

**CHAPTER 5
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SECTION 5.01 **TOWN ROAD CONSTRUCTION STANDARDS****(a) Design Standards.**

The Town shall not accept the dedication of any public road unless the road meets or exceeds the following standards:

- (1) Right of Way -- minimum width of 66 feet;
- (2) Roadway -- minimum width of 32 feet;
- (3) Pavement Width -- minimum width of 22 feet;
- (4) Maximum Grade -- 10 percent;
- (5) Bridge Design Road -- H-20, pursuant to AASHTO standards
- (6) Bridge Width -- minimum width of 30 feet;
- (7) Intersections turning area -- Appendix 5.02, Figure 4;
- (8) Cul-de-sacs and dead-ends -- Appendix 5.02, Figure 5;
- (9) Circle, Turnaround and Turnouts -- Appendix 5.02, Figure 6.

(b) Collector or Arterial Roads.

The standards in Subsection (a) apply to local roads. Roads which will carry sufficient numbers of vehicles so that the standards in Subsection (a) are inadequate shall be designed to comply with collector or arterial road standards, in compliance with the AASHTO Manual of the Wisconsin Department of Transportation.

(c) Road Design.

- (1) Roadway Ditches. Minimum ditch slope of 0.50%.
- (2) Roadway Base Thickness.
 - (A) Residential and rural roads and streets shall have a minimum roadway base thickness of eight inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower layer.
 - (B) On commercial, arterial or other heavy-use roads, as determined by the Town Board, a base course of ten inches compacted shall be constructed upon an inspected and approved subgrade, either well-graded crushed gravel from a state-approved pit with a maximum stone of one and one-half inches and no greater than ten percent by weight passing a No. 200 sieve or No. 3 crushed rock approximately

six inches in depth and one or more layers of fine aggregate, either three-fourths inch crushed gravel, well-graded with no greater than ten percent passing a No. 200 sieve, or three-fourths inch traffic-bound crushed rock.

- (C) In the case of commercial, arterial or other heavy-use roads, the Town Board may, as an alternative to the above standards, have the Town Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.
 - (D) In any case, the Town Board shall have the sole discretion to determine the use and construction classification to follow.
 - (E) In all cases, the base course shall be compacted to the extent necessary to produce a condition in which no appreciable displacement of material laterally and longitudinally under traffic shall occur and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.
- (3) Roadway Sub-Base. Stable and nonorganic material required. Unstable and organic material must be subcut, removed, and replaced with a suitable granular or breaker-run material approved by the Town Engineer.
 - (4) Pavement Thickness. Residential and rural roads shall have a minimum of three inches thick compacted bituminous pavement, placed in two layers - a binder course of 1-1/2 inches thick and a surface course of 1-1/2 inches. Commercial, arterial or other heavy-use roads shall have a minimum of 3-1/2 inches of bituminous pavement, placed in two layers - a binder course of two inches thick and a surface course of 1-1/2 inches. In the case of commercial, arterial or other heavy-use roads, the Town Board may, as an alternative to the above standards, have the Town Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Town Board shall have the sole discretion in determining the use and construction classification utilized.
 - (5) Shoulder Width. Minimum of two feet wide on each side and wider when required by the "Town Road Standards" as noted in Wis. Stats. § 82.50.
 - (6) Shoulder Thickness. Minimum of 2-1/2 inches of compacted in-place crushed aggregate base course - gradation No. 2 or No. 3 over a minimum of eight inches of compacted in-place crushed aggregate base course.
- (d) Connections With Other Roads.
No road shall be dedicated unless it joins, on both ends, another public road, unless the road is so situated that joining one end to another public road is approved by the

Town Board, provided the other end terminates in a cul-de-sac with a diameter of at least 100 feet. (See Appendix 5.02, Figure 5.)

(e) **Conflicts in Road Standards.**

For any portion of any road dedicated through the recording of a plat or certified survey map, if any road standards in this Section conflict with the requirements of Chapter 10 of the Code of Ordinances, the standards of Chapter 10 shall apply to the road.

History Note: Ordinance No. 13, adopted July 14, 1969; Ordinance No. 16, adopted July 11, 1972; amended through codification.

SECTION 5.02 **TOWN ROAD ACCESS CONTROL**(a) **Title; Purpose.**

This Ordinance shall be known as, cited, and referred to as the Town of Dekorra Road Access Control Ordinance.

The purpose of this Ordinance is to restrict and regulate access onto Town roads in order to promote the public safety, convenience, general welfare, and economic viability and to protect the public investment of existing and proposed roads by preventing costly road improvements and premature obsolescence, and to provide for safe and efficient ingress and egress to roads. This Ordinance shall restrict and regulate access in the public portion of a driveway and a road into a sub-division of cluster development and shall regulate the location, establishment, repair, construction, improvement, modification, repaving and reconstruction of the portion of private driveways and roads into sub-divisions and cluster developments located on public property, to assure that the methods of repair, construction, improvement, modification, and reconstruction practices used in any driveway will protect properly the public health, safety, and general welfare of persons in the Town. Section 5.03 of this Code shall govern the design and construction of the portion of driveways and roads located on private property. **[Amended by Ord. 2009-13, 12/8/09.]**

(b) **Authority.**

This Ordinance is established under the authority set forth in Wis. Stats. §§ 82.50, 82.51 and 82.52 and Wis. Admin. Code Chap. Trans. 204.

(c) **Applicability.**

This Ordinance applies to all persons or entities constructing or modifying a road access, except where specifically noted otherwise herein.

- (1) No person shall establish or construct a road access or reconstruct, reroute, repave or alter any access onto a town road without first obtaining a Town Road Access Permit, issued by the Town Board or its designee. **[Amended by Ord. 2009-13, 12/8/09.]**
- (2) Any person prior to and at the time of seeking a Town Road Access Permit must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.
- (3) Use of accesses existing at the time of the adoption of this ordinance and not discontinued in use for agriculture-related residences or agriculture field entrances will be allowed.
- (4) Use of an agricultural field access for a new residential access is not permitted without review and approval as a new access.

(d) **Definitions.**

- (1) Access. Driveway or road access point for any motorized or non-motorized vehicles except for State of Wisconsin funded snowmobile trails from private property onto public roads.
- (2) Access Permit. A permit granting access onto a Town road.
- (3) ADT. Average daily traffic generated on a given road.
- (4) County Trunk Highway (CTH). Any segment of a Columbia County Trunk Highway.
- (5) Driveway. Any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public road and will provide service to a residence, business, recreational site, or other similarly appropriate use for motorized or non-motorized vehicles to two or fewer parcels.
- (6) Emergency Vehicle. Any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the Town.
- (7) Limited Access Highway. Highways (or segments of highways) on which access is provided with entrance and exit ramps (U.S.H. 51 and I90-94).
- (8) Parcel. The area of land within the property lines of a given piece of property.
- (9) Road. Any road, street, alley, expressway, highway, avenue, parkway, lane, drive, boulevard, circle, bypass or other pathway intended for the use of motorized or non-motorized vehicles to obtain access to more than two parcels.
- (10) Rural Road. Any road with a 55 m.p.h. speed limit.
- (11) Semi-Urban Road. Any road outside the municipal boundaries of a city or village with a speed limit below 55 m.p.h.
- (12) Urban Road. Any road within the municipal boundaries of a city, village or township with a speed limit below 36 m.p.h.

(e) **General Provisions.**

- (1) Existing Access Permitted to Remain. Any use of an existing access to road (via driveway or road) established prior to the effective date of this Ordinance will be allowed, provided a permit has been issued.

- (2) Vacated Access.
- (A) Unless no other access exists to the property if the use of an access has ceased for a period of at least one year, the Town shall notify the owner by certified mail that the access is considered abandoned and will be vacated. The Town will allow the owner (30) days to seek a hearing before the Plan Commission on the proposed vacation. If after this time period no hearing is sought or, after the hearing the Town decides that the access has been abandoned for at least one year, the access shall be considered vacated and its use will be illegal thereafter. Any further use of this access after this period will require a permit and be subject to the regulations of this Ordinance as a new access.
- (B) The Town Board may vacate an access point if another access point is granted and the access to be vacated fails to comply with this Section or is otherwise deemed unsafe by the Town Engineer according to recognized traffic safety engineering principles.
- (C) A vacated access shall be restored to a natural condition by the property owner. The restored condition shall match surrounding land, from road edge back to the road right of way. Culverts and paving shall be removed, ditch lines restored and grass or other matching vegetation provided. Failure to restore within 30 days of this notice will subject the owner to the General Penalty provisions of Section 1.03 of this Code and the Town may choose to perform the restoration and its cost pursuant to Wis. Stats. § 66.0627.
- (3) Access to Roads. Entrance upon or departure from a Town road shall be prohibited except at locations specifically designated by this Section. No road shall be opened into or connected with any Town road under this Section or converted from one use of access to another use of access without an access permit.
- (4) Land Division and Zoning Approvals.
- (A) Before any parcel of land may be subdivided, pursuant to the Town Land Division and Subdivision Ordinance, the owner must demonstrate that access can be provided to each proposed parcel in such a way that it will not violate any of the regulations of this Ordinance.
- (B) The Town Planning Commission, County Zoning Board of Adjustment, and Town Board shall not approve or issue any applications for permits, rezoning, or conditional uses for any structure or parcel of land which does not have an existing access or a highway or Town road access permit.
- (5) Access Spacing and Frequency. The following dimensional guidelines shall be considered practice. When circumstances warrant, at the discretion of the Town Engineer, some deviation will be permitted. Other deviations will require a variance from the Town Board.

- (A) In a case where a property owner owns more than one adjacent parcel (with the same land use) with roadway frontage, all parcels shall be treated as a single parcel for the purposes of this Section.
- (B) Where a property owner owns more than one adjacent parcel with roadway frontage, all of which are zoned agricultural, no more than six accesses shall be allowed in a mile. This distance shall be measured one half mile in each direction from the centerline of a proposed access and shall count all driveway centerlines within one half mile in each direction.
- (C) Only one access shall be allowed per parcel zoned residential.
- (D) Commercial and industrial zoned parcels may be allowed two points of access provided they each separately meet the remaining criteria of this Ordinance, and require at least fifty off-road parking spaces. The use of interconnected driveways between two or more commercial or industrial properties may be required to minimize the use of public roadways for travel between such properties
- (E) Access to a Local Road. Whenever possible, access should be granted onto the least traveled road adjacent to the property when there is a choice between roads.
- (F) A minimum distance of 100 feet shall be maintained between driveways on the same side of the road, on different tax parcels. The same separation distance is required for the opposite side of the road, except that in most circumstances, the placement of new driveways directly across from existing driveways shall normally be encouraged. Driveway spacing within approved subdivisions may vary based upon the lot layout. The sharing of driveways between adjacent properties is also encouraged.
- (G) Visibility. No driveway access shall be located within or traverse any area that is part of the vision clearance triangle of any existing or proposed Town road, as determined by the Town Engineer. All driveways shall be located to allow for adequate sight distance for vehicles traveling on, exiting off, or entering on to the connecting roadway. Safety shall not be hindered due to access locations near hills, curves, or other locations which may lack an unobstructed view of oncoming traffic.
- (H) Access Locations for Corner Lots (serving not more than two private residences) shall not be allowed at a distance of less than:
 - (i) 300 feet for rural road;
 - (ii) 150 feet for semi-urban road;
 - (iii) 100 feet for urban road,

from the centerline of the intersecting road.

(I) Town Road intersection spacing, in addition to the remaining criteria in this Ordinance must be at least:

- (i) 1,000 feet for rural road intersections;
- (ii) 500 feet for semi-urban road intersections;
- (iii) 250 feet for urban road intersections,

from the nearest road which enters onto the Town road in question. Where possible Town roads should not be staggered, creating "T" intersections, but connect with another road on the other side of the road.

(6) Paved Apron.

Access onto a Town road may require a paved asphalt apron within the right of way of the Town road, at the owner's expense, in instances when usage or drainage requires this improvement.

(f) Design Standards.

Driveways within the Town road right of way must comply with the following design standards:

- (1) Access height at the point of the culvert shall be equal to or lower than the level of the outside edge of the road shoulder;
- (2) Retaining walls, stone walls, etc., are discouraged on driveways in general and shall not be allowed on driveways or road accesses within Town road right of way;
- (3) If the access is paved, asphalt is required for the first three (3) feet off the Town Road paved surface. Concrete shall be prohibited in the first three feet of the driveway abutting the Town Road;
- (4) Any pavement in the right of way, whether new, resurface or replacement, shall be corrected or replaced, as determined by the Town Engineer, at the owner's expense when it causes a safety or drainage problem;
- (5) Crowning of access shall be provided with a minimum grade of two percent towards the sides of the access;
- (6) Curb and gutter shall not be allowed within the Town road right of way for private access;
- (7) Angle of a driveway shall be as close to 90 degrees with the centerline of the Town road as possible, consistent with conditions on-site. In no event shall a driveway angle be less than 75 degrees;
- (8) Accesses on opposite sides of a Town road shall be located directly opposite each other whenever possible;

- (9) Shared access is encouraged to minimize the number of access points and interruption of traffic flow;
- (10) Type "A" access standards for private driveways with access to one or two agricultural or residential parcels shall have a road access width of 20 to 24 feet and a return radius of 20 feet. (See Appendix 5.02, Figure 1);
- (11) Type "B" access standards shall apply for residential uses with 3-20 units, and commercial or industrial uses up to 25,000 square feet. (See Appendix 5.02, Figure 1);
- (12) Type "C" access standards shall apply for residential uses with over 20 units, and commercial or industrial uses over 25,000 square feet. (See Appendix 5.02, Figure 1);
- (13) A bypass lane is required where the ADT of the Town road the access enters onto is 2,500 or more for Type B access, and 1,000 or more for Type C access;
- (14) Turnarounds shall be provided so that vehicles do not need to back out onto a Town road;
- (15) Existing Town road property, including road surfaces, curbs, shoulders, slopes, ditches and vegetation shall be restored to its original condition;
- (16) Vision corners shall be free of all obstructions at each access point in accordance with the applicable vision corner diagram shown on Appendix 5.02, Figure 2). Driveway vision corners are to be measured from a point 3.5 feet above the center of the proposed access, 15 feet back from the edge of pavement of the Town road, to two points 4.5 feet above the center of the nearest oncoming lane of the Town road in each direction, at a distance of "D" from the point where the Town road meets the center of the proposed access. Distance "D" shall correspond to the speed limit of the road. If the given speed limit is not listed, the next highest speed limit shall be used. Signalized intersections need only meet the standards provided for driveways, in addition to approval by the Town Board or designee;
- (17) Driveway culverts within the Town road right of way shall comply with the following standards:
 - (A) Culverts. All driveways shall be constructed with a culvert placed to permit the free and unobstructed flow of surface water past the driveway. Culverts shall be installed prior to construction work being commenced on the property. All culverts shall be constructed of material acceptable to the Town Engineer, including galvanized corrugated steel or concrete, and shall be of sufficient gauge to provide adequate bearing capacity for vehicles expected to use the driveway as determined by the Town Engineer. Plastic pipe and/or endwalls shall be prohibited.

- (i) Minimum Size. Culverts shall be a minimum of 24 feet in length, plus endwalls, and shall be a minimum of 15 inches in diameter, or equivalent. Larger culverts may be required by the Town Engineer where needed to accommodate drainage.
- (ii) Placement. Culverts shall be placed in the ditch line at elevations as set by the Town Engineer so as to adequately convey water and assure proper drainage.
- (iii) Endwalls. All culverts shall have flare endwall sections so that backfill and cover material will not erode into the bottom of the ditch and reduce the capacity of the ditch and culvert.
- (iv) Backfill and Cover Material. Culverts shall be bedded and backfilled with granular material, compacted in place, or other material acceptable to the Town Engineer. The minimum cover, measured from the top of the pipe to the top of the sub grade material, shall be six inches.
- (v) Gauge. The minimum wall thickness for corrugated metal culverts shall be in accordance with the following:

<u>Pipe Diameter</u>	<u>Gauge</u>
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

- (18) Slopes. Slopes to the side of the driveway shall not be greater than 4H to 1V. A minimum horizontal surface of 24 inches shall be provided from the edge of the driveway surfacing material to the start of the slope;
- (19) Special Driveways. In the case of long driveways or driveways which carry unusually large volumes of runoff, the Town Engineer may direct the owner to construct a drainage ditch on one or both sides of the driveway directing runoff to the roadway ditch or a drainage way on the property;
- (20) Driveway Standard. Additional information relating to applicable standards for all new rural, residential, commercial, industrial and agricultural driveways are illustrated on the drawing on Figure 3, Appendix 5.02, and Section 5.03, Driveway Design, of this Code; and
- (21) Driveway Surface. Driveways may be constructed of any hard, clean, durable material such as concrete, crushed stone, bituminous or paving stone placed so that the surface of the driveway meets the existing edge of pavement, except concrete is

not allowed for a distance of three (3) feet from the edge of the road surface into the right of way. This is subject to review by the Town Engineer. Driveways shall not extend into the roadway surface so as to cause an obstruction to the maintenance or snow removal on the roadway. All driveway surfaces must have a minimum two percent crown or cross slope directing drainage to the driveway edge, or shall utilize other engineered solution to control or direct runoff. **[Amended by Ord. 2009-13, 12/8/09.]**

(g) **Access Control Map.**

The location of all access points to Town Road shall be established on a map named the "Official Town Road Access Control Map," which shall be drawn and updated by the Town Board through the Town Engineer. Copies of this map shall be available at the Town's cost to the public upon request.

(h) **Permits for Driveway Access and Obstructions on Road Access.**

No pavement, structure, object, excavation nor growth shall be constructed, reconstructed, altered, placed, installed, or planted within the right of way of a Town road until an access permit as been issued by the Town Board or its designee. **[Amended by Ord. 2009-13, 12/8/09.]**

(1) Said permit shall be placed in clear view as near to the point of proposed construction or access as possible. An access permit for such construction shall expire one year from the date of issuance. All construction must be completed within this time. The Town Board, or its designee, may extend approval of an access permit.

(2) The permittee shall be liable for all materials, labor and other costs connected with the construction of the access within the road right of way. The Town shall not be liable for any damage or injury which results from the construction of an access. The Town Board shall not be responsible for any maintenance of a private access/access culvert, including the removal of snow, ice, or sleet from the access.

(3) The Town Board shall approve applications for both the Town Driveway Permit and the Town Road Access Permit. The application form shall be available from the Town Engineer or Town Clerk.

(i) **Permit Application, Approval and Denial Provisions.**

(1) The applicant for a Town Road Access Permit shall submit to the Town Engineer a completed application for each with the appropriate fee (no fee charged for repaving unaccompanied by any other activities) and with the following attachments: **[Amended by Ord. 2009-13, 12/8/09.]**

(A) Site Plan Sketch. A rough sketch showing the conceptual idea of the project and approximate location and dimensions. The sketch plan may be submitted to the Town Engineer prior to the preparation or submission of the other supporting documents in order for the town board to provide

initial comments and review of the proposal. However, formal approval for a Town Road Access Permit will not be granted without the submission of complete supporting documents;

- (B) Detailed Site Plan. A detailed plan indicating the location and dimensions of the desired road access locations, as well as the parcels immediately adjacent to the applicant's property, when specifically required by the Town Engineer. (*See also* (j) below);
 - (C) Aerial Photo and/or Site Analysis, when specifically required by Town Engineer;
 - (D) Soil and Slope Analysis, when specifically required by Town Engineer;
 - (E) Driveway Access Construction Plan, when specifically required by Town Engineer;
 - (F) Road Access Location Plan, when specifically required by Town Engineer; and
 - (G) Other Documents. The Town Board or its designee may require other documents to be attached to the Town Road Access Permit application, such as a Town Driveway Permit application.
- (2) The Town Board or its designee shall approve or deny any Town Road Access Permit Application and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the applicant/permittee.
- (3) Reasons for denying a Town Road Access Permit Application may include, but are not limited to:
- (A) The inconsistency or nonconformance of the proposed road access with this ordinance, with the Town Comprehensive Plan, with town ordinances, rules, regulations, or plans, or any applicable County, State, or Federal laws, ordinances, rules, regulations, or plans;
 - (B) The road access, or any combination, when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for use by persons in the town;
 - (C) The application as filed and submitted is incomplete or contains false material as determined by the town board;
 - (D) Alternative road access locations will be safer for persons by motor vehicle ingressing or egressing on the driveway and access point;

- (E) Alternative road access locations will preserve or better protect more prime or productive agricultural or forestry land in the town;
 - (F) Alternative road access locations will have less negative land use impact on historically, archaeologically, community, public, or culturally significant or environmentally sensitive parcels of land or facilities in the Town, including land adjacent or near the proposed driveway; and
 - (G) The road access will not provide appropriate ingress and egress for emergency vehicles.
- (4) In the event of a denial of a Town Road Access Permit Application, the Town Board or its designee shall recite in writing the particular facts upon which it bases its denial of the permit. The town board shall also afford the applicant an opportunity to review the town board's decision and present evidence at a public hearing after a Class 1 Notice under Wis. Stats. § 985.07 of the hearing to the town board refuting the determination. Thereafter, the town board may affirm, reverse or modify its decision. The town board shall recite in writing findings for any decision to modify or reverse its initial determination.
 - (5) If the town board denies two consecutive applications for a Town Road Access Permit on the same parcel, no subsequent re-application for a permit of the same type that was denied for that parcel will be considered within 12 months of the second denial of either.
 - (6) The Town Road Access Permit is effective for 12 months from the date of issuance. It shall expire after 12 months unless renewed.
 - (7) The permit may be renewed for an additional period of six months. If the road access has not been constructed by the end of one six-month renewal period, a new application and fee must be submitted and approved.
 - (8) The applicant shall notify the Town Engineer and Town Clerk within 30 days after completion of the construction, reconstruction, rerouting, or alteration of the road access. Within 30 days of notification, the Town Engineer will conduct an inspection of the road access to ensure full compliance with all of permit conditions and provisions of this ordinance. Upon a determination of completeness and compliance, the Town Board shall issue the appropriate permits.
 - (9) No building permit for any construction of buildings or structures will be issued by the Town until the driveway and road access permits are obtained according to this ordinance.
 - (10) An application fee that is non-refundable in an amount determined by a resolution of the Town Board and will be charged for each permit application. These fees are specified in the Town Fee Schedule.

- (11) The Town Board, or its designees, shall have the right of inspection onto land pursuant to a warrant issued under Wis. Stats. § 66.0119, for the purpose of inspecting existing or proposed driveways to determine if the driveways will allow for appropriate travel by emergency vehicles

(j) **Road Access Plan**

- (1) The Town Board or its designee may in writing require a road access plan prior to any proposed road access construction, rerouting, repaving or alteration. A road access plan is required for any of the following reasons unless the requirement is waived by the Town Board in writing: **[Amended by Ord. 2009-13, 12/8/09.]**
- (A) Construction of a road access or driveway or segment requires the disturbance of land with a slope of more than 10%;
 - (B) A road access, driveway or segment that requires a retaining wall or other special erosion control measure as determined by the Town Board or Town Engineer;
 - (C) A road access crosses a waterway or has the potential to significantly alter existing drainage patterns or quantity of runoff;
 - (D) When construction or modification of the road access necessitates construction or improvement of a bridge or culvert; and
 - (E) When the town board in writing requests a town road access plan.
- (2) If required by the Town Board or its designee, a road access plan will include a scale plan showing all of the following:
- (A) Location. The precise location of the road access, including the width and length;
 - (B) Slope. A profile of the access route before and after construction showing a maximum finished driveway slope of not more than 12%;
 - (C) Retaining Walls. The location and structure of any retaining walls;
 - (D) Bridges. The location, size, and design calculations of any bridges;
 - (E) Culverts. The location, size, and design calculations of any culverts;
 - (F) Cross-section. Typical cross sections of the access;
 - (G) Erosion Control. Required mulching, matting, or other erosion control;
 - (H) Storm Water Management. Drainage methods engineered for the particular surface type, including location and dimensions of ditches,

proper grading technique, projected water handling capability, and water loads at the point of access to the public highway; and

- (I) Other Access Points. The location of any other access points onto the town highway within one mile of proposed access point.
- (3) No construction, reconstruction, rerouting, repaving or alteration of a road access onto a town road may commence until all of the following conditions are met: **Amended by Ord. 2009-13, 12/8/09.]**
- (A) The road access plan, if required, is approved by the Town Board or its designee;
 - (B) A Town Road Access Permit is issued by the Town; and
 - (C) When applicable, any other necessary approvals are obtained from Columbia County or the State of Wisconsin.
- (4) The Town Board or its designee shall, when applicable, seek review and comment from the local fire chief, or his/ her deputies, regarding the proposed driveway and whether the proposed driveway will allow for appropriate emergency vehicle access and other equipment access to buildings and structures within the premise.
- (5) The preparation of a road access plan does not guarantee the approval of a Driveway Construction Permit or Town Highway Access Permit by the Town Board.
- (6) As a condition of any Town Road Access Permit, the highway access shall be constructed and maintained by the owner or occupant to ensure appropriate access and travel by emergency vehicles.
- (7) The approval of a Town Road Access Permit application by the Town Board does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for vehicles of the general public or emergency vehicles, that public access and travel is authorized, or that the applicant or permittee is in compliance with this Ordinance. No person may rely on the issuance of either permit to determine that a driveway, bridge, culvert, or highway access location is fit or safe for any purpose or that they are in compliance with the ordinance or any State or County laws or ordinance. The Town Board may require issuance of a Town Driveway Occupancy Permit prior to any determination by the Town Board that the road access is fit for appropriate travel by vehicles of the general public and emergency vehicles and that such travel is authorized.
- (8) The approval of the Town Driveway Occupancy Permit or Town Road Access Permit application does not establish or commit the Town to future approval of any road access or driveway as a public road or highway in the Town.

(k) **Administration and Enforcement.**

- (1) **Administration.** The Town Board does hereby authorize the Town Engineer to issue access permits on its behalf and to maintain the Town's access control map. Applications for permits shall be made directly to the Town Engineer. The Town Engineer or his or her designee shall review the proposed development or construction and shall either grant or deny the proposed access based upon the provisions, standards, and requirements of this Ordinance within ten (10) working days.
- (2) **Interpretation.** All restrictions on the use of land are limited to the objects, growth, and use of land within the right of way of the Town roads. Whenever it is questionable whether an object or a part of an object is within the jurisdiction of this Ordinance, the object shall be deemed to be entirely within.
- (3) **Fees.** The applicant shall pay to the Town an application fee and professional consultant fees as may required under Section 1.04(b) for each permit application. Application fees shall be determined by the type of access as follows: **[Amended by Ord. 2013-14A, 10/8/13 (intro only.)]**
- | | | |
|-----|-----------------------------|---|
| (A) | Road or Type "C" Access | <i>As specified on the current Town of Dekorra Fee Schedule</i> |
| (B) | Type "B" Access | <i>As specified on the current Town of Dekorra Fee Schedule</i> |
| (C) | Type "A" Access | <i>As specified on the current Town of Dekorra Fee Schedule</i> |
| (D) | Agricultural Field Access | <i>As specified on the current Town of Dekorra Fee Schedule</i> |
| (E) | Repaving of Existing Access | <i>None</i> [Created by Ord. 2009-13, 12/8/09.] |
- (4) **Hazard Marking and Lighting.** Any access location shall, during construction within the right of way, be provided by the owner with adequate hazard marking and lighting to prevent possible accidents.
- (l) **Emergencies.**
The permit requirements shall be inapplicable to public service corporations or to any sanitary district or public utility district when performing work in the public right of way necessitated by unscheduled emergency repairs of damaged facilities or emergency services required for public health and safety. Under such emergency circumstances, the public service provider shall notify the Town Clerk and the Columbia County 911 Center of all roadway portions that will be disrupted no more than one hour after such emergency repair commences. All other requirements of this Ordinance, and in circumstances not involving unscheduled emergency repairs of damaged facilities, all requirements of this Ordinance shall apply to such entities.
- (m) **Appeals.**

Any person aggrieved by any decision made in the administration of this Ordinance may appeal to the Town Board. Appeals shall be filed within thirty (30) calendar days following the administrative decision. Appeals shall be filed in writing with the Town Clerk. The appeal shall specify the legal description of the parcel and access location in question, and the grounds for the appeal.

The Town Board shall make a decision on the appeal within fifteen (15) calendar days from the day the appeal was heard by the Board. The decision by the Town Board shall be made by the majority present.

(n) **Violations.**

In the case of any violation of this Ordinance, the Town Board may institute appropriate legal action. Each day in which a violation continues to exist shall constitute a separate offense.

(o) **Penalties.**

Any person violating this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code.

History Note: Ordinance No. 10.02, adopted 4-11-1995; amended through codification; amended 6-8-2004, Ordinance No. 6-2004; amended 12-14-2004, Ordinance No. 12-2004; amended 8-9-2005, Ordinance No. 15-2005; minor reference corrections 11-3-2006; formatting corrections 10-24-07; amended 12-11-07; amended 3/25/08 in Ord. No. 2008-03; amended 12/8/09 in Ord. 2009-13; amended by Ord. 2013-14A, 10/8/13.

APPENDIX 5.02

SECTION 5.03 **DRIVEWAY DESIGN****(a) Purpose.**

For the safety of the general public, the Town Board shall regulate the location, establishment, repair, construction, improvement, repaving, modification of driveway location or resurfacing (other than sealcoating), and reconstruction of the portion of private driveways located on public property, to assure that the methods of repair, construction, improvement, modification, and reconstruction practices used in any driveway will protect properly the public health, safety, and general welfare of persons in the Town. This Ordinance will insure that all improvements to driveways in the Town are built or replaced to the best road standards possible. It is the intent of the Town to provide for safe access to property abutting public roadways, to accommodate adequate drainage of surface water, and to protect vehicular and pedestrian travel on and along the driveways. This Ordinance shall restrict and regulate access in the private portion of a driveway. Section 5.02 of this Code shall govern the design and construction of the portion of driveways located on public property. Existing driveways constructed in accordance with requirements at the time of construction are considered to be approved. **[Amended by Ord. 2009-14, 12/8/09.]**

(b) Authority.

The Town Board has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this Ordinance and by its adoption of village powers under Wis. Stats. § 60.10(2)(c), to regulate, control, prevent and enforce in the Town certain uses, activities, businesses and operations by persons that may affect the public works, infrastructure such as drainage ditches, and driveways in the Town.

(c) Applicability.

This Ordinance applies to all persons or entities constructing or modifying a driveway, except where specifically noted otherwise herein.

- (1) No person shall establish or construct a new driveway, repave or change the paved surface of an existing driveway, reroute or alter any highway access onto a town road without first obtaining a Town Road Access Permit to be issued by the Town Board or its designee. **[Amended by Ord. 2009-14, 12/8/09.]**
- (2) No person shall establish or construct a new driveway, repave or change the paved surface of an existing driveway, reroute or alter the existing slope of any existing driveway, town road, other road or road right-of way in the Town without first obtaining a Town Driveway Permit to be issued by the Town Board or its designee. **[Amended by Ord. 2009-14, 12/8/09.]**
- (3) Any person prior to and at the time of seeking a Town Driveway Permit or a Town Road Access Permit must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.

- (4) These standards shall apply only to driveways serving not more than town residential lots. If serving three or more lots, private road or town road standards apply.
- (d) **Definitions.**
Definitions in Town Ordinance Section 5.02 TOWN ROAD ACCESS CONTROL are hereby incorporated into this ordinance.
- (e) **Application and Permit.**
No person, business entity or governmental body, or agent thereof, may construct a driveway nor repave or otherwise modify an existing driveway in the Town without receiving a permit from the Town Clerk prior to commencing the proposed activity. Each person desiring to undertake an activity regulated by this Ordinance shall submit an application for a permit, together with plans, specifications, construction schedule, traffic control plan and the appropriate fee required by this Ordinance, no less than four (4) weeks prior to the time the work is scheduled to begin. The Town Board or its designee shall approve applications for both the Town Driveway Permit and the Town Road Access Permit. Application forms shall be available from the Town Engineer or Town Clerk. **[Amended by Ord. 2009-14, 12/8/09.]**
- (f) **Permit Application Provisions.**
The applicant for a Town Driveway Permit shall submit to the Town Engineer a completed application with the appropriate fee (no fee charged for repaving unaccompanied by any other activities) and with the following attachments: **[Amended by Ord. 2009-14, 12/8/09.]**
- (1) Site Plan Sketch. A rough sketch showing the conceptual idea of the project and approximate location and dimensions. The sketch may be submitted to the Town Board's designee prior to the preparation or submission of the other supporting documents in order for the Town Board or its designee to provide initial comments and review of the proposal. However, formal approval for a Town Driveway Permit will not be granted without the submission of complete supporting documents.
 - (2) Detailed Site Plan. A drawing indicating the location and dimensions of the desired driveway and road access locations, as well as the parcels immediately adjacent to the applicant's property, if specifically required by the Town Engineer. (*See also* (j) below).
 - (3) Aerial Photo and Site Analysis, if specifically required by Town Engineer.
 - (4) Soil and Slope Analysis, if specifically required by Town Engineer.
 - (5) Driveway Construction Plan, if specifically required by Town Engineer.
 - (6) Road Access Location Plan, if specifically required by Town Engineer.
 - (7) Other Documents. The Town Board or its designee may require other documents to be attached to the Driveway Permit Application.

(g) **Permit Approval/Denial.**

The Town Board or its designee shall approve or deny any Town Driveway Permit Application and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the applicant/permittee. Reasons for denying a Town Driveway Permit Application or Town Road Access Permit Application may include, but are not limited to:

- (1) The inconsistency or nonconformance of the proposed driveway or road access with this ordinance, with the Town Comprehensive Plan, with town ordinances, rules, regulations, or plans, or any applicable County, State, or Federal laws, ordinances, rules, regulations, or plans.
- (2) The driveway, bridge, culvert, or road access, or any combination, when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for vehicular use by persons in the town as determined by the Town Engineer.
- (3) The application as filed and submitted is incomplete or contains false material as determined by the town board.
- (4) Alternative driveway locations, bridges, culverts, and road access locations will be safer for persons by motor vehicle ingressing or egressing on the driveway and access point.
- (5) Alternative driveway locations or alternative road access locations will preserve or better protect more prime or productive agricultural or forestry land in the town.
- (6) Alternative driveway locations or alternative road access locations will have less negative land use impact on historically, archaeologically, community, public, or culturally significant or environmentally sensitive parcels of land or facilities in the Town, including land adjacent or near the proposed driveway.
- (7) The driveway will not provide appropriate ingress and egress for emergency vehicles.

(h) **Additional Denial Provisions.**

- (1) In the event of a denial of a Town Driveway Permit Application, the Town Board or its designee shall recite in writing the particular facts upon which it bases its denial of the permit. The Town Board shall also afford the applicant an opportunity to review the Town Board's decision and present evidence at a public hearing after a Class 1 Notice under Wis. Stats. § 985.07 of the hearing to the Town Board refuting the determination. Thereafter, the Town Board may affirm, reverse or modify its decision.

The Town Board shall recite in writing findings for any decision to modify Design Standards or reverse its initial determination.

- (2) If the Town Board denies two consecutive applications for a Town Driveway Permit on the same parcel, no subsequent re-application for a permit of the same type that was denied for that parcel will be considered within 12 months of the second denial of either.

(i) **Permit Provisions.**

- (1) The Town Driveway Permit is effective for 12 months from the date of issuance. The permit shall expire after 12 months unless renewed.
- (2) The permit may be renewed for an additional period of 6 months. If the driveway has not been constructed by the end of one 6-month renewal period, a new application and fee must be submitted and approved.
- (3) The applicant shall notify the Town Engineer and Town Clerk within 30 days after completion of the construction, reconstruction, rerouting, or alteration of the driveway or highway access. Within 30 days of notification, the Town Engineer will conduct an inspection of the driveway to ensure full compliance with all of permit conditions and provisions of this ordinance. Upon a determination of completeness and compliance, the Town Board shall issue the appropriate permits.
- (4) No building permit for any construction of buildings or structures will be issued by the town until the driveway or highway access permit is obtained according to this ordinance.
- (5) An application fee that is non-refundable in an amount determined by a resolution of the Town Board and will be charged for each permit application. These fees are specified in the Town Fee Schedule.
- (6) The Town Board, or its designees, shall have the right of inspection onto land pursuant to a warrant issued under Wis. Stats. § 66.0119 for the purpose of inspecting existing or proposed driveways to determine if the driveways will allow for the appropriate travel by emergency vehicles.

(j) **Driveway Construction Plan**

- (1) The Town Board or Town Engineer may in writing require a driveway construction plan prior to any proposed driveway construction, rerouting, or alteration. A driveway construction plan is required for any of the following reasons unless the requirement is waived by the Town Board in writing:
 - (A) Construction of a driveway or segment of a driveway that requires the disturbance of land with a slope of more than 10%.

- (B) A driveway or segment of a driveway that requires a retaining wall or other special erosion control measure as determined by the Town Board or Town Engineer or other designated officer and prior to any permit issuance.
 - (C) A driveway that crosses a waterway or has the potential to significantly alter existing drainage patterns or quantity of runoff.
 - (D) When construction or modification of the driveway necessitates construction or improvement of a bridge or culvert.
 - (E) When the Town Board in writing requests a driveway construction plan or town road access plan.
- (2) If a driveway construction plan is required by the Town Board or its designee, such plan will include a scale plan showing all of the following:
- (A) Location. The precise location of the driveway or the segment of the driveway for which the driveway construction plan is required, including the width and length of the driveway.
 - (B) Slope. A profile of the driveway route before and after construction showing a maximum finished driveway slope of 12%.
 - (C) Retaining Walls. The location and structure of any retaining walls.
 - (D) Bridges. The location, size, and design calculations of any bridges.
 - (E) Culverts. The location, size, and design calculations of any culverts.
 - (F) Cross-section. Typical cross sections of the driveway showing pavement width, slopes, shoulders, ditches, sub-base, base and surfacing materials. [**Amended by Ord. 2009-14, 12/8/09.**]
 - (G) Erosion Control. Required mulching, matting, or other erosion control.
 - (H) Storm Water Management. Drainage methods engineered for the particular surface type, including location and dimensions of ditches, retention areas, proper grading technique, projected water handling capability, and water loads at the point of access to the public highway.
- (3) No construction, reconstruction, rerouting, or alteration of a driveway may commence until all of the following conditions are met:
- (A) The driveway construction plan, if required, is approved by the Town Board or its designee.

- (B) A Town Driveway Permit is issued by the Town or its designee..
- (C) When applicable, any other necessary approvals are obtained from Columbia County or the State of Wisconsin.
- (4) The Town Board shall, when applicable, seek review and comment from the local fire chief, or his/her deputies, regarding the proposed driveway and whether the proposed driveway will allow for appropriate emergency vehicle access and other equipment access to buildings and structures within the premise.
- (5) The preparation of a driveway construction plan does not guarantee the approval of a Driveway Construction Permit by the Town Board.
- (6) As a condition of any Town Driveway Permit, the driveway and highway access shall be constructed and maintained by the owner or occupant to ensure proper access and travel by emergency vehicles.
- (7) The approval of a Town Driveway Permit application by the Town Board or its designee does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for vehicles of the general public or emergency vehicles, that public access and travel is authorized, or that the applicant or permittee is in compliance with this Ordinance. No person may rely on the issuance of either permit to determine that a driveway, bridge, culvert, or highway access location is fit or safe for any purpose or that they are in compliance with the ordinance or any State or County laws or ordinance. The Town Board may require issuance of a Town Driveway Occupancy Permit prior to any determination by the Town Board that the driveway is fit for appropriate travel by emergency vehicles and that such travel is authorized.
- (8) The approval of the Town Driveway Permit or Town Driveway Occupancy Permit does not establish or commit the Town to future approval of any driveway as a public road or highway in the Town.
- (k) **Administration and Enforcement.**
 - (1) **Administration.** The Town Board does hereby authorize the Town Engineer to issue driveway permits on its behalf.
 - (A) Applications for permits shall be made through the Town Clerk or Town Engineer. The Town Engineer or his/ her designee shall review the proposed development or construction and shall either grant or deny a permit based upon the provisions, standards, and requirements of this Ordinance, within ten (10) working days.
 - (l) **Review of Application.** The Town Clerk may review the application and supporting documentation as to its completeness upon submission. The Clerk

shall forward the application to the Town Engineer where necessary for an informed review of the application.

- (1) The Town Clerk shall inform the applicant, in writing, whether or not the permit will be granted within two (2) weeks from the date of receipt of the completed application and fee.
 - (A) If the application is approved, the Town Engineer shall issue the permit.
 - (B) If additional information is needed to evaluate the application, the Town Engineer or Town Clerk shall notify the applicant, who shall promptly submit the required information. The two week time limit shall be determined from the date of receipt of the additional information.
 - (C) If the application is disapproved, the Town Engineer or Town Clerk shall provide written notice of the reason(s) thereof to the applicant. The applicant may submit a revised application or may appeal the disapproval to the Town Board.
 - (D) If the Town Engineer deems it necessary to secure performance of the conditions of the work, the Town Engineer may recommend that the Town Board require the applicant to file such security as the Town Board may require, in an amount consisting of 1.25 times the estimated cost of the construction project, in favor of the Town. The applicant may request a hearing before the Town Board on the security requirement; if no request is made within five days after the Town Engineer's recommendation, such recommendation shall become the required amount of security. Such security, if required, shall remain in full force and effect for at least one year past the estimated date of completion of the project. This requirement shall be inapplicable to public service corporations, sanitary districts and public utility districts. The form of the security shall be approved by the Town Attorney.
- (2) All permits issued or deemed issued under this Ordinance shall be subject to the following conditions:
 - (A) All activities undertaken under the permit shall conform to the application and any conditions placed upon granting of the permit.
 - (B) The permittee shall receive written approval from the Town Engineer or Town Clerk prior to any modifications of the activity contemplated by the permit.
 - (C) The permittee is responsible for repairing any damage, at the permittee's expense, to any adjoining property.

- (D) The permittee is responsible for locating and maintaining any existing public utilities of structures located within the right of way and repairing damage to such structures.
- (E) No portion of the Town roadway shall remain out of service as a result of the activity contemplated in the permit for more than 24 hours without the express prior consent of the Town.
- (F) Where the work being performed is for the benefit of property abutting upon the affected roadway, the permittee, on behalf of permittee or the owner of such benefited abutting property, authorizes the Town to perform any work or operation necessary to bring the affected roadway into conformity with the permit if the work is not completed in a timely fashion, and further consents to the Town assessing the cost thereof to the owner of such benefited abutting property as a special charge pursuant to Wis. Stats. § 66.0627.
- (G) The entire cost of constructing and maintaining the driveway and road access shall be borne by the applicant.
- (H) All costs related to the Town's review, approval, inspections (if any) and enforcement of the permit shall be borne by the permittee.
- (I) Permits shall be valid for a period of twelve months from the date of issuance, and all work must be completed prior to the permit expiration date. Upon application and good cause shown by the permittee, the Town Engineer or Clerk may extend the permit expiration date.
- (J) The permittee shall comply fully with Wis. Stats. §§ 66.0425, 86.07(2) and all applicable Town Ordinances and Appendix 5.02, Figures 3 and 6.
- (K) The permittee shall provide satisfactory proof of liability insurance in such amount as determined by the Town Engineer in accordance with the nature and extent of the work.
- (L) No part of the permitted work shall be commenced until warning signs, devices, and methods adequate to protect the public are in place and fully functional. Warning signs and devices shall be as specified in the Wisconsin Manual on Uniform Traffic Control Devices.
- (M) The work shall be carried out in a manner satisfactory to the Town Engineer in compliance with the conditions of this permit and all Town Ordinances.

- (N) Where special circumstances exist at the site where the work is contemplated, the Town Engineer may impose additional reasonable conditions to assure that the work is carried out in a manner consistent with Town engineering, erosion control and environmental standards.

(m) **General Standards.**

- (1) All driveways constructed or reconstructed subsequent to the effective date of this Ordinance shall comply with the Town Driveway Ordinance.
- (2) All plans submitted to the Town relating to construction or reconstruction of Town roads, driveways, and permits issued under any of the terms of this Ordinance shall be stated in standard units.

(n) **Driveways and Culverts.**

No person shall locate, construct, or reconstruct a driveway and/or a driveway culvert on private property without first obtaining a permit from the Town or its designee.

- (1) **Culverts.** All driveways shall be constructed with a culvert placed to permit the free and unobstructed flow of surface water past the driveway. Culverts shall be installed prior to construction work being commenced on the property. All culverts shall be constructed of material acceptable to the Town Engineer, including galvanized corrugated steel or concrete, and shall be of sufficient gauge to provide adequate bearing capacity for vehicles expected to use the driveway as determined by the Town Engineer. Plastic pipe and/or endwalls shall be prohibited.
- (A) **Minimum Size.** Culverts shall be a minimum of 24 feet in length, plus endwalls, and shall be a minimum of 15 inches in diameter, or equivalent. Larger culverts may be required by the Town Engineer where needed to accommodate drainage.
- (B) **Placement.** Culverts shall be placed in the ditch line at elevations as set by the Town Engineer so as to adequately convey water and assure proper drainage.
- (C) **Endwalls.** All culverts shall have flare endwall sections so that backfill and cover material will not erode into the bottom of the ditch and reduce the capacity of the ditch and culvert.
- (D) **Backfill and Cover Material.** Culverts shall be bedded and backfilled with granular material, compacted in place, or other material acceptable to the Town Engineer. The minimum cover, measured from the top of the pipe to the top of the subgrade material, shall be six inches.

- (E) Gauge. The minimum wall thickness for corrugated metal culverts shall be in accordance with the following:

<u>Pipe Diameter</u>	<u>Gauge</u>
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

- (2) Slopes. Slope of driveway shall not exceed 12%. Slopes of soil to the sides of the driveway beyond a two foot minimum horizontal surface past the paving shall not be greater than 4H to 1V.
- (3) Special Driveways. In the case of long driveways or driveways which carry unusually large volumes of runoff, the Town Engineer may direct the owner to construct a drainage ditch on one or both sides of the driveway directing runoff to the roadway ditch or a drainageway on the property.
- (4) Driveway Standard. Additional information relating to applicable standards for all new rural, residential, commercial, industrial and agricultural driveways are illustrated on the drawing on Figure 3, Appendix 5.02.
- (5) Driveway Surface. Driveways may be constructed of any hard, clean, durable material such as concrete, crushed stone, bituminous or paving stone placed so that the surface of the driveway meets the existing edge of pavement, except concrete is not allowed in the road right of way adjacent to County roads and for the first three (3) feet off the road paved surface for Town roads. This is to be determined by the Town Engineer. Driveways shall not extend into the roadway surface so as to cause an obstruction to the maintenance or snow removal on the roadway. All driveway surfaces must have a minimum two percent crown or cross slope directing drainage to the driveway edge, or shall utilize other engineered solution to control and direct runoff. **[Amended by Ord. 2009-14, 12/8/09.]**
- (6) Location. Driveways shall be so located as to not create a safety hazard for vehicles traveling on the driveway or exiting and entering the property. Construction of a driveway should be done on an existing road, driveway, or along a fence line and/or property line so the new construction does not intrude on agricultural land. Consideration should be taken to preserve wetlands where driveways are proposed to pass through or along and will require DNR approval. The Town Engineer, using good engineering practice, shall determine the permitted location for driveways.
- (7) Drainage. No driveway may be constructed in a manner that would interfere with the drainage of streets, roads, ditches, or roadside areas.

- (8) **Driveway Width.** All driveways should be designed with a minimum surfacing material width of 10 feet, of materials and slopes sufficient to allow access by emergency vehicles. Unless an exception is granted by the Town Board, driveways for all types of land uses shall be no wider than 30 feet. Exceptions may be granted based on factors such as accommodating commercial or farm vehicles maneuvering or where left and right turn lanes should be included within the driveway.
- (o) **Administration.**
The Town Board shall administer this Ordinance. Applications for permits shall be made to the Town Clerk or designee, who shall review the proposed driveway and shall either grant or deny the proposed access based upon provisions, standards, and requirements of this Ordinance within ten (10) working days.
- (p) **Enforcement.**
The Town Engineer may post a stop work order if any work is being installed contrary to the terms of a permit or without a permit. If the landowner or permittee fails to cease the unpermitted activity or comply with the permit conditions immediately, the Town may issue a notice of intent to the landowner or permittee of the Town's intent to perform the work necessary to comply with this Ordinance. The designee or a contractor retained to perform such services may commence the work no less than 14 days after issuance of the notice of intent. All costs associated with the work performed, including the services of the Building Inspector, Town Engineer, Town Attorney and Town administrative costs, and those of the contractor performing the work, shall be billed to the landowner. If the landowner fails to pay the amount due, the Town Clerk shall enter the amount due onto the tax roll as a special charge pursuant to Wis. Stats. § 66.0627.
- (q) **Fees.**
- (1) The applicant shall pay to the Town an application fee and professional consultant fees as may be required under Section 1.04 for each permit application. Application fees shall be determined by the type of access: **[Amended by Ord. 2013-14A, 10/8/13.]**
 - (2) Driveway permit fee: *Other than for resurfacing of existing driveways, for which no fee is required, as specified on the current Town of Dekorra Fee Schedule [Amended by Ord. 2009-14, 12/8/09.]*
 - (3) Any person proceeding in a manner requiring the above permits who fails to obtain such a permit shall pay twice the permit fee upon being brought into compliance.
- (r) **Hazard Marking and Lighting.**
Any access location shall, during construction within the right of way, be provided by the owner with adequate hazard marking and lighting to prevent possible accidents.

(s) **Emergencies.**

The permit requirements shall be inapplicable to public service corporations or to any sanitary district or public utility district when performing work in the public right of way necessitated by unscheduled emergency repairs of damaged facilities or emergency services required for public health and safety. Under such emergency circumstances, the public service provider shall notify the Town Clerk and the Columbia County 911 Center of all roadway portions that will be disrupted no more than one hour after such emergency repair commences. All other requirements of this Ordinance, and in circumstances not involving unscheduled emergency repairs of damaged facilities, all requirements of this Ordinance shall apply to such entities.

(t) **Appeals.**

Any person aggrieved by any decision made in the administration of this Ordinance may appeal to the Town Board. Appeals shall be filed within thirty (30) calendar days following the administrative decision. Appeals shall be filed in writing with the Town Clerk. The appeal shall specify the legal description of the parcel and access location in question, and the grounds for the appeal.

(1) The Town Board shall make a decision on the appeal within fifteen (15) calendar days from the day the appeal was heard by the Board. The decision by the Town Board shall be made by the majority present.

(u) **Violations.**

In the case of any violation of this Ordinance, the Town Board may institute appropriate legal action. Each day in which a violation continues to exist shall constitute a separate offense.

(v) **Penalties.**

Any person violating this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code.

(w) **Severability.**

The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected.

(x) **Repeal of Conflicting Ordinances.**

All other Ordinances or parts of Ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

History Note: Adopted through codification November 1999; amended June 8, 2004, Ordinance 06-2004; amended December 14, 2004, Ordinance 12-2004; amended August 9, 2005, Ordinance 16-2005; amended 12/11/07; amended December 8, 2008, Ordinance 2009-14; amended by Ord. 2013-14A, 10/8/13.

SECTION 5.04 **ROAD OPENINGS AND OTHER WORK WITHIN**
ROAD RIGHT OF WAY [Amended by Ord. 2009-06, 6/23/09.]

(a) **Permit.**

No person, business entity or governmental body, or any agent thereof, may perform any work including but not limited to opening, excavating, removing, filling, planting, installing underground utilities, overlaying or modifying, trimming or removing trees or perform any other work within the right of way of or on the driving surface of any public highway, road, street or alley in the Town without receiving a permit from the Town Clerk as approved by the Town Board prior to commencing the proposed activity. Each person desiring to undertake an activity regulated by this Ordinance shall submit an application for a permit, together with plans, specifications, construction schedule, traffic control plan and, other than as specified in Section (b)(1)(E) of this Ordinance, the appropriate fee required by this Ordinance, no less than four weeks prior to the time the work is scheduled to begin. [Amended by Ord. 2009-06, 6/23/09; Amended by Ord. 2009-15, 12/8/09; Amended by Ord. 2013-13, 8/13/13.]

(b) **Review of Application.**

The Town Clerk or other duly authorized representative of the Town Board shall review the application and supporting documentation as to its completeness upon submission. The Clerk will then forward the application to a knowledgeable Town official or the Town Engineer where necessary for an informed review of the application. The Town Engineer may recommend the applicant appear before the Town Board.

(1) The Town Clerk shall inform the applicant in writing within two (2) weeks from the date of receipt of the completed application and, other than as specified in Section (b)(1)(E) of this Ordinance, the fee whether or not the permit may be granted by Town Board approval or whether additional review by the Town Engineer will be required. [Amended by Ord. 2009-15, 12/8/09.]

- (A) If the application is approved by the Town Board, the Clerk shall issue the permit.
- (B) If additional information is needed to evaluate the application, the Clerk shall so notify the applicant, who shall promptly submit the required information. The two week time limit shall be determined from the date of receipt of the additional information.
- (C) If the application is disapproved, the Clerk shall provide written notice of the reason(s) therefore to the applicant.
- (D) If the Town Board deems it necessary to secure performance of the conditions of the work, the Town Board may require the applicant to file such bond or other security as the Town Board may require, in an amount consisting of 1.25 times the estimated cost of the

construction project, in favor of the Town. The applicant may request a hearing before the Town Board on the bond requirement; if no request is made within five days after the Clerk's recommendation, such recommendation shall become the required bond amount. Such bond, if required, shall remain in full force and effect for at least one year past the estimated date of completion of the project. This security requirement shall be inapplicable to public service corporations, sanitary districts and public utility districts.

- (E) Public utility companies without any prior record of defaulting in paying permit fees may receive the permit without prior payment of the fee, so long as the fee is paid within 30 days after the permit is granted. [**Created by Ord. 2009-15, 12/8/09.**]
- (2) All permits issued or deemed issued under this Ordinance shall be issued subject to the following conditions:
- (A) All activities undertaken under the permit shall conform to the application and any conditions placed upon granting of the permit.
 - (B) The permittee shall give at least five working days' notice to the Town Clerk and 72 hours notice to the Town Engineer prior to starting any work in the road. If a road will be fully or partially closed for any duration of time by the work, permittee shall notify the Columbia County Sheriff's Department, the Poynette-Dekorra Fire Department and Emergency Medical Service, as well as the Town Clerk. [**Amended by Ord. 2009-06, 6/23/09.**]
 - (C) The permittee must receive written approval from the Town Engineer or Board prior to any modifications of the activity contemplated by the permit.
 - (D) The permittee is responsible for repairing any damage, at the permittee's expense, to any items within the right of way or adjoining property.
 - (E) The permittee is responsible for locating and maintaining any existing public utilities or structures located within the right of way and repairing damage to such structures.
 - (F) No portion of the Town roadway shall remain out of service as a result of the activity contemplated in the permit for more than 24 hours without the express written consent of the Town.
 - (G) Where the work being performed is for the benefit of property abutting upon the affected roadway, the permittee, on behalf of

- permittee or the owner of such benefited abutting property, authorizes the Town to perform any work or operations necessary to bring the affected roadway into conformity with the permit if the work is not completed in a timely fashion, and further consents to the Town assessing the cost thereof to the owner of such benefited abutting property as a special charge pursuant to Wis. Stats. § 66.0627.
- (H) The entire cost of constructing and maintaining the facility shall be borne by the permittee. If the work is to remove trees that the Town Board determines are a safety hazard, the Town Board may approve Town contribution to the cost of removal. Such contribution shall be limited to the lesser of 25% of the total reasonable cost of removal for the tree(s) as determined by the Town Board or a maximum of \$500.00 per parcel. This process must be initiated by the land owner. The permittee shall submit at least one cost estimate prepared by a competent tree removal service. The Town Board may seek additional independent estimates to determine reasonable cost. In every instance where the Town Board elects to contribute to tree removal costs, removal shall include removal of the stump. **[Amended by Ord. 2013-15D, 8/13/13.]**
 - (I) All costs related to the Town's review, approval, inspections, if any, and enforcement of the permit shall be borne by the permittee.
 - (J) All road work must be completed within five working days of completion of the project for which the road was opened.
 - (K) Permits shall be valid for a period of three months from the date of issuance, and all work must be completed prior to the permit expiration date. Upon application and good cause shown by the permittee, the Town Board may extend the permit expiration date.
 - (L) The permittee shall comply fully with Wis. Stats. §§ 66.0425, 86.07(2) and applicable Town Ordinances. **[Amended by Ord. 2009-06, 6/23/09.]**
 - (M) The permittee shall provide satisfactory proof of liability insurance in such reasonable amount as determined by the Town Engineer in accordance with the nature and extent of the work.
 - (N) No part of the permitted work shall be commenced until warning signs, devices, and methods adequate to protect the public are in place and fully functional. Warning signs and devices shall be as specified in the Wisconsin Manual on Uniform Traffic Control Devices.

- (O) All excavation within the right of way shall be backfilled with suitable granular material compacted in 9-inch lifts. The bottom portion of the trench shall be compacted to 90% of maximum as measured by the Modified Proctor method. The top three feet shall be compacted to 95%. The permittee agrees to make frequent inspections for settlement and to be responsible for any such settlement. If requested, the permittee shall provide compaction test results. The Town Engineer shall observe and approve all placement of fill within the excavated area. **[Amended by Ord. 2009-06, 6/23/09.]**
 - (P) Highway surfaces, slopes, shoulders, ditches, and vegetation disturbed shall be restored to at least their original conditions. All roads shall have a minimum of ten inches of compacted crushed aggregate base course (WisDOT - Gradation 3) and four inches of bituminous surface, placed in two (2") inch thick lifts. Greater thicknesses may be required. Winter replacement of highway surfaces shall be temporary cold mix asphalt, which shall be replaced no later than June 15 of the following summer with hot mix asphalt. All construction, repair, or reconstruction shall comply with the road construction standards set forth in the Town Code of Ordinances. **[Amended by Ord. 2009-06, 6/23/09.]**
 - (Q) The work shall be carried out in a manner satisfactory to the Town Engineer as to compliance with the conditions of this permit and all local Ordinances.
 - (R) Where special circumstances exist at the site where the work is contemplated, the Town Engineer may impose additional reasonable conditions to assure that the work is carried out in a manner consistent with Town engineering, erosion control and environmental standards.
- (c) **Permit Fee.**
Other than as specified in Section (b)(1)(E) of this Ordinance, no person shall be issued a road opening permit by the Town until after payment of a permit fee according to the Town Fee Schedule under Section 1.04 of this Code. Any person who commences a road opening or other work within the right of way regulated by this Ordinance who fails to obtain a road opening permit prior to commencing the road opening shall pay twice the ordinary road opening permit fee. **[Amended by Ord. 2009-15, 12/8/09.]**
- (d) **Emergencies.**
The permit requirements shall be inapplicable to public service corporations or to any sanitary district or public utility district when performing work in the public

right of way necessitated by unscheduled emergency repairs of damaged facilities or emergency services required for public health and safety. Under such emergency circumstances, such entity shall notify the Town Clerk and the Columbia County 911 Center using the non-emergency telephone number of all roadway portions that will be disrupted no more than one hour after such emergency repair commences. All other requirements of this Ordinance, and, in circumstances not involving unscheduled emergency repairs of damaged facilities, all requirements of this Ordinance shall apply to such entities.

(e) **Penalties.**

Any person violating this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code.

History Note: Adopted through codification; amended June 8, 2004, Ordinance No. 6-2004; amended at December 11, 2007 Town Board Meeting, Ordinance No 2007-13; amended 6/23/09, Ordinance No. 2009-06; amended 12/8/09, Ordinance 2009-14; amended 8/13/13, Ordinance No. 2013-13.

SECTION 5.05 **TOWN ROAD RIGHT OF WAY UTILITY**
FIXTURE MARKING

(a) **Purpose.**

The purpose of this Ordinance is to reduce accidental damage to utility fixtures and equipment such as telecommunication pedestals within the road right of way. This includes damage from tall grass cutting, brush removal and snow plowing.

(b) **Authority.**

This Ordinance is established under the authority set forth in Wis. Stats. §§ 86.26 and 86.266 and Wis. Admin. Code Chap. Trans. 204.

(c) **Applicability.**

This Ordinance applies to all persons or entities constructing or modifying utilities and associated fixtures or equipment such as pedestals within the road right of way.

(d) **Markers Required on Utility Pedestals.**

- (1) A highly visible marker shall be installed on each pedestal or fixture located within a road right of way. The markers shall be installed by and maintained by the utility company. Markers shall be easily visible to vegetation mowers, brush cutters and snow plowers, and shall be 4 feet to 6 feet in height depending on conditions.
- (2) The marker shall have bright reflective orange-white striped tape placed at the top 12 inches of the marker.
- (3) The utility company shall maintain a 5 foot radius semi-circular clear vision zone around the faces of the fixture of pedestal, free of brush, trees or tall grass.

(e) **Time of Compliance.**

Public utilities shall install the markers on the pedestals or fixtures on the following schedule:

- (1) New lines, equipment and service. Upon installation of equipment or fixture.
- (2) Upgrading or repairing of existing equipment or service. Upon installation of upgrade or repair.
- (3) Existing equipment and service. Within 18 months after adoption of ordinance.

(f) **Administration and Enforcement.**

The Town Engineer and Town Superintendent of Highways shall contact any utility found in violation with this ordinance. If corrective action is not taken within 30 days of written notification, the Town may take corrective action and charge the costs of such action to the utility.

(g) **Violations and Penalty.**

Any person violating this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code. Each day of violation shall constitute a separate offense.

History Note: Section 5.05 created by Ordinance No. 2009-16, 12/8/09; amended by Ord 2017-02, 6/13/17.