

Town of Richfield, Wood County, Wisconsin

Ordinance #1

ROAD ORDINANCE

The Town Board of the Town of Richfield, Wood County, Wisconsin, a Board exercising Village powers pursuant to Section 60.10(2)(c) Wis. Stats. and its predecessors do ordain as follows:

Section I.

All existing Town road ordinances and resolutions are hereby repealed.

Section II.

A. Purpose: It appears that the Town of Richfield will undergo substantial pressure for the development of previously undeveloped and unplatted lands. This development will result in increased traffic loads on the existing Town roadways and will require the creation of additional Town roads. The increased traffic due to new developments affects the public safety, particularly vehicular traffic and pedestrian safety, and the welfare and convenience of Town residents. The limited resources of the Town Government mandates that requirements be established for the acceptance of newly constructed roads and streets in the Town to protect the public interests. The requirements established shall insure the adequacy of design and construction to meet reasonably foreseeable projected traffic and use, and to set adequate standards for inspection to determine compliance of the newly constructed roads and/or streets.

This ordinance is intended to supplement existing County Ordinances and State Statutes and Regulations relating to the design and construction of newly created town roads and/or streets.

B. Definitions:

1. Access. The right of a road or driveway to open into an existing or newly constructed road.
2. Approach. That portion of a road extending 100 feet either side of a culvert or a bridge.
3. Base Course. The layer or layers of specified or selected material of designed

thickness placed on a subbase or subgrade to support a surface course.

4. Bridge. A structure having a span of more than 20 feet from face to face of abutments or end bents, measured along the centerline of the roadway, spanning a watercourse or other opening or obstruction.
5. Culvert. Any structure not classified as a bridge which provides an opening under any roadway. Require a 15" x 30' state approved double wall smooth interior plastic. We still approve of galvanized 15" x 30'.
6. Drainage. The grading, trenching, channeling, tiling, earth moving, or other procedures to cause or promote the gravitational flow of water without accumulation along, across, or away from a road.
7. Engineer. A Wisconsin licensed professional engineer with experience in road and bridge design and construction.
8. Grade. The rate of ascent or descent of a road or any portion thereof.
9. Highway, street or road. A general term denoting a public way for the purpose of vehicular travel, including the entire area within the right-of-way.
10. Pavement structure. The combination of subbase, base and surface courses placed on a subgrade to support the traffic load and distribute it to the road bed.
11. Plans. The approved plans, profiles, typical cross sections, working drawings and supplemental drawings, or exact reproduction thereof, which show the location, character, dimensions and details of the work to be done.
12. Right-of-way. A general term denoting land, property or interest therein, usually in a strip acquired or dedicated for or devoted to use as a highway, street, or road.
13. Road bed. The graded portion of a highway within top and side slopes, prepared as a foundation for the pavement structure and shoulders.
14. Roadway. That portion of a highway, street, or road within limits of construction.
15. Road and/or street classification. The classification of highways, roads and streets according to their current or projected functional use and traffic count.
16. Specifications. The body of directions, provisions, and requirements pertaining to

the method or manner of performing that work, and the quantities and quality of materials to be utilized for construction.

17. Subbase. The layer or layers of specified or selected material of designed thickness placed on a subgrade to support a base course.
18. Subgrade. The top surface of a roadbed upon which the pavement structure and shoulders are constructed.
19. Surface course. One more layers of a pavement structure designed to accommodate the traffic load, the top layer of which resists skidding, traffic abrasion and the disintegrating effects of climate.
20. Town. The Town of Richfield, Wood County, Wisconsin.
21. Traveled way. The portion of the roadway for the movement of vehicles exclusive of shoulders and auxiliary lanes.

C. Procedures:

Persons or developers proposing the creation or reconstruction of a street or road to be accepted by the Town of Richfield shall follow the following procedures:

1. Owners or developers of property seeking to create, construct, or reconstruct any street, highway, road, for acceptance by the Town Board shall submit and application to the Town Board containing the following information:
 - a. A plan of the proposed highway, road or street improvement showing the location and design of the roadway. The plan shall be drawn to scale with sufficient dimensions and descriptions to allow the Town Board to determine the location of the proposed road, its relation to the property and other roads in the area, the slope of the land over which the road passes, proposed highway, road or street grades, drainage or ditch information including proposed culvert sizes and locations, proposed depth of subbase and base courses, and the nature of the proposed surface course and a typical section of the road, and the date of expected construction. The plan submitted shall also include an estimate of total construction costs for the proposed improvement.
 - b. The Town Board or its designee shall examine the application and the site of the proposed highway. After examination, the Board may require additional information from the abutting property owners to determine if

the proposed road meets the requirements of this ordinance and of applicable State Statutes.

- c. In the review of the road application, the Town Board will consider: present and future traffic patterns in the area of the proposed highway; future use of land the vicinity of the proposed highway; the relationship of the proposed highway to existing highways; the design safety of the proposed highway and of its intersections; the adequacy of the drainage; and other matters that would affect the maintenance, drainage, safety and traffic flows of the proposed road and nearby highways.
- d. The Town Board shall accept, or accept with modifications, or reject the application for the proposed highway. If the application is rejected, the Town Board shall state reasons for the rejection consistent with this ordinance.
- e. The applicant may begin work at applicant's expense on any road or other improvements required by the Town at his own risk after approval of the application. All improvements shall be installed according to the provisions of this Ordinance and the road plans and the Final Plat as approved by the Town Board. Before recording a Final Plat with the County Register of Deeds, the applicant shall enter into a contract with the Town agreeing to install all required improvements and shall file with said contract a surety bond or other satisfactory security meeting the approval of the Town Attorney as a guarantee that such improvements will be completed by the applicant or his subcontractors within one year or a time limit established by the Town Board. In order that adequate inspections can be made, the applicant shall notify the Town Board one week prior to the time each improvement is to be installed and upon completion of the project. The Town Board or its designee may monitor the construction work of compliance and shall have authority to order corrective measures to bring the work into compliance.

D. Standards:

1. Design Standards: Proposed highways, roads, and streets shall be designed and constructed in accordance with current engineering practice as enumerated in the latest edition of the Wisconsin Department of Transportation's Facility Development Manual and Standard Specifications for Road and Bridge Construction. In addition, the proposed roads shall meet the minimum standards set out herein and in Section 86.26 Wisconsin Statutes.

- a. All roads shall be centered in a right-of-way not less than 66 feet in width which right-of-way shall be deeded or dedicated to the Town.
- b. The height of the road bed in relating to the surrounding land shall be approved by the Town Board prior to commencement of construction.
- c. The right-of-way shall be graded and finished to prevent soil erosion and provide adequate drainage for surface runoff from the roadway. Any ditches or channels required outside the right-of-way to carry roadway runoff shall be provided at developer's expense through the use of temporary (construction) drainage easements and permanent drainage easements on the property through which the road passes.
- d. The Town Board shall have the authority to retain an engineer to assist the Town Board in the review of the applicant's plans for compliance with roadway design requirements including grades, drainage, culvert size and placement, bridge requirements, pavement structure design and other requirements of this ordinance. The Town Board shall also be authorized to inspect or retain an engineer to inspect the construction of any road. The Town will be responsible for the payment of engineering services to review the applicant's plans and construction inspections when those engineering services are utilized to protect Town interests.
- e. Engineering services required by the applicant to prepare plans and specifications for Town Board review and supervise any construction work shall be paid by the applicant.
- f. Applicants may request deviation from these design and construction standards in special cases where the strict application of the standards are impractical and where such deviation is not contrary to the public interest, safety and intent of this ordinance.

2. Construction Standards: Except as specifically provided herein to the contrary:

- a. Roads or streets with a 20-year projected traffic count of 0-250 vehicles per day shall be constructed to meet or exceed the standards set by Wisconsin Statutes, Section 86.26 (1)(c).
- b. Roads or streets with a 20-year projected traffic count of 251-400 vehicles per day (ADT) shall be constructed to meet or exceed the standards set by Wisconsin Statute Section 86.26 (1)(d).

- c. Roads or streets with a 20-year projected traffic count of 401-1000 vehicles per day (ADT) shall be constructed to meet or exceed the standards set by Wisconsin Statute Section 86.26(1)(e).
- d. Roads or streets with a 20-year projected traffic count of 1001-2400 vehicles per day (ADT) shall be constructed to meet or exceed the requirements of Wisconsin Statute Section 86.26(1)(f).
- e. Roads or streets with a 20-year projected traffic count in excess of 2401 vehicles per day (ADT) shall be constructed to meet State Highway requirements.
- f. The road bed shall be constructed to the elevations and grades shown on the approved plans. A normal minimum cross slope of two hundredths of a foot per foot shall be used on the subgrade, subbase, base and surface levels. Cut or fill ditch slopes and back slopes will be constructed at a one foot vertical to four foot horizontal measurement unless otherwise approved by the Town Board.
- g. The typical section and pavement design will be the basic standard used by the Town Board in the review and approval of the road of street structural adequacy.
- h. Granular Subbase Course: when a granular subbase course is utilized in the construction of any road or street, it shall be installed in accordance with section 212 of the State of Wisconsin Department of Transportation Standard Specification for Road and Bridge Construction. The material used should be sand or shell rock at a depth of 12 inches with layment of 6 inches of road base making a total of 18 inches minimum.
- i. Base Course: Crushed aggregate base course meeting the Wisconsin Department of Transportation Standard Specifications for Gradation 2 in Section 304 shall be furnished and installed to the depth and with shown on the plans. Construction methods shall be in accordance with Section 304.5 of the Wis. DOT Standard Specifications. The Town Board shall be given a copy of the gradation test results of the material prior to installation. Unless otherwise shown by the pavement structural design the minimum thickness of the crushed aggregate base shall be six inches.
- j. Surface Course: The surface course shall be a two inch single aggregate

bituminous pavement. A time schedule for placement of the surface course shall be submitted along with the applicant's plan submittal.

- k. All dead-end or "stub" roads shall terminate with a turnaround not less than 132 feet in diameter of right-of-way.
- l. A permit shall be required for installation of any bridge culvert adjacent to or within the right-of-way of any Town road. The form shall be that then used by Wood County for culvert installation applications, and said form shall be submitted to the Town Clerk or Town Chairman prior to commencement of any culvert installation. The Town Board shall approve the location, size, length, and elevation of any bridge or culvert to be installed within the roadway or required outside of the right-of-way to carry storm drainage. Storm drainage design shall be based on a 10 year storm for roads or streets of less than 1000 ADT and a 25 year storm for roads or streets within an ADT of 1001 or higher.

Approval of such application may, at the discretion of the Town Board, be subject to review or inspection pursuant to paragraph D.1.d, above.

3. Construction Inspection: The Town Board or its engineer will inspect the construction of the proposed roads or streets during the various construction work phases. The usual inspection periods are:
 - a. Prior to the covering of culverts, completion of drainage enhancement facilities, or during bridge construction.
 - b. After final grading of the road subgrade.
 - c. Upon completion of the subbase course if any.
 - d. Upon completion of the placement of the crushed aggregate base course.
 - e. Upon completion of the surface course.
 - f. At other times when the Town Board or its engineer determines significant construction activities are taking place.
 - g. Inspection Costs: The costs of any inspection of construction activities or materials that determines that the construction standards have not been met or are not meeting the requirements of this ordinance shall be billed back

E. Bridge Costs: As a basic rule, the cost of bridges and/or culverts on roads of less than 1000 ADT, will be paid entirely by the developer of the proposed road. Generally the cost of bridge or culvert installation on roads or streets of (1001 ADT or greater) will be paid as follows: two-thirds by the developer, and one-third by the Town. If the Town Board determines that these general principals for payments for bridges or culverts impose undue hardship on the owner/developer affected thereby, the Town Board may do the following:

1. Accept the proposed road upon completion of all of the construction on the proposed road except the bridges or culverts and the approaches thereto with the understanding that the Town will complete installation of the bridges and/or culverts and will complete the approach thereto, and that all or a portion of the cost of installation of the bridges and/or culverts, and all or a portion of the cost of completion of approaches may be billed back to the owner/developer in accord with the general rules on cost allocation or otherwise in accord with this ordinance.
2. The Town Board may alter the general payment rules set out herein to provide that the owner/developer shall pay some other fractional portion of the cost of construction, or all the cost of construction in excess of the cost not covered by construction aids.
3. It is the intent of this section to allow the Town Board to complete construction of bridges and/or culverts in a manner which reduces the cost of construction and which makes the cost of construction bearable where nature has created extreme road or bridge construction conditions and completion of such construction is determined by the Board to be in the best interest of the Town of Richfield.

F. Acceptance of Roads: After the final inspection of a proposed road by the Town Board or upon submission of a Plat dedicating such road to the Town, recommendation shall be made for action to accept or reject the road at a regular or special meeting of the Town Board. If the road is rejected, the reasons for the rejection must be specified, and developer shall be provided reasonable opportunity to correct the conditions, so that acceptance and review of the decision may be made. Upon final inspection of the proposed road, the owner or owners of the land within the right-of-way and any necessary adjacent drainage land shall convey the

right-of-way and any required adjacent land to the Town by warranty deed. Copies of drainage easements placed on properties not deeded shall be furnished to the Town for its records.

Section III.

A. Penalties: Any person who shall violate any of the provisions of the Ordinance, or shall violate any of the provisions of the Wisconsin Statutes or County Ordinance incorporated herein by reference, shall upon conviction thereof be subjected to a forfeiture of not less than \$25.00 nor more than \$250.00, and the costs of prosecution, and in default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the Wood County Jail for a period not exceeding ninety (90) days. Each day in which any violation continues shall be deemed an additional violation.

B. Enforcement: In addition to any forfeiture imposed by this ordinance or any other law, the Town:

1. May take legal action to enjoin any violation of this ordinance.
2. Shall have a right of recovery from any responsible person or persons for any expense incurred by the Town, including:
 - a. Costs of correction of any damage to Town roads, or of any condition necessary to safeguard Town roads and adjacent Town property.
 - b. For actual costs of enforcement of this Ordinance, including reasonable attorney's fees, to the extent not prohibited by other applicable law.

Section IV.

If any section, clause or provision of this ordinance should be found invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section V.

This ordinance shall be effective for all roads or streets for which construction is commenced after passage and posting as required by law and in addition, shall be applied to all roads or streets under construction at the time of passage and posting for which the

grading of the entire road bed has not been completed at the time of passage and posting of the ordinance.

Adopted this 14th day of May, 2012 by the Town Board of Supervisors of the Town of Richfield, Wood County.

For a signed copy please contact the Town of Richfield Clerk.