

CHAPTER 8

PUBLIC WORKS

- 8.01 Town Road Requirements
- 8.02 Driveway and Culvert Requirements
- 8.03 Obstructions and Encroachments Prohibited
- 8.04 Depositing Snow on Town Highways
- 8.05 Moving Buildings
- 8.06 Alternate Special Assessment Procedure
- 8.07 Special Assessment Certificates
- 8.10 Penalty

PUBLIC WORKS 8.01

8.01 Design Standards for New Roads

8.0101 DEFINITION. In order to clarify this ordinance the following definitions are applicable:

- A. Base Course-The supporting base material of the roadway including shoulder.
- B. Drainage-The gradual drying of road by system of ditches, trenches, channels, etc.
- C. Grade- The rate of ascent or descent of road.
- D. Highway-A Public way for the purpose of vehicular travel, including the entire area within the right of way.
- E. Right-of way-Land or property to be acquired or used for highway or road purposes.
- F. Road- Either a public highway or private road.
- G. Road bed- the graded portion of a highway prepared as the foundation for the pavement structure and shoulders.
- H. Roadway- That portion of a road within the limits of construction.
- I. Standard Specifications-State of Wisconsin Department of Transportation Standard Specifications for Highways and Structures Construction, 1996 edition
- J. Subbase- The layer or layers of specified or selected material of designated thickness placed on a subgrade to support a base course.
- K. Subgrade- The top surface of a roadbed upon which the pavement structure and shoulder are constructed.
- L. Surface Course- The top layer of the traveled portion of the roadway.

8.0102 APPLICABILITY.

A. This section shall be applicable to all new roads laid out by the Town Board, any roads in land divisions and condominium, and any other roads being accepted by the town as public roads.

PUBLIC WORKS 8.01 (2)

B. All private and easements roads serving two to four lots shall have a 66' right-of-way, a driving surface of 20' and adequate turnaround for emergency vehicles.

Private and easements roads serving five or more lots shall be built to town road standards but do not require blacktop surface if they are to remain private roads.

C. Existing town roads. Supervisors acknowledge that several existing town roads do not comply with the road standards. Due to the excessive cost that would be involved in bringing such roads up to the design standards the town hereby declares all existing town roads are exempt from the road designs standards of this section. Any reconstruction of said town roads is also exempt from road design standards in this section

8.0103 ROAD DESIGN STANDARD.

It is in the public interest for the Town of Newbold, Oneida County to establish minimum road design standards for traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road maintenance equipment;

The following minimum design standards shall apply under this ordinance: all town roads shall be classified as local roads unless designated by the town board as collector or arterial. The classification of all roads under this ordinance shall be within the complete discretion of the town board considering such factors as traffic count, character of anticipated traffic, and relation of road to traffic patterns within the town and other road systems. It is intended that local be the lowest traffic count, with access to private property as principal function. Collector roads are intended to be roads acting as collectors from local roads to higher priority roads or developed areas. Arterials are intended to serve as corridors through the town serving intra-regional and inter-area traffic movement.

Driveways along public roads must comply with Newbold Town driveway ordinance as per Section 8.02 of this ordinance.

A. Road right-of-way

1. The minimum width for any road right-of-way shall not be less than 66' centered on the roadway. Cul de sacs shall have 60' radius.
2. Minimum desired length of road accepted into the town road system shall be over 500 feet. Through roads are most desirable.
3. The Town Board may require that the developer provide engineered road plans and profiles showing existing ground surface, proposed and established road grades.

PUBLIC WORKS 8.01 (3)

B. Roadway

1. The Town Board may require that borings and soundings be made in specific areas of roadway to ascertain subsurface soil, rock and water conditions will support a road.
2. Clearing and grubbing of all trees, stumps and brush shall be to a minimum width of 50'. In cut and fill sections which extend beyond the 50 foot minimum clearing width, the road way is to be cleared 5 feet beyond the cut or fill slope intercept.
3. No trees, stumps, brush, or large rocks shall be disposed of within the road right-of way.
4. Topsoil shall be spread at a consistent thickness of 2" from the edge of the gravel shoulders to the clearing limits. All topsoil shall be free from roots, rocks, and other debris.
5. All disturbed areas outside of the gravel shoulder, shall be seeded with # 20 seed at a sowing rate of 2.75 lbs per 100 square yard. After the area has been seeded, mulch is to be spread on all seeded areas.
6. All cut and fill areas along the road right-of-way shall have no less than a two-to-one grade without the installation of a retaining device, or slope stabilizing material.
7. ROAD INTERSECTIONS
 - i. The intersection of the proposed road or highway with another road or highway shall be at an angle of 80-100 degrees. Radius lengths shall be determined by referring to a Wis. DOT type C intersection. (see diagram 1)
 - ii. The number of roads converging at one intersection shall be reduced to a minimum, preferable not more than two.
 - iii. The number of intersections along arterial roads and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,000 feet.
 - iv. Intersections shall be at least 300 feet apart on local roads and 500 feet apart on collector roads measured from the center lines of the two roads.
 - v. Local roads shall not necessarily continue across arterial or collector roads, but if the center lines of such local roads approach the major roads from opposite sides within 300 feet of each other, measured along the center line of the arterial or collector road, then the location shall be so adjusted that the adjoinment across the arterial or collector road is continuous, and a jog is avoided.
 - vi. Intersections for private driveways shall be more than 50 feet between drives.

PUBLIC WORKS 8.01 (3)

8. Minimum radius of horizontal curve:

Local	100 feet
Collector	200 feet
Arterial	300 feet
9. The maximum grade on the proposed road shall be 8.0%, unless the town board states otherwise. Roadbed shall have a 2.5 % Crown.
10. All dead end roads shall have a cul de sac at the end of the road. Cul de sacs shall be totally cleared to a minimum radius of 55 feet.
11. No more than 3 driveway entrances shall be permitted on a cul-de-sac unless deemed appropriate by the Town Board
12. Ditches shall be constructed where needed to provide adequate drainage of roadway.
13. The roadway shall conform to the attached typical section. (see diagram 2)

C. Roadbed

1. All marsh, swamp, muck, and peat material shall be removed from the areas of the proposed roadway to ensure a stable foundation for the roadway fill. In certain areas, type marsh stabilization (Type MS) geotextile fabric may be laid under fill to avoid removing all marsh, swamp, muck and peat material. The Town must approve this alternative option.
2. The roadbed shall be constructed in a manner that allows for drainage from the roadway to the ditches. This may require the use of borrow material or fill. The roadbed fill shall be free of large rocks, muck, peat, and other organic material, and shall be compacted in 8" lifts. Compactions shall be to a minimum of 93% of the maximum dry density as determined by ASTM D 1557. A sample of the proposed subbase material shall be delivered to the Town for approval and testing prior to backfilling operations.
3. Drainage structures of proper size shall be installed to ensure proper drainage and to prevent the flooding of roadbed or adjacent property. The Town shall approve size and type of drainage structures. The minimum length of any culvert installed in a roadbed shall be at least five feet greater than the base course width. Metal apron end walls shall be used.

PUBLIC WORKS 8.01 (3)

4. The minimum width of the road bed shall be 30’.
5. Prior to placement of base course material, the roadbed shall be proof rolled with a fully loaded tandem-axle Dump Truck. Any areas exhibiting excessive deflection shall be corrected. The town shall be notified a minimum of 2 days prior to proof rolling operations so that an inspection can be scheduled.

D. Crushed Aggregate Base Course

1. Crushed aggregate for the base course shall be placed to a minimum compacted depth of 6 inches, and shall conform to the requirements of gradation # 2 of section 304.2.6 in the “Wisconsin Standard Specifications for Highway and Structure Construction” 1996 edition. Where trucks comprise a significant portion of expected traffic, the compacted base course depth shall be a minimum of 8 inches.
2. The crushed aggregate base course shall be placed to a minimum width of 26 feet. With maximum of 3:1 slope beyond 26 feet.
3. Minimum acceptable density shall be 95% of maximum density of crushed aggregate base course. A sample of the proposed base course material shall be delivered to the Town for approval and testing prior to placement. The town shall be notified a minimum of 2 days prior to placement so that an inspection can be scheduled.
4. Crushed aggregate base course shoulders shall be placed with a shouldering machine specifically designed for placing shoulders. Shoulders are to be placed a minimum of 3 feet in width. After placement, shoulders are to be properly compacted.

E. Surface course (Hot Mix Asphalt)

1. Bituminous pavement shall be placed to a minimum compacted depth of 2 inches and a minimum width of 20 feet.
2. The bituminous material used in the mix shall be type A.C. with a PG grading asphalt designation of 58-28. The asphalt content in the mix shall be within the range of 5.4% to 6.4%. The aggregate used in the mix shall be gradation #3, section 407.3.3 of the supplemental specifications. The mix produced shall be Type E-3 mix shall be designed with an air void content of 3.0%
3. Hot mix asphalt is to be compacted according to table 407.5.1.5 in the “Wisconsin Standard Specification for highway and structure Construction” 1996 edition.
4. All cul de sacs shall have a paved radius of 40’ with 5’ crushed aggregate base course shoulders. Paving shall not be performed between October 15 May 15 without prior approval of the Town board or their engineering representation.

PUBLIC WORKS 8.01 (3)

F. Signs

1. Road signs are to conform with current manual on Uniform Traffic Control Devices by U.S. Dept. of Transportation. Signs are to be complete with 2" x 10'6" galvanized post and anchor plates. The Town may install road signs and traffic control signs at the expense of the developer.

8.0104 APPLICATION AND INSPECTION

Applicants shall make an application in writing to the Town Board giving location and description of the proposed road including the proposed amount and type of traffic expected. The application must be delivered to the town clerk at least 10 days prior to the meeting at which it will be considered. Upon receipt of the application and payment of inspection fees, the Town will proceed to examine the proposed route of road. The Town Board may require Engineered plans. If approval is received and inspection fees paid, the road may proceed to be built under the supervision of the Town Board or their designee. All roads shall be inspected and approved by Town Board or designee at each of the following phases of construction:

- a. Before preliminary bulldozing, filling, ditching and grading;
- b. After preliminary bulldozing, filling, ditching and grading;
- c. After crushed aggregate base course is laid to roadway width and compacted and before roadway surface is laid;
- d. During application of bituminous pavement for road surface.

The Town shall be notified a minimum of 2 days prior to inspections so that inspections can be scheduled.

Each phase of road construction must be approved by the Town Board in writing prior to commencement of the next phase of construction and be signed by two Board members and the Director of Public Works, with one copy for the town and one for the developer. Should it become necessary for the town to engage the services of an engineering firm to verify compliance with the Town of Newbold's road specifications, the developer will be responsible for the cost of those services, and payment will be due prior to the Town board issuing a permit for the new road and/or land division involved.

8.0105 LIEN WAIVERS & PERFORMANCE BOND

A performance bond is required at amount to be determined by the Town Board. The developer is required to provide lien waivers from contractors doing the work showing full payment for all services performed and materials provided in construction of the road.

8.0106 AUTHORITY FOR HIGHER STANDARDS

The road design standards in 8.0103 as stated above are intended to be minimum design standards. The town Board shall have the discretion to impose higher design standards where in the opinion of the Town board local conditions require higher standards or anticipated traffic in quantity or quality will require higher standards.

8.0107 INSPECTION FEES

1. Base inspection including review of subgrade preparation (1 visit), subbase compaction (2 visits), base course compaction (1 visit), asphalt base placement and final review (1 visit) as well as testing of one sample each of subbase and base materials for compliance with Road Ordinance: See town fee schedule.
2. Additional inspections visits due to non-conformance with the Road Ordinance.
3. Additional testing of subbase or base material due to non-conformance with road ordinance at the actual cost of services.

The Base Inspection fee will be deposited with the Town of Newbold prior to the beginning of construction. Cost of inspection will be deducted as they occur. Unused fees will be refunded after road accepted as Town Road.

Should additional inspection visits or material testing need to be performed due to non-compliance with the Road Ordinance, these fees must be paid directly to the Town of Newbold prior to such additional inspection or testing.

8.02 DRIVEWAY AND CULVERT REQUIREMENTS. (1) PERMIT REQUIRED.

No person shall make any excavation or fill or install any culvert or make any other alteration in any Town road right of way or in any manner disturb any town right of way or bridge without obtaining a permit therefore from the Town Board as per fee schedule.

(2) PERMIT REQUIREMENTS. The permit shall contain the statement and be subject to the condition that the work shall be constructed subject to such rules and regulations as may be prescribed by the Town Board and shall be performed and completed to the Board's satisfaction and , in the case of temporary alterations, that the Town road or bridge shall be restored to its former condition, and that the permittee shall be liable to the Town for all damages which occur during the progress of the work or as a result thereof.

- (3) ADDITIONAL REQUIREMENTS. Nothing herein shall abridge the right of the Town Board to make such additional rules, regulations and/or conditions not inconsistent herewith, as may be deemed necessary and proper for the preservation of Town roads, or for the safety of the public, and to make the granting of any such permit conditional thereon.

PUBLIC WORKS 8.02 (4)

- (4) CULVERT REQUIREMENTS. (a) Culverts shall have a 12 inch minimum diameter and a 24 foot minimum length.
(b) The access on each side shall be placed to maintain a 3 to 1 slope.
(c) No stone or vertical retaining walls are permitted; slopes shall be seeded and maintained.
(d) Any person, persons, partnerships, company, or corporations who violates any provision in this chapter, shall pay, when a permit fee is required, double the specified fee and shall remove, alter or correct the installation as ordered by the Town. If the owner or occupant does not correct the installation as ordered by the Town within the allotted time, the expense of correcting the installation shall be done by the Town and the expense thereof shall be charged to the property as a special assessment after notice and a hearing.
- (5) DRIVEWAY ACCESS. Driveway access shall be wide enough for emergency vehicles to gain entrance.
(a) Residential. 20 feet minimum, but not more than 24 feet.
(b) Commercial. 20 feet minimum, but not more than 35 feet.
- (6) OTHER CONDITIONS. (a) No water from the driveway shall run from the driveway onto the roadbed.
(b) Sight distance and brush maintenance is the full responsibility of the resident.
(c) The driveway shall be constructed before material for the building can be hauled in.
(d) A second inspection shall be made upon completion.

8.03 OBSTRUCTIONS AND ENCROACHMENTS PROHIBITED.

(1) GENERAL. No person shall encroach upon or in any way obstruct or encumber any Town road, 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, except as provided in subs. (2) and (4) below.

- (2) EXCEPTIONS. The prohibitions of sub. (1) above shall not apply to the following:
(a) Public utility encroachments duly authorized by State law or the Town Board.
(b) Temporary encroachments or obstructions authorized by permit granted pursuant to §66.0425(3), Wis. Stats.

(3) TREES AND SHRUBBERY. No trees or shrubbery shall be planted in the right of way. All trees and shrubbery planted in violation of this subsection shall be removed by the Town and the cost of such removal shall be charged to the property owner.

PUBLIC WORKS 8.03 (4)

(4) **MAILBOX AND NEWSPAPER BOX PLACEMENT.** Mailboxes and newspaper boxes shall be placed no closer than the farthest edge of the road shoulder and should be exposed 15 feet on each side of the mailbox or newspaper box during the snow season.

(5) **DAMAGED MAILBOX LIABILITY LIMITED.** In the event a Town snowplow directly strikes a mailbox which is placed in compliance with sub. (4) above, the Town responsibility for damages shall be limited to \$25.

8.04 DEPOSITING SNOW ON TOWN HIGHWAYS. (1) **PROHIBITED.** It shall be unlawful for any person to plow, shovel or otherwise deposit or place snow on the maintained portion of any public road within the Town, or to permit such depositing of snow from property occupied by him.

(2) **ENFORCEMENT.** Violations of this section may be enforced against either or both the owner and occupant of the property from which the snow was removed or the property adjacent to the highway where the snow is found.

(3) **PENALTY.** Any person found guilty of violating this section shall be subject to a forfeiture, upon conviction thereof, of not less than \$25 nor more than \$200 together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the Oneida County Jail until such forfeiture and costs are paid, but not to exceed 30 days.

8.05 MOVING BUILDINGS. See Ch. 14 of this Code.

8.06 ALTERNATE SPECIAL ASSESSMENT PROCEDURE.

(1) **AUTHORITY.** As provided in §66.0701, Wis. Stats., the procedure set forth in this section may, in addition to other methods provided by law, be used to levy special assessments for any public work or improvement.

(2) **PRELIMINARY RESOLUTION.** Whenever the Town Board shall determine that any public work or improvement shall be financed in whole or in part by special assessments levied under this section, it shall adopt a preliminary resolution setting forth the following:

(a) Its intent to exercise its police powers for the purpose of levying special assessments for the stated municipal purpose.

(b) The limits of the proposed assessment district.

(c) The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied.

(d) The number of installments in which the special assessments may be paid, or that the number of installments will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.

PUBLIC WORKS 8.06 (2)

(e) The rate of interest to be charged on the unpaid installments or that the rate of interest will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.

(f) The terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property or that such terms will be determined after the public hearing by sub. (4) below, and will be included in the final resolution.

(g) The Town Engineer shall prepare a report as required by sub. (3) below.

(3) **REPORT OF TOWN ENGINEER.** Whenever the Town Board, by preliminary resolution, directs the Town Engineer to prepare a report, the Town Engineer shall prepare a report consisting of the following:

(a) Preliminary or final plans and specifications for the public works.

(b) An estimate of the entire cost of the proposed work or improvements, except that when the Town Board determined by preliminary resolution that the hearing on such assessments shall be held subsequent to the completion of the work or improvements, the report shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of such costs.

(c) A schedule of the proposed assessments.

(d) A statement that each property against which the assessments are proposed has been inspected and is benefited, setting forth the basis of such benefit.

(e) Upon completion of the report, the Town Engineer shall file a copy of the report with the Town Clerk.

(4) **INCORPORATION OF STATUTORY PROVISION.** The provisions of §66.0703, Wis. Stats., including those related to notice, hearing and the adoption of a final resolution, shall, to the extent not inconsistent with this section, apply to special assessments levied under this section.

(5) **LEIN.** Every special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution to the Town Board determining the amount of such levy.

8.07 SPECIAL ASSESSMENT CERTIFICATES. The Town Treasurer shall issue real estate assessment certificates. The fee for each certificate shall be according to the established fee schedule.

PUBLIC WORKS 8.08

8.08 PENALTY. Any person who shall violate any provision of this chapter or any rule, regulation or order made hereunder shall be subject to a penalty as provided in sec. 20.04 of this Code.

Diagram 2

Diagram 1