

Chapter 298

ROADS AND DRIVEWAYS

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[HISTORY: Adopted by the Town Board of the Town of Washington 7-18-2006 by Ord. No. 2006-8. Amendments noted where applicable.]

§ 298-1. Purpose.

The purpose of this chapter is to promote the safety and general welfare of the citizens of the Town of Washington and others who travel the Town's highways by providing for the orderly layout and construction of Town highways. This chapter supersedes and replaces all previous highway, road and driveway ordinances.

§ 298-2. Definition.

Per Ch. 82, Wis. Stats., all Town roads shall be termed Town highways. A "Town highway" is any highway that the Town of Washington holds fee simple title to or has prescriptive rights in. Generally, the Town of Washington considers a highway to be a Town highway if it appears on the Wisconsin Department of Transportation Highway Aids Map, which is reviewed and approved by the Town. Any reference to the "Town Board designee" in relation to this chapter is one who has been delegated, by the Town

Board, the administrative powers of supervising the construction, maintenance and placement of the Town highways pursuant to this chapter. The Town Board designee, by motion of the Town Board, can be the Town Chairperson.

§ 298-3. Highway name.

Highway names shall be assigned as set forth in § 82.03(7), Wis. Stats., and in accordance with applicable Door County regulations, and shall be subject to approval by the Town Board.

§ 298-4. Right-of-way.

Per § 82.18, Wis. Stats., all Town highways shall have a right-of-way width of 66 feet or greater unless, in the Town Board's discretion, that width is impractical. If the Town Board determines that a sixty-six-foot width is impractical, the width shall be determined by the Town Board but shall be at least 49.5 feet in width.

§ 298-5. Clear zone.

A minimum clear-cut width of 30 feet from the center line of the highway is desired. Said clear-cut width shall be determined by the Town Board at the time of the permit application and site inspection.

§ 298-6. Length.

No Town highway right-of-way shall be less than 500 feet in length, unless a variance is granted by the Town Board.

§ 298-7. Dead-end highways.

- A. All dead-end highways regardless of length shall have a cul-de-sac or a "T" turnaround.
- B. The cul-de-sac right-of-way radius shall be 75 feet, with a base course radius of 62 feet, and a pavement radius of 60 feet.
- C. The "T" shall be at right angles to the center line of the highway, have a sixty-six-foot wide right-of-way, a minimum base width of not less than 34 feet, a minimum paved surface of not less than 20 feet, and be not less than 60 feet long on both sides of the highway center line.
- D. Construction standards for a "T" and a cul-de-sac shall be the same as those delineated under § 298-9 in this chapter. All Town highway requirements for shoulders, clearance and ditching shall apply to the entire length of the "T" and the cul-de-sac.

§ 298-8. Highway width.

- A. Town highways with an estimated average daily traffic count of under 100 vehicles shall have 20 feet minimum driving surface, shoulders two feet minimum and a

surface crown of 2.2% slope at the center line of the highway. The Town Board may approve a narrower pavement width if it is deemed that a twenty-foot width is impractical.

- B. Town highways with an estimated average daily traffic count of 100 to 250 vehicles or more shall have 22 feet minimum driving surface, shoulders two feet minimum and surface crown of 3% slope at center line of the highway.
- C. Commercial/industrial highways may require greater structural requirements than those residential requirements specified in this chapter. Any additional construction requirements and final approval shall be determined by the Town Board.

§ 298-9. Construction standards.

All highways constructed in the Town shall fully comply with the following construction standards.

- A. Topsoil removal. All topsoil shall be removed first. In order to ensure a stable foundation for the roadway fill, all stumps, marsh, swamp, muck, large rocks, old culverts and other foreign material shall be removed from under the area of the roadway and replaced with sand, pit run or other approved materials and brought up to grade before the subbase shall be applied.
- B. Subbase. The width (see § 298-8 above) of all highways shall have a subbase of six inches of crushed compacted 3/4 inch gravel, limestone or other approved material and shall be put down in three-inch intervals and compacted at each interval. Additional material may be needed to create stability in problem areas. The need for additional subbase materials will be determined by the Town Board with assistance by an engineer, when needed.
- C. Shoulder. Crushed limestone shall be applied to the shoulder compacted flush with the paved area at a width of two feet.
- D. Surfacing. At the discretion of the Town Board, surfacing may be either gravel or a minimum 2 1/2 inches compacted asphaltic pavement. The Town Board may require greater pavement thickness where traffic volumes and composition dictate the need.
- E. Cleanup. All unearthed rubbish or other similar materials shall be removed from the site.

§ 298-10. Ditches.

If needed, the ditching of the roadway must be complete and have proper elevation to provide adequate drainage. The Town Board shall determine the ditching requirements.

§ 298-11. Back and side slopes.

All highways shall have an eight-foot fore slope and back slope with a four to one pitch, except where geographic features or terrain would not allow for same, but in no case shall

the slope be greater than 2 1/2 to one foot.

§ 298-12. Town highway culverts.

- A. Any Town highway culvert necessary for proper drainage shall be installed after elevation and location is obtained through the Town Board with assistance from an engineer, if needed. The minimum length of any culvert installed in a road bed shall be at a minimum two feet greater than the base course width. Apron end walls shall be installed as dictated by the Town Board.
- B. The culvert diameter and length will be subject to the approval of the Town Board after the amount of flowage is determined. In no case shall the culvert be less than 18 inches in diameter.

§ 298-13. Private driveway culverts.

Private driveway culverts shall be installed as determined by the Town Board.

§ 298-14. Private driveways.

The minimum requirements for a driveway in the Town of Washington are:

- A. It shall be at least 12 feet wide and have a clearance of 16 feet so fire and emergency equipment can enter unobstructed.
- B. The setback for any driveway must be a minimum of five feet from the property side lot line, unless the driveway is to be shared with the adjacent property owner.

§ 298-15. Curves and inclines.

All curves and inclines shall be constructed in accordance with the standards set forth in § 82.50, Wis. Stats., which standards are incorporated herein by reference.

§ 298-16. Vision corners.

- A. In each quadrant of every Town highway intersection there shall be a visual clearance triangle bounded by the highway center line and a line connecting points on them 200 feet from a Class "B" (County Trunk) highway intersection and 150 feet from a Class "C" (Town) highway intersection.
- B. Traffic signs, telephone poles and power transmission poles are permitted. Permanently mounted ground level equipment must receive approval of the Town Board prior to installation. Location of said equipment shall be designated by the Town Board and all locations will have visible orange markers. Trees in the vision triangle must not obstruct the view to a height of 10 feet.
- C. All Town highways intersecting with county highways must meet the requirements of the county if their vision corner requirements are greater than those of the Town.
- D. The property owner/developer shall furnish to the Town of Washington an easement to trim vegetation within the vision corners based on the specification

listed within this section.

§ 298-17. Access.

- A. Wherever possible, for each one-quarter mile of an existing Town road not more than one road may be constructed to adjoin the existing road.
- B. The property owner/developer must obtain a permit from the Door County Highway Department for access to any county highway.

§ 298-18. Topsoil, grass, seeding.

All disturbed areas (ditches, back slopes and fills) within the highway right-of-way not provided with surfacing and shouldering material shall be restored, seeded for permanent cover, and protected by erosion control materials.

§ 298-19. Permit application.

- A. No person, partnership, company nor corporation shall commence construction of any Town highway which is intended to provide public access to more than one landowner without first obtaining a Town highway permit application, a copy of this chapter and a copy of a typical highway cross section from the Town Clerk/Treasurer.
- B. The completed permit application must be submitted to the Town Board along with a preliminary plan view showing the extent of the development, the point(s) of access to an existing public highway(s), the location and length of the new Town highway center line, preliminary lot layout for all lots which will be provided access by the Town highway.
- C. The Town Board will review the permit application and plan view as prepared by the applicant.
- D. After a satisfactory review a construction permit shall be provided and completed by the developer/owner and the Town Board.

§ 298-20. Highway survey.

All construction permits for Town highways shall be accompanied by a survey of said highway delineating public utility placement and a corresponding legal description for said highway. Said survey shall be performed by a land surveyor licensed by the State of Wisconsin. The cost of said survey to be the responsibility of the private landowner and/or developer.

§ 298-21. Construction permit.

- A. The completed construction permit along with a copy of the survey map of the proposed highway completed by a registered land surveyor must be submitted to the Town Board. The Town Board will review and approve or deny the construction permit and survey map, and in addition, may inspect the site.

- B. Prior to Town Board approval of the construction permit decisions regarding clear cut width, turnaround type, additional grading and subbase requirements, seeding, culverts and ditching shall be made.
- C. The Town Board may hire a consultant to review the construction permit, survey map, and site, if necessary. The cost of the consultant and all costs incurred in the development and construction of said Town highway shall be assumed by the property owner/developer.

§ 298-22. Performance bond.

At the option of the Town Board, the applicant(s) shall prepare the highway (grade, ditch and gravel, etc.) one year and surface it the next year in order to further compact the roadbed. If so, the applicant(s) shall provide a bond or irrevocable letter of credit which would enable the Town to finish the road in case of default by the applicant(s). The performance bond, irrevocable letter of credit, or cash escrow agreement shall be equal to 1 1/4 times the estimated cost of the required improvements. If the required improvements are not complete within the eighteen-month period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Town and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the property owner or developer. The Town Board, at its option, may extend the bond period for any additional period not to exceed one year; however, the initial bond shall be required to run one year beyond the initial date of acceptance of improvements.

§ 298-23. Funding road improvement.

The Town Board can elect to issue a permit for a Town road based upon assurance of a natural worthiness and completion of the proposed road in the following ways by contract:

- A. The applicant can enter into a contract with the Town assuring that the proposed road will be built with the specifications stated within this chapter at the expense of the road installer. That the installer will adhere to a timetable represented to the Town. The road installer will also assure performance by posting an accepted performance surety bond with the Town as is described in § 298-21 of this chapter. The road installer shall make reports to the Town Board designee on a thirty-day basis as to the status of work undertaken to comply with the contract. The Town shall be named as beneficiary of the performance bond. Upon the nonperformance of the agreed timetable named by the road installer, and upon due notice, the Town be named as beneficiary to the surety performance bond, shall collect such funds and use the funds for the completion of the road project with any balance being to the road installer.
- B. The Town, as is enabled by the applicable Wisconsin statutory authority and by provisions within this chapter, may make actual or special assessments for the road construction and that the assessment be based upon the benefit to an abutting or serviced property owner. A serviced property owner should be one who is benefited

directly by the presence of the road in relation to the owner's property. The assessment may be paid in periodic installments by the benefiting or serviced property owner as is allowed by statute. The assessment pursuant to Wisconsin statutory procedure may be entered only upon the assessment rolls after public comment at a duly noticed hearing as is prescribed by statute. In instances when there is no benefiting property owner, the Town may withhold assessment until the benefiting property owner either builds or benefits by the presence of the road installation. During the interim period, the assessment for the benefiting road portion shall be held in abeyance and not charged until actual benefit to the benefiting property owner.

§ 298-24. Required inspections.

- A. The contractor shall notify the Town Board prior to the start of construction and when each stage of construction is ready for inspection. A minimum of four inspections shall take place at the following phases of construction:
 - (1) Stripping of topsoil and stump removal.
 - (2) Shaping of road bed grade and sloping of ditches.
 - (3) Application of base course and seeding.
 - (4) Bituminous surface course and cleanup.
- B. Any deficiencies found by the Town Board, Building Inspector or Town Chairperson shall be corrected before proceeding to the next phase of construction.

§ 298-25. Test of materials.

The Town reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.

§ 298-26. Pavement samples.

Samples of material may be required to be taken by the Town at the contractor's expense during pavement construction operations for purposes of determining that the material meets specifications.

§ 298-27. Final inspection.

- A. Upon completion of the proposed highway, the Town Board will proceed to make final inspection, accepting or rejecting the road as the case may be. After all of the provisions of this chapter have been complied with, the highway will be inspected by the Town Board or designated Town Supervisor(s), and at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for or arrangements have been made for the payment through written instrument by the developer. If the road is rejected, corrections shall be made as recommended by the Town Board before final inspection can then be

made again.

- B. If final acceptance is made by the Town Board, the property owner(s) shall turn over a warranty deed conveying title of the entire right-of-way to the Town of Washington, or through plat dedication per Ch. 236, Wis. Stats. Easement documents authorizing the Town to cut vegetation within vision corner must also be provided. All Town highways conveyed to the Town of Washington shall be free and clear of all lien encumbrances and restrictions, except utility easements. The cost of recordation shall be the responsibility of the developer/property owner.

§ 298-28. Appeal.

The owner/developer has the right to appeal to the Town Board any decision/recommendation made by the Town Board.

§ 298-29. Applicability.

- A. This chapter shall apply to all highways the construction of which is completed after the effective date of this chapter and all existing highways which may in the future become dedicated for public use or submitted to the Town as a Town highway.
- B. Any highways permitted prior to adoption of this chapter shall be constructed and accepted per the provisions of the previous Road and Driveway Ordinance, dated November 9, 1987, provided the construction permit was approved by the Town Board prior to publication of this chapter.
- C. This chapter shall not require the Town of Washington to construct or reconstruct any existing Town highway to the standards set forth in this chapter.

§ 298-30. Private roads.

- A. After the enactment of this chapter, it is the policy of the Town of Washington not to allow private roads in the future. The Town Board may, however, grant a variance for a private road due to exceptional, unique circumstances.
- B. If a variance is granted by the Town Board, private roads shall comply with the layout specifications, construction standards except bituminous surface requirements, and the road name approval procedure delineated within the Town Highway Ordinance in effect at the time the application for variance was filed, and shall conform to all applicable state and county statutes and regulations. Specific exceptions to the Town Highway Ordinance shall be determined by the Town Board and stated within the meeting minutes of the Board meeting at which such determination was made.

§ 298-31. Acceptance of private roads to become Town highways.

- A. Under the provisions of § 82.10, Wis. Stats., application for acceptance of a private road to become a public Town highway may be submitted to the Town Board for review and action by petition of a majority of property owners having frontage on

said road. The application shall contain all of the following:

- (1) A legal description of the road to be altered.
 - (2) A scale map of the land that would be affected by the application.
- B. The Town Board will establish the standards which existing private roads must meet to be accepted on a road by road basis. All estimated costs for bringing the road up to the established standards, including bituminous surfacing, shall be prorated to all existing property owners having frontage on said private road or to those property owners which have consented, in writing, to pay for said improvements. Any improvements made to the road will be at no expense to the Town of Washington. If desired, the cost of said road improvements will be applied as a special assessment per § 66.0703, Wis. Stats., in an agreed upon time frame.
- C. Prior to Town Board acceptance, owners must provide a Certified Survey Map of said road right-of-way and proof of ownership to the Town Board. The Town Board shall comply with the provisions §§ 82.10 and 82.12, Wis. Stats. If final acceptance is made by the Town Board, the property owner(s) shall turn over a Warranty Deed conveying title of the entire right-of-way to the Town of Washington. Easement documents authorizing the Town to cut vegetation within vision corners must also be provided. All Town highways conveyed to the Town of Washington shall be free and clear of all lien encumbrances and restrictions, except utility easements. The cost of recordation shall be the responsibility of the developer/property owner. Improvements to the road will be completed within one year of Town Board acceptance.

§ 298-32. Variance.

Where, in the judgment of the Town Board it would be inappropriate to literally apply the provisions of this chapter, the Town Board may waive or modify any requirement in accordance with this section.

- A. Conditions. The Town Board may consider the following in exercising its judgment to waive or modify the requirements of this chapter:
- (1) The division of land involves the transfer of property within the immediate family.
 - (2) Exceptional and undue hardship would result.
 - (3) Other variance conditions spelled out in the Zoning Ordinance which is in effect at the time the application is filed.
- B. Restrictions on issuance. The Town Board may waive or modify any requirements under this chapter to the extent deemed just and proper, provided:
- (1) Such relief is granted without impairing the intent and purpose of this chapter or the desirable general development of the Town of Washington.
 - (2) No variance or waiver may be granted that would be contrary to any

Wisconsin State Statutes, Wisconsin Administrative Code, or county ordinance.

§ 298-33. Violations and penalties.

The Town Board shall authorize issuance of a citation to any person, firm or corporation who violates this chapter. If found guilty of said violation, and needed correction is not completed within 90 days of written notice from the Town, the Town shall hire a contractor to make the needed corrections, and the cost of bringing the highway to compliance with this chapter shall be paid by the developer/property owner either directly or through the special assessment procedure in § 66.0701, Wis. Stats.

§ 298-34. Signage.

On all highways constructed within the Town of Washington, the Town shall determine what signs are needed, including highway name, regulatory and traffic signs, order them, and have them installed.