CHAPTER 7 PUBLIC WORKS

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7.01 Utilities in the Rights-of-Way

A. Pursuant to its authority under Wis. Stat. §§ 66.0425, 86.07, 86.16, 182.017, and 196.58, the Town hereby enacts this Ordinance for reasonable regulations on the placement and maintenance of Facilities currently within its Rights-of-way or to be placed therein in the future.

B. The following definitions are applicable within this Ordinance:

(1) "Town" shall mean the Town of Bevent, Marathon County, Wisconsin.

(2) "Facilities" shall mean all equipment owned, operated, leased, or subleased in connection with the operation of a service or utility service, including but not limited to: poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, lines, and other structures and appurtenances.

(3) "Owner" shall mean any person either requesting permission to excavate, obstruct and/or occupy a Right-of-way for the purpose of the installation, replacement, maintenance, or removal of Facilities and/or any person who currently occupies and/or obstructs a Right-of-way for the purpose of possessing Facilities.

(4) "Right-of-way" shall mean the surface and space above and below the entire width of an improved or unimproved public roadway, highway, street, bicycle lane, terrace, shoulders, side slopes, and public sidewalk in which the Town has an interest.

C. Location of Facilities.

(1) A Town permit is required prior to the placement of Facilities within Rights-of-way.

a. The Town Board shall set forth a permit fee in the Town fee schedule.

b. Owners shall apply for permits using forms for that purpose made available by the Town.

c. A permit may cover any aspect of a Facility, including but not limited to: installation, maintenance, construction site cleanup, and Right-of-way restoration.

d. The Town may require an Owner to provide additional information as the Town deems necessary, in its sole discretion, to make a determination on an Owner's permit.

e. In consideration of the grant of such a permit, the Owner upon acceptance thereof, agrees to indemnify, save, and hold harmless the Town, its

successors and assigns, officers, employees, agents, and invitees, from any and all claims, liabilities, losses, costs, damages, or expenses arising due to the presence of the Owner's Facilities within the Rights-of-way.

(2) Limitation of Space. The Town may prohibit or limit the placement of new, replacement, or additional Facilities within the Rights-of-way. In making such decisions, the Town shall be guided primarily by considerations of the public interest, including but not limited to the following: the public need for a particular utility service; the condition of the Right-of-way; the time of year with respect to essential utilities; the protection of existing Facilities in the Right-of-way; and current or future Town plans for public improvements and development projects.

(3) Attachment to Bridges. For any request to attach Facilities to any Town bridge structure, the Owner shall provide a structural analysis prepared by a licensed State of Wisconsin professional engineer. The Owner of such Facilities shall not be entitled to compensation for the removal or relocation of the Facilities in the case of repair, removal, or replacement of said bridge structure by the Town.

(4) Corridors. The Town may assign specific corridors within the Right-of-way, or any particular segment thereof, for each type of Facility that is, or that the Town anticipates may be, located within a Right-of-way. All excavation, obstruction, or other permits issued by the Town involving the installation or replacement of Facilities may designate a particular corridor for the Facilities.

(5) Facilities already in the Right-of-way in a position at variance with a corridor later established by the Town shall, no later than at the time of the next reconstruction or excavation of the area where the Facilities are located, relocate the Facilities pursuant to Town Code § 7.01.D below.

(6) Digger's Hotline Compliance. All Owners and other users of Town Rights-of-way shall comply with the Digger's Hotline requirements set forth in Wis. Stat. § 182.0175, as applicable.

(7) Planning. The Town may seek information on existing Facility locations for planning purposes. It shall be the obligation of Owners to locate Facilities. Facility locations shall be represented in the field during field surveys and/or by providing maps within the planning areas to the satisfaction of the Town.

(8) Non-Compliance with Locating Requirements. No Owner shall fail to locate Facilities as required under Wis. Stat. § 182.0175(2m). Additionally, any Owner who fails to locate Facilities shall be responsible for all resulting Town costs due to delays caused to Town projects. Repeated failure to locate Facilities may result in termination of the privilege to locate Facilities within the Rights-of way, and/or for a requirement that a sufficient security, such as a bond, letter of credit, or cash, be provided to the Town in the sole discretion of the Town. Repeated failure to locate Facilities shall be defined as an Owner failing to locate Facilities within 10

days from a Town request to locate Facilities more than once within 12 months or more than twice within 24 months.

D. Relocation and protection of Facilities.

(1) Requirement. An Owner must, promptly and at its own expense, maintain, support, protect, or relocate its Facilities in the Right-of-way whenever the Town, or its agent, acting in its governmental capacity, requests such action in the interest of health, safety, or public welfare.

(2) Order. The Town, or its agent, shall issue a due date for the work to the Owner of not less than seventy-two (72) hours, which due date shall be reasonable and based upon the actions to be undertaken by the Owner. If so stated in the Order, the Owner shall restore the Right-of-way following the completion of the work.

(3) Town's Right to Self-Help. In the event that an Owner does not proceed to maintain, support, protect, or relocate its Facilities as ordered by the Town, the Town may arrange to do the same and to bill the resulting costs to the Owner, said bill to be paid within thirty (30) days.

(4) Additional Cost Recovery. The Town may bill the Owner for any additional costs incurred as a result of the failure of the Owner to accomplish the ordered work within the time specified in the order.

E. Facility Abandonment.

(1) Discontinued Operations. An Owner that has discontinued or plans to discontinue its operations in the Town, either in full or in part, must do one of the following:

a. Provide information satisfactory to the Town that the Owner's obligations for its Facilities under this Ordinance have been lawfully assumed by another Owner.

b. Submit to the Town a proposal and instruments for dedication of its Facilities to the Town. If an Owner proceeds under this clause, the Town may, at its option:

1. Accept the dedication for all or a portion of the Facilities;

2. Require the Owner, at its own expense, to remove the Facilities in the Right-of-way; or,

3. Require the Owner to provide the Town sufficient security, such as a bond, letter of credit, or cash, to reimburse the Town for reasonably anticipated costs to be incurred in removing the Facilities.

c. Remove its Facilities within two years, unless the Town waives this requirement or provides a different deadline.

(2) Abandoned Facilities. Facilities of an Owner that fail to comply with this Ordinance or Facilities that are not claimed by any Owner and which remain either unclaimed or unused for at least one (1) year, shall be deemed to be abandoned. Abandoned Facilities are hereby declared to be a nuisance. In addition to any other remedies or rights available to the Town, the Town may, at its option, do any of the following:

a. Abate the nuisance;

b. Take possession of the Facilities; or,

c. Require removal of the Facilities by the Owner, or the Owner's successor in interest, or any other party responsible for the Facilities.

F. General Owner Obligations.

(1) An Owner shall comply with all requirements of other applicable local, state, and federal laws.

(2) Any person violating this Ordinance or a condition of a permit issued pursuant to this Ordinance is subject to shall be subject to the general penalty provision of this Code.

[Town Ordinance No. 3.00-98 previously enacted utilities in the Rights-of-way regulations effective September 24, 1998, and as amended September 7, 2013.]

7.02 Turtle Lake Bulkhead Line

A. Pursuant to Wis. Stat. § 30.11, the bulkhead line of that part of the east shore of Turtle Lake is established as the following:

That part of the Northwest one-quarter (NW1/4) and the Northeast one-quarter (NE1/4) of Section Two (2), Township Twenty-six (26) North, Range Nine (9) East, more particularly described as follows:

A bulkhead line for Turtle Lake, being a line lying 33 feet Westerly of and parallel to the following described reference line between points "A" and "B"; commencing at a stone monument marking the center of said section 2 and running thence northeasterly along a 6 degree curve to the right having a central angle of 15 degrees and a length of 250.00 feet, back tangent of said curve being the quarter section line to the north, with an assumed bearing of N 00° 00'E; Thence continue northeasterly on the forward tangent of said curve N 15° 00'E

96.18 feet to the beginning of a 6 degree curve to the left having a central angle of 28 degrees and a length of 466.67 feet on which points "A" and "B" lie. Point "A" being 45 feet from the beginning of said curve and point "B" being 415 feet from the beginning of said curve. The said bulkhead line is that line lying 33 feet westerly of and parallel to the reference line between points "A" and "B" and commencing and ending at the ordinary high water mark of Turtle Lake.

[Town Ordinance No. 2 previously enacted the Turtle Lake bulkhead line on October 21, 1974, per legal description provided.]

7.03 Road Access-Driveway Policy

A. A written permit issued by the Town Zoning Administrator is required to refill or install a driveway or culvert.

B. General Information:

1. Driveways must have a 3:1 end slope. Vertical end walls shall not be permitted.

2. The maximum surfaced width of accesses is the following:

   a. Residential – 20 feet.

   b. Farm – 30 feet.

   c. Commercial – 40 feet.

   d. Industrial – 40 feet.

3. If possible, driveways must enter Town roadways at right angles.

4. Permits may be denied where stopping sight distance is a significant problem and another alternative access is available.

5. Driveways must be a minimum of 15 feet from the property line.

6. Driveways must be 150 feet from a Town roadway intersection.

7. Driveways should be spaced 150 feet apart.

8. Two lots may share a common access; resulting in one driveway.

9. Erosion control shall be installed as directed.

C. Other Information:

1. Maintenance of the driveway is the responsibility of the owner of the land.

2. The Town shall not remove snow or other material from the driveways.

3. Concrete surfacing on driveways shall not extend toward the roadway closer than 10 feet from the edge of the pavement.

4. Permits are available to extend a blacktop driveway to the roadway surface. It must conform to the normal elevation of the Town road shoulder and slope down and away from the roadway surface.

5. Written permits shall be required for any owner and/or occupant to install a driveway, except during major road construction.

6. Culverts must be of acceptable standard, with a minimum diameter of 12 inches. The size and length of the culvert will be determined by the Town and may be of concrete, galvanized material, or approved plastic depending on what the conditions permit.

7. Driveways shall not be placed so as to cause a safety hazard or maintenance problem.

D. The following guidelines shall be used in the review of permit applications:

1. Stopping sign distance. A permit may be denied if there is a significant problem with the stopping sight distance when an alternate access is available.

2. Proximity to controlled intersection. A corner lot shall be required to access only the road which is controlled by a stop sign. Only one access shall be allowed. Exceptions may be granted for large corner commercial lots. Driveways shall not be granted within 150 feet of a Town roadway intersection unless the terrain (wetlands, etc.) prevents access to the road.

3. Spacing. Driveways should be spaced at least a minimum of 150 feet apart or equal to the 1 lot frontage. Two driveways located adjacent to the common lot line shall require a common access. Minimum of 75 feet from property line.

4. Number of access points. There is no guarantee that access will be granted to lots that have been subdivided from a larger parcel that has a single access prior to subdividing the parcel. If additional land is located behind a row of lots which are located along the frontage, a new road may be required to give rear access to all lots that are available for development.

5. Traffic. Current traffic volume and anticipated increases in traffic development will be considered in granting access. Every effort will be made to avoid the potential of having to buy back access as development increases.

6. Suggested surfaced widths of accesses:

   a. Residential – 20 feet.

   b. Farm – 30 feet.

   c. Commercial – 40 feet.

   d. Industrial – 40 feet.

   e. Vertical retaining walls of any type of construction are prohibited. Three (3) to one (1) slope is required.

7. Entrances to Town roadways. Upon entering all Town road rights-of-way from the driveway access, all driveway elevations must conform to the normal elevation of the Town road shoulder, and slope down and away from the roadway surface.

8. Driveway surfacing. Blacktop shall be restored by the Town, but only to the extent removed by Town forces. Concrete surfacing of driveways shall not extend towards the roadway beyond a point 10 feet from the culvert or ditch line. Blacktop surfacing shall be permitted to the roadway surface, but typically shall conform to the normal elevation of the adjacent highway shoulders, sloping down, and away from the roadway surface.

E. A person has 45 days from the issuance of a driveway permit to complete installation. All driveway permits expire after 45 days.

F. Any person may appeal the decision made on a driveway permit application to the Town Planning and Zoning Committee.

[Town Ordinance No. 8.01-2003 previously enacted a road access-driveway policy effective March 13, 2004, amended effective June 6, 2006.]

7.04 Minimum Highway Design Standards

A. Definitions.

1. Approach. That portion of road extending 100 feet on each side of a culvert or bridge.

2. Base Course. The supporting base material for the surface course, including shoulders, applied over prepared existing ground or fill after top soil is removed.

3. Drainage. The gradual drying of Highway by system of ditches, trenches, channels, etc.

4. Grade. The rate of ascent or descent of roadway.

5. Shoulder. The area to the left or right (both sides) of the surface course.

6. Highway. The road or way over which the public generally has a right to pass, to include the complete right-of-way.

7. Roadway. The traveled portion of the highway.

8. Surface Course. The upper portion of the roadway which normally carries traffic.

B. Applicability. The requirements as stated in this Ordinance apply to all Town highways.

C. Minimum road design standards.

1. Classification. All Town Highways shall be classified as local Highways unless designated by the Town Board as collector or arterial. Highway classification is in the sole discretion of the Town Board and may consider but not be limited to the following: traffic count; traffic character; relation of Highway to traffic patterns and other highway systems. Local Highways are intended to be of the lowest traffic count and with access to private property as the principal function. Collector Highways are intended to be Highways acting as collectors from local roads to higher priority roads or developed areas. Arterial Highways are intended to serve as corridors through the Town for intra-regional and inter-area traffic movement.

2. Minimum right-of-way for all Town highways shall be 66 feet.

3. Other Minimum Highway widths:

	Base Course	Surface Course	Each Shoulder
Local	30 feet	22 feet	4 feet
Collector	32 feet	24 feet	4 feet
Arterial	40 feet	26 feet	4 feet

4. Minimum Radii of Curves:

		At intersection	
	Horizontal	with curb	without curb
Local	100 feet	15 feet	30 feet
Collector	100 feet	15 feet	30 feet
Arterial	100 feet	15 feet	30 feet

5. Minimum Sight Distances:

Maximum grade

Local	200 feet	12%
Collector	250 feet	8%
Arterial	300 feet	6%

6. Cul-de-sacs.

   a. Through roads are preferable compared to cul-de-sacs.

   b. Cul-de-sacs shall be designed to be extended into a through road whenever possible.

   c. Cul-de-sacs shall function to eliminate multiple driveways connecting to collector and arterial highways.

   d. Right-of-way shall be 66 feet; Base Course shall be 40 feet; Surface Course shall be 33 feet.

7. Road bed preparation.

   a. Topsoil, muck, and peat shall be removed.

   b. The burial of tree stumps and debris other than stones in the roadway is prohibited.

8. Base course.

   a. The Base Course shall be a quality, thickness, and composition suitable for the location.

   b. The upper 8 inches of Base Course material shall be placed and compacted in two lifts or as otherwise approved by the Town.

9. Surface course.

   a. The Surface Course must consist of a minimum of three inches of asphalt.

   b. Concrete may be accepted following the recommendation of a road engineer.

10. Ditching and culverts.

    a. The ditching of the roadway must be complete and have proper elevation to provide for adequate drainage.

    b. Any culverts necessary for proper drainage shall be installed after elevation and location is obtained from the Town.

c. The minimum length of any culvert installed in a road bed shall be at least two feet greater than the base course width.

d. The diameter and length shall be subject to the approval of the Town, after the amount of the flowage is determined.

e. In no case shall the culvert be less than 18 inches in diameter.

f. Culverts must be covered with a minimum of 8 inches of Base Course.

D. Signing.

1. All signs shall be in conformance with Wis. Stat. § 349.065.

2. Purchase and installation of highway signs, necessary in the sole discretion of the Town, shall be at the expense of the highway developer.

E. Authority for higher standards.

1. The Highway design standards set forth in this Ordinance are minimums.

2. Higher design standards may be imposed where deemed necessary in the sole discretion of the Town.

F. Application for determination of applicable standards.

1. Any person may apply to the Town for a determination of applicable design standards for a potential Town Highway.

2. No person shall commence construction of a potential Town Highway without written Town approval of the potential Town Highway's design.

G. Final inspection and acceptance by the Town Board.

1. Upon completion of a potential Town Highway, the Town shall make inspection of said highway, and in the sole discretion of the Town, accept or reject said highway.

2. Upon rejection of a potential Town Highway, appropriate corrections shall be made prior to Town reinspection of said highway for acceptance.

3. Upon notification of a potential Town Highway that is acceptable to the Town, the highway developer shall complete all documentation necessary to ensure transfer of the accepted Town Highway to the Town with clear title and clear of all liens.

[Town Ordinance No. 4.05-97 previously enacted minimum highway design standards effective October 9, 1997.]