

Chapter 285

HIGHWAYS

[HISTORY: Adopted by the Town Board of the Town of Middle Inlet as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Citations — See Ch. 14.

Driveways and culverts — See Ch. 247.

Subdivision of land — See Ch. 405.

ARTICLE I Highway Construction [Adopted 9-8-2005]

§ 285-1. Purpose.

The purpose of this article is to promote the safety and general welfare of the citizens of the Town of Middle Inlet and others who travel the Town's highways by providing for the orderly layout and construction of Town highways.

§ 285-2. Definition.

Per Ch. 82, Wis. Stats., all Town roads shall be termed Town highways. A Town highway is any highway that the Town of Middle Inlet holds fee simple title to or has prescriptive rights in. Generally, the Town of Middle Inlet 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.

§ 285-3. Highway names.

Prior to completion of a permit application, proposed highway names shall be submitted to the Marinette County Property Listing Department for preliminary approval on the prescribed form per Marinette County Ordinance 242. Highway names shall be assigned as set forth in § 82.03(7), Wis. Stats., and shall be subject to approval by the Town Board.

§ 285-4. 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.

§ 285-5. 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.

§ 285-6. Length.

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

§ 285-7. 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 cul-de-sac shall be the same as those delineated under § 285-9 of this article. All Town highway requirements for shoulders, clearance and ditching shall apply to the entire length of the "T" and the cul-de-sac.

§ 285-8. Highway width.

- A. Town highways shall have twenty-foot 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 determined that a twenty-foot width is impractical.
- B. Commercial/industrial highways may require greater structural requirements than those residential requirements specified in this article. Any additional construction requirements, and final approval, shall be determined by the Town Board.

§ 285-9. 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 materials 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 § 285-8) of all highways shall have a subbase of six inches

of crushed compacted three-fourths-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. Any cost shall be the responsibility of the developer.

- C. Shoulder. Crushed limestone shall be applied to the shoulder at a width of two feet and be compacted flush with the paved surface of the roadway.
- D. Surfacing. Highway surfacing shall be a minimum of two-and-one-half-inch compacted asphaltic type AC penetration 120-150 single aggregate bituminous 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 by the property owner/developer.

§ 285-10. Ditching and culverts.

The ditching of the roadway must be complete and have proper elevation to provide for drainage. Any culverts necessary for proper drainage shall be installed after elevation and location are obtained from the Town Board. The minimum length of any culvert installed in a road shall be at least four feet greater than the base course width of the roadway (i.e., if the base course width is 24 feet, the culvert must be a minimum of 28 feet). Apron end walls shall be used. The diameter, length and apron end walls 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. If a new roadway is being built between culverts using the same drainage pattern, the culvert must be the same diameter on either side of the roadway.

§ 285-11. Bridges.

All bridges shall meet the minimum requirements of state and federal law. In the event it is decided by the Town Board that the construction of the bridge would be of a size and cost that it would create a hardship to the owner of the land required to build said bridge, then the Town Board may proceed to accept the road, completed as required above, except that part extending 100 feet on each side of said bridge. This portion of the road shall be known as the "approach." The approach will be accepted incomplete, with the reservation that the Town will bill back to the owner of the land the cost of construction of said bridge. The Town will proceed to build said bridge and approach with the help of Bridge Aid, if available, billing the balance not covered by the aid back to the owner of the land.

§ 285-12. 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 the same, but in no case shall the slope be greater than two-and-one-half-to-one pitch.

§ 285-13. Private driveway culverts.

Private driveway culverts shall be installed as prescribed in Chapter 247, Driveways and Culverts.

§ 285-14. 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.

§ 285-15. 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, 300 feet from a Class "A" (state and federal) highway intersection; 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. Any 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 state, federal or county highways must meet the requirements of the state or county, if their vision corner requirements are greater than those of the Town.
- D. The property owner/developer shall furnish to the Town of Middle Inlet an easement to allow trimming of vegetation within the vision corners based on the specifications listed with this section.

§ 285-16. Access.

- A. Whenever possible, for each 1/4 mile of an existing Town highway, not more than one road may be constructed to adjoin the existing road.
- B. The property owner/developer must obtain a permit from the State of Wisconsin Department of Transportation for access to state and federal highways, and from the Marinette County Highway Department for access to any county highway.

§ 285-17. Topsoil and grass seeding; erosion control.

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

§ 285-18. Permit application.

- A. No person, partnership, company or 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 of Middle Inlet highway permit application, a copy of this article and a copy of Appendix A, Typical Highway Cross Section, from the Town Clerk-Treasurer.¹

- B. The completed permit application must be submitted to the Planning Commission, along with a preliminary plan view showing the extent of the development, the point(s) of access to any existing public highway(s), the location and length of the new proposed Town highway center line, and a preliminary lot layout for all lots which will be provided access by said highway.
- C. The Planning Commission will review the permit application and plan review as prepared by the applicant. After a satisfactory review a construction permit shall be provided and completed by the property owner/developer.

§ 285-19. Highway survey.

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

§ 285-20. 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 shall 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(s), 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 inspection of the site, if necessary. The cost of the consultant and all costs incurred in the development and construction of said highway shall be assumed by the property owner/developer.

§ 285-21. Costs of application review.

- A. All applications and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board by resolution or as set forth in the Town of Middle Inlet fee schedule.
- B. All reasonable costs incurred by the Town Board or its agents to properly review each application shall be the responsibility of the property owner/developer, who shall timely pay or reimburse the Town of Middle Inlet for all reasonable or

1. Editor's Note: Appendix A, Typical Highway Cross Section, is included at the end of this chapter.

projected engineering, inspection, legal, and administrative costs incurred by the Town of Middle Inlet in reviewing/approval process. The Town Board may require that all or a portion of known costs of application, approval and variance review be paid in advance.

§ 285-22. 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 equal 1 1/4 times the estimated cost of the required improvements. If the required improvements are not completed within an 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/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.

§ 285-23. Required inspections.

- A. The contractor shall notify the Town Board or its designee prior to the start of construction, and when each stage of construction is ready for inspection.
- B. 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.
- C. Any deficiencies found by the Town Board or its designee shall be corrected before proceeding to the next phase of construction.

§ 285-24. Test of materials.

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

§ 285-25. Pavement samples.

Samples of material(s) may be required by the Town Board to be taken during the pavement construction, and tested at the contractor's expense, for the purposes of

determining that the material(s) meets specification.

§ 285-26. Final inspection.

- A. Upon completion of the proposed highway, the Town Board will proceed to make a final inspection, accepting or rejecting the road as the case may be. After all of the provisions of this article 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 property owner/developer.
- B. If the road is rejected, corrections shall be made as recommended by the Town Board before final inspection can be made again.
- C. If final acceptance is made by the Town Board, the property owner(s) shall provide a warranty deed(s) conveying title of the entire right-of-way to the Town of Middle Inlet, or through plat dedication per Ch. 236, Wis. Stats. Easement documents authorizing the Town to cut vegetation within vision corners must also be provided. All Town highways conveyed to the Town of Middle Inlet shall be free and clear of all lien encumbrances and restrictions, except utility easements. The cost of recordation shall be the responsibility of the property owner/developer.

§ 285-27. Typical highway cross section.

See Appendix A which is made part of this article.²

§ 285-28. Applicability.

- A. This article shall apply to all highways, the construction of which is completed after the effective date of this article, and all existing highways, which may in the future become dedicated for public use or submitted to the Town for acceptance as a Town highway.
- B. This article shall not require the Town of Middle Inlet to construct or reconstruct any existing Town highway to meet the standards set forth in this article.

§ 285-29. Private roads.

- A. After enactment of this article, it is the policy of the Town of Middle Inlet not to allow private roads. 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 this article in effect at the time the application for variance was filed. Specific exceptions to this

2. Editor's Note: Appendix A is included at the end of this chapter.

article shall be determined by the Town Board and stated within the meeting minutes of the Board meeting at which determination was made.

§ 285-30. Acceptance of private roads as 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 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 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 who have consented, in writing, to pay for said improvements. Any improvements made to the road will be at no expense to the Town of Middle Inlet. If desired, the cost of said road improvements will be applied as a special assessment as 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 of §§ 82.10 and 82.12, Wis. Stats. If final acceptance is made by the Town Board, the property owner(s) shall provide a warranty deed(s) conveying title of the entire right-of-way to the Town of Middle Inlet. Easement documents authorizing the Town to cut vegetation within vision corners must also be provided. All Town highways conveyed to the Town of Middle Inlet shall be free and clear of all liens, encumbrances and restrictions, except utility easements. The cost of recordation shall be the responsibility of the property owner/developer. Improvements to the road will be completed within one year of Town Board acceptance.

§ 285-31. Variance.

Where, in the judgment of the Town Board, it would be inappropriate to literally apply the provisions of this article, 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 article:
 - (1) The division of land involves the transfer of property within the immediate family.
 - (2) Exceptional and undue hardship would result.
- B. Restrictions on issuance.

- (1) The Town Board may waive or modify any requirements under this article to the extent deemed just and proper, provided that:
 - (a) Such relief is granted without impairing the intent and purpose of this article or the desirable general development of the Town of Middle Inlet.
 - (b) No variance or waiver may be granted that would be contrary to any state statutes, Wisconsin Administrative Code, or county ordinance.
- (2) Note. Section 59.694(7)(c), Wis. Stats., contains four requirements that must be met before a variance can be granted:
 - (a) It cannot be contrary to the public interest;
 - (b) It must be owing to special conditions;
 - (c) There must be an unnecessary hardship;
 - (d) The spirit of the ordinance must be observed and substantial justice must be done.

§ 285-32. Violations and penalties.³

The Town Board shall authorize issuance of a citation to any person, firm or corporation who violates this article. 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 into compliance with this article shall be paid by the property owner/developer, either directly, or through the special assessment procedure in § 66.0701, Wis. Stats., following reasonable notice and hearing. Violation shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-4.

§ 285-33. Signing.

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

ARTICLE II
General Regulations

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 285-34. Title.

This article is titled the "Town of Middle Inlet Public Works Ordinance."

§ 285-35. Authority.

The Town Board of the Town of Middle Inlet has the specific authority, powers and

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

duties, pursuant to the specific statutory sections noted in this article and/or by its adoption of village powers under § 60.10, Wis. Stats., to regulate, control, prevent and enforce against in the Town of Middle Inlet certain uses, activities, businesses and operations by persons that may affect the public works and infrastructure in the Town of Middle Inlet.

§ 285-36. Confirmation of powers and duties.

The Town Board of the Town of Middle Inlet has, by adoption of this article, confirmed the specific statutory authority, powers and duties noted in the specific sections of this article and has established by these sections and this article the regulations, controls and enforcement against certain uses, activities, businesses and operations by persons that may affect the public works and infrastructure in the Town of Middle Inlet.

§ 285-37. Construction standards.

The Town roads in the Town of Middle Inlet shall be designed and constructed to meet the minimum road and bridge standards established in § 82.50, Wis. Stats.

§ 285-38. Placement of snow.

There shall be no plowing or snowblowing of snow by individuals onto Town roads.

§ 285-39. Violations and penalties.

- A. The first offense will result in a written warning to be issued.
- B. Upon subsequent offenses violators shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-4.