16 feet
 - (b) Under 100 ADT**
 - 1. Right-of-way 3 rods
 - 2. Roadway width 24 feet
 - 3. Surface width 18 feet
 - 4. Maximum grades 9 percent-11 percent
 - (c) 100 to 250 ADT**
 - 1. Right-of-way 4 rods
 - 2. Roadway width 26 feet
 - 3. Surface width 20 feet
 - 4. Maximum grades 8 percent-11 percent

- (d) **251 to 400 ADT**
1. Right-of-way 4 rods
 2. Roadway width 32 feet
 3. Surface width 22 feet
 4. Maximum grades 6 percent-8 percent
 5. Curvature 6°-12.5°

- (e) **401 to 1,000 ADT**
1. Right-of-way 4 rods
 2. Roadway width 34 feet
 3. Surface width 22 feet
 4. Maximum grades 5 percent-8 percent
 5. Curvature 5 °-12.5°

- (f) **1,001 to 2,400 ADT**
1. Right-of-way 4 rods
 2. Roadway width 44 feet
 3. Surface width 24 feet
 4. Maximum grades 5 percent-7 percent
 5. Curvature 4.5°-7.5°

(g) **Over 2,400** State trunk standards

(h) **Deviations** from minimum standards may be made in special cases by approval of the Town Board.

(4) ADDITIONAL STANDARDS.

(a) **Culvert Widths** 40 Feet

(b) **Maximum** grade ditch drainage sodded check dams 6%

(c) **Maximum** grade ditch drainages sodded 3%

(d) **Road, ditch profile** 10 to 1 or 10% minimum of 6 feet from edge of base course to the edge of ditch.

(e) **Road Construction Materials minimum.**

1. **Breaker Run (Primary Crushed).** There shall be at least nine (9) inches of compacted sand or gravel fill (primary crushed) under the base course, said fill to come within six (6) inches of grade. No trees or stumps shall be allowed in such fill.
2. **Base Course.** Six (6) inches crushed compacted gravel, shale, crushed lime rock, or other such materials as approved by the Town Board or its designee. Base course must be of a quality and composition suitable for the location. In low or swampy areas, the base course must have a sandy composition to provide the necessary drainage of the roadbed. Any muck holes encountered before and during construction of the roadbed must be removed and filled with a sandy lift to provide a solid base. The base course shall be allowed to season for one winter before blacktop paving is applied. The amount of gravel necessary for acceptance must be at least 1200 yards per mile.
3. **Surface Course.** The surface course must consist of crushed two (2) to three (3) inches of blacktop. Blacktop paving shall be applied to a minimum depth of two (2) inches compacted. It shall be applied no sooner than six (6) months and no later than thirty-six (36) months after application of the base course. The Town of Willard shall have the privilege of sampling material at the plant and on the roadway for a period of fifteen (15) days after application to determine acceptability.
4. **Ditching.** The ditching of a roadway must be complete and have proper elevation to provide for the removal of water. Where it becomes necessary to make a lateral trench leading from the main ditch, then the additional land necessary for the removal of accumulated water must be provided and deeded to the Town along with the necessary land for the highway. The additional land conveyed to the Town for drainage will be under the supervision of the Town Board at all times. All ditches shall be seeded, sodded, or provided with sodden check dams; choice of such to be made at the discretion of the Town Board. All portions of the right-of-way beyond the edge of the base course that is disturbed at or during the time of construction shall be adequately seeded or sodded to prevent erosion. Said seeding or sodding shall be subject to the Town Board approval.
5. **Culverts.**
 - a. Any culvert necessary for proper drainage shall be provided and installed after the elevation and the location are obtained from the Town Board. The minimum length of any culvert installed in a roadbed shall be 40 feet in length, however, the diameter and length of the said culvert will be subject to the approval of the Town Board, after the amount of flowage is determined. Any secondary culverts installed in any lateral trenches will be of a size and length as determined by the Town Board. In addition, culverts and culvert size shall be approved by the Town Board and shall be adequate to handle the maximum expected vehicle load. The size and diameter of culverts shall be adequate to drain the area without subsequent pending during heavy runoff. The Town Board may require drainage calculations for any culvert placement, the cost of which shall be borne by the developer or owner.

- b. The Town Board reserves the right to grant waivers from the provisions of this ordinance in special circumstances where it determines the public interest requires it. The Town Board may consider the rural or urban nature of the areas, traffic volume, increase in the tax base, needs of the public, and other factors in determining whether or not a waiver is in the public interest, culvert placement cost to be borne by developer, proponent or petitioner.
- 6. **Cul-de-sac.** No road shall dead-end without a permanent cul-de-sac with a radius of at least 60 feet.
- 7. **Bridges.** Bridges shall be constructed according to designs which bear the seal of a civil engineer certified by the State of Wisconsin.
- (f) **Town Chairman Duties as Highway Superintendent.** Pursuant to Chapter 81 of the Wisconsin Statutes the Town Chairman is vested with the duties of the Superintendent of Highways.
- (g) **No person shall** cause, allow or permit any person to alter the grade of any public highway, road, street, or alley in the Town of Willard without written approval by the Town Board.
- (5) **PERFORMANCE BOND.** In lieu of the completed road, the Town Board may accept a performance bond in an amount sufficient to guarantee that the petitioner or developer will complete the road to Town specifications. The form, manner, and terms of such bond as well as the sureties thereon must be approved by the Town Board.
- (6) **INSPECTION AND ACCEPTANCE.** The Town Board or its designate shall visually inspect said road before acceptance and if the improvement passes inspection, the Town Board will issue a letter to that effect. The developer, petitioner, or proponent will within ten (10) days submit a deed to the said improvement to the Board. Subdivisions automatically transfer road right of way when properly recorded. It shall be the responsibility of the proponent, developer or petitioner, to obtain acceptance by the Town Board by correcting any problem if acceptance is not gained by the first inspection.

14.04 DRIVEWAYS

- (1) **APPROVAL REQUIRED.** No person shall construct or maintain any driveway connecting to a town road without first obtaining a driveway permit from the Town Board.
- (2) **SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION.**
 - (a) **Width.** No driveway shall exceed twenty-six (26) feet in width at the inner line of the right-of-way unless special permission is obtained from the Town Board.
 - (b) **Interference with Intersections Prohibited.** 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 Board for effective traffic control or highway signs or signals.
 - (c) **Interference with Street.** All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of roads, side ditches, or roadside areas or with any existing structure on the right-of-way. When required by the Town Board to provide for adequate surface water drainage along the street, the property owner shall provide necessary culvert pipes at his own expense.
 - (d) **Workmanship and Materials.** All driveway entrances and approaches are to be constructed in a safe and workmanlike manner and at a location commensurate with the safety of the traveling public.
 - (e) **Owner Liable For Damage or Injury.** The owner of the premises shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during the construction or repair of driveway approaches or entrances.
- (3) **PENALTY.** The penalty for violation of any provision of this section shall be a penalty as prescribed by Chapter 1 of this Code of Ordinances.

14.05 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS

- (1) **PERMIT REQUIRED.** No person, firm, or corporation shall make or cause to be made any excavation or opening in or under any road, street, alley, highway, sidewalk, or other public way within the Town of Willard without first obtaining a permit from the Town Board.
- (2) **APPLICATION FOR PERMIT.** The application for the permit provided for in the preceding subsection shall state the purpose for which the permit is desired and the location of the proposed excavation, which shall contain an agreement that the applicant will pay all damages to persons or property, public or private, caused by the applicant, his agents, employees, or servants in the doing or erection of the work for which the permit is granted. Any applicant may be required as a condition to the granting of a permit, in the discretion of the Town Board, to file a performance bond in an amount sufficient to guarantee that the petitioner or developer will leave the street, sidewalk, or alley in as good condition as the same was in when the work was commenced, to at all times keep the place where the excavation is made properly guarded by day and night and lighted by night, and to save the Town harmless from any and all damages, costs, and charges that may accrue from the applicant's use of such street, sidewalk, or alley because of such excavation.
- (3) **NO FURTHER PRIVILEGES GRANTED.** No permit for an excavation granted under the provisions of this section shall be deemed to convey or grant any privilege to occupy the space within or below any street or sidewalk, or any utility, vault, pipe, drain, or any other thing whatsoever.

- (4) CONDITIONS.** When excavations are made under the provisions of this section, the excavations shall not be left open longer than the necessities of the work demand. In refilling the excavation all earth, fill and stone shall be thoroughly and properly tamped and the surface of the street, sidewalk, or alley left in as good condition as the same was in before the excavation was made. Whenever it is necessary to break into a sidewalk to perform any excavation authorized under this section, the entire square that is broken into shall be removed and replaced. This subsection intends to prohibit the patching of a square on a sidewalk.
- (5) NOTICE TO TOWN CHAIRMAN.** Before any excavation, opening, or blockage in any street or sidewalk is made by any person, firm, or corporation under the provisions of this section forty-eight (48) hours advance notice shall be given by the person intending to make such excavation, opening, or blockage to the Town Chairman.
- (6) TOWN WORK EXCLUDED.** The provisions of this section shall not apply to excavation work under the direction of the Town Board by Town Employees or contractors performing work under contract with the Town necessitating openings or excavations in town roads.
- (7) PENALTY.** The penalty for violation of any provision of this section shall be a penalty as prescribed by Chapter 1 of this Code of Ordinances.

14.06 OBSTRUCTIONS AND ENCROACHMENTS

- (1) OBSTRUCTIONS, ROCKS, AND ENCROACHMENTS PROHIBITED.** No person shall encroach upon or in any way obstruct or encumber any town road, town ditch, 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 is the owner or occupant. Placing large rocks in town ditches is an obstruction and is prohibited.
- (2) EXCEPTIONS.** The prohibition of subsection (1) above shall not apply to:
 - (a) Signs or clocks attached to buildings that project not more than six (6) feet from the face of such building and do not extend below any point ten (10) feet above the sidewalk, street, or alley.
 - (b) Awnings that do not extend below any point seven (7) feet above the sidewalk, street or alley.
 - (c) Public utility encroachments duly authorized by State law or the Town Board.
 - (d) Goods, wares, merchandise, or fixtures being loaded or unloaded which do not extend more than three (3) feet on the sidewalk, provided such items do not remain thereon for more than two (2) hours.
 - (e) Construction, excavations and openings permitted by the Town Board.
- (3) REMOVAL BY TOWN.** In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed town road, town ditch, street, alley, sidewalk, public ground, or land dedicated to public use shall refuse or neglect to remove such obstructions within twenty-four (24) hours after notice from the Town Constable or his designee to do so, it shall be the duty of the Town Board or their designee to remove such obstruction and make an accounting of the cost and expense thereof to the Town Clerk who shall bill the owner of the property. If the bill is not paid in a timely manner, enter such cost on the next annual tax roll as a special assessment against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.
- (4) PENALTY.** The penalty for violation of any of the provisions of this section shall be a penalty as prescribed by Chapter 1 of this Code of Ordinances.

ORDINANCE # 2018-C14 ADOPTED THIS 10 DAY OF SEPTEMBER, 2018

ROBERT NELSON YEA NAY _____
 MARK TAFT YEA NAY _____
 LINDA BENTLEY YEA NAY _____

ATTEST: MARY JANE NELSON (TOWN CLERK)