

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF POUND
MARINETTE COUNTY, WISCONSIN**

Chapter 13: Subdivision Highway Ordinance

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Chapter 5: SUBDIVISION HIGHWAY ORDINANCE

5.0100 TITLE/PURPOSE

This ordinance is entitled the Chapter 13: Subdivision Highway Ordinance of the Code of General Ordinances of the Town of Pound, Marinette County, Wisconsin.

The Purpose of the ordinance is to regulate the location and construction of any future subdivision road that will connect to any public road in the Town of Pound. The ordinance will set forth an orderly procedure for obtaining a Subdivision Highway Construction Permit, and will establish permit fees and penalties for failure to obtain a required permit.

5.0200 AUTHORITY

The Town Board of the Town of Pound has been granted village powers pursuant the Sec. 60.10 Wis. Stats, and has the specific statutory authority, powers and duties pursuant to applicable State Statutes, including Section 60.10, Section 66.0425 and Section 86, to regulate, control, prevent and enforce against the Town of Pound certain uses, activities, businesses and operations by persons that may affect the public works and infrastructure in the Town of Pound and to act for the health, safety and welfare of the public.

5.0300 GENERAL PROVISIONS

To insure compliance with the standards created by this ordinance, no person shall commence construction of any highway which is intended to provide future public access to more than one (1) land owner without providing detailed plans of the proposed highway construction and obtaining a permit for such construction from the Town Board's designee, along with a copy of this ordinance and a typical cross section.

5.0301 Costs of Construction

All costs incurred by the Town of Pound in the development and construction of said highway shall be born by the private landowner or developer.

5.0302 Applicability of State and County Rules and Regulations

If the proposed highway will connect a County or State Highway, the Wisconsin Department of Transportation, the Marinette County highway Department and the Marinette County Zoning Administrator will establish the rules and regulations regarding conditions for the permit and compliance with the permit.

5.0303 Requirements Governing Subdivision Highway and Connection with Public Road

- A. The subdivision highway must be designed and constructed in such a way that it will not cause any damage to the town road nor create any hazard to the public as they travel on the town road.**
- B. In order to meet this requirement, the Town Board's designee will determine (based on the specific location) whether or not a culvert is required and, if so, the minimum diameter and length of the culvert.**
- C. The Town Board designee will also determine the angle and slope of the connecting portion of the subdivision highway and whether any erosion control devices must be installed at or near the connection in order to minimize damage to the public road.**

5.0304 Minimum Dimensional and Spatial Requirements

- A. The minimum road width at the connection shall be 20 feet, with a minimum width clearance of 24 feet and a culvert, if necessary, no less than 30 feet long.**
- B. The minimum height clearance, free of trees, wires, etc., shall be 16 feet.**
- C. The road shall have a minimum sub-base of (8) inches of pit run with a base course of 6 inches of compacted crushed $\frac{3}{4}$ " gravel or limestone at grade.**
- D. The subdivision highway within the area of the public right-of-way shall slope away from the connection at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road as measured from the edge of the roadway.**
- E. The angle of any connection of a town road and subdivision highway shall be no less than 90 degrees for a horizontal distance of 50 feet from the connection as measured from the edge of the roadway.**
- F. The subdivision highway shall have an adequate sight distance along the town highway in both directions.**

5.0305 Right-of-way width and length

All Subdivision highways shall have a right-of-way width of 4 rods (66 feet) and a length of not less than 500 feet. Additional right-of-way must be provided in cuts to allow a minimum ditch depth of 24 inches at the 22 feet from centerline of road.

5.0306 Clear Zone

A minimum clear-cut width of not less than 50 feet and height clearance of 16 feet shall be acceptable. Extra clear cut width to be determined by the Town Board's designee at the time of the permit application and site inspection. This means all debris be removed including stumps, rocks, fence, brush, etc.

5.0307 Cul-de-sac

All dead-end highways regardless of length shall have a solid turnaround with a radius of 60 feet on the centerline of said highway or a "T" type turnaround. Said "T" shall be at right angles to the centerline of the highway, have a 66 foot wide right-of-way and be not less than 50 feet long on either side of the highway center line. The Town Board's designee shall be consulted on which method to utilize at the time of the permit application and the site inspection.

5.0308 Highway width

Town highways with an estimated average daily traffic count of less than 100 vehicles shall have a minimum roadbed width of 24 feet with an 18 foot driving surface.

Town highways with an estimated average daily traffic count of 100 to 250 vehicles or more shall have a minimum roadbed width of 28 feet with a 20 foot driving surface.

5.0309 Variance

Any variance from these requirements must have prior approval from the Town Board.

5.0310 Subdivision Highway Name

New highway names shall not duplicate the names of existing highways, but highways that are continuations of others already in existence and named, shall bear the names of the existing highways. Highway names shall be assigned as set forth in Chapter 81.01 (11) of the Wisconsin Statutes and shall be subject to approval by the Town Board.

5.0311 Construction Standards

Sub-Base: The entire width of a subdivision highway shall have a minimum sub-base of (8) inches of pit run with a base course of 6 inches of compacted crushed $\frac{3}{4}$ " gravel or limestone. More pit run, crushed gravel or limestone may be needed to create stability in problem areas.

5.0312 Driving Surface

Two options are available. The appropriate application will be determined by the Town Board's designee based on estimated traffic count.

A. Option 1 shall be a minimum two (2) inch compacted Asphalt Type AC Penetration 120-150 Single Aggregate Bituminous Pavement 18 or 20 feet wide.

B. Option 2 shall be a minimum two and one half (2 1/2) inches of compacted cold mix 18 or 20 feet wide.

1. All surfacing shall be crowned a minimum of $1\frac{3}{4}$ inches at the center of the highway to allow water to run to the shoulders. Minimum height to highway top in low lying areas will be at least 2 feet above normal water level.

2. Gravel applied to the shoulder shall be flush with the paved area or driving surface.

3. All muck and foreign material, stumps, large rocks, etc. shall be removed and replaced with sand or pit run and brought up to grade before the sub-base shall be applied.

5.0313 Ditches

Subdivision highways shall have a ditch on each side, the bottom of which shall be a least one (1) foot below the bottom of the sub-base. Deeper ditches may be necessary to provide adequate drainage. The Town Board's designee shall determine if a ditch is needed.

5.0314 Back and Side Slopes

All Subdivision highways shall have an 8 foot side slope with 3:1 pitch, except where geographic features or terrain would not allow for same as determined by the Town Board's designee. Back slope shall be a maximum of 2:1 pitch.

5.0315 Culverts

The Town Board's designee shall decide if one or more culverts are necessary, and the location and size of said culvert(s). The culvert(s) shall be of galvanized steel or material of equivalent strength and endurance and a size adequate to insure proper drainage, with a minimum drop of 2" across the highway. Multiple part culverts are to be banded with a band of the same size and gauge as the culvert. All costs associated with the purchase and installation of said culvert(s) shall be the responsibility of the landowner or developer.

5.0316 Bridge Design

See Wisconsin Statue 86.265 Rules for Town Road Bridge Standards.

5.0317 Curves and Inclines

All curves and inclines shall be constructed in accordance with the standards set forth in Section 86.26 of the Wisconsin Statutes which standards are incorporated herein by reference. Maximum grades of 10% at intersections with existing roads +or- 1% for the first 200 feet.

5.0318 Seeding

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

5.0319 Highway survey

All applications for Town highways shall be accompanied by a survey of said highway with a corresponding legal description. The survey shall be performed by a registered land surveyor. The cost for said survey to be the responsibility of the private landowner and /or developer.

5.0320 Typical Cross section

Attached hereto and made a part of this ordinance.

5.0321 Applicability

This ordinance shall apply to all subdivision highways; construction of which is completed after the effective date of this ordinance and all existing subdivision highways which may in the future become dedicated for public use if submitted to the Town as a Town Highway.

5.0322 Signing

Signing will be done by the Town in accordance with United States Department of Transportation, Federal Highway Administration's Manual on Uniform Traffic Control Devices.

5.0323 Filling of Ditches and Culverts

Filling of ditches and or culverts located within a public right-of-way is prohibited without written approval from the Town.

5.0400 PROCEDURE AND FEES

Application for a Subdivision Highway Construction Permit to connect a town road should be made to the Town Board's designee. The application will include the legal description of the property, a rough drawing of the proposed highway site including grade, slope, width, length and erosion control procedures and payment of the required fee.

5.0401 Effect of Permit

The Subdivision Highway Construction permit is effective for 12 months from the date of issuance. The permit shall expire after 12 months unless renewed. The permit may be renewed for one additional 12 month period. If the Subdivision Highway has not been constructed by the end of this period, a new application must be submitted and approved.

5.0402 Onsite Review

The Town Board's designee will make an appointment to meet with the applicant at the site to discuss the specifics of the highway. Any specific requirement will be entered on the permit and written permission will be given to begin construction. A variance to this ordinance can be granted by Town Board action.

5.0403 Costs of Construction

All expenses of construction and materials will be the responsibility of the applicant. Under no circumstances will the Town of Pound perform the actual work of constructing the highway or setting the culvert, but the Town Board's designee may require a town employee be present to oversee the construction.

5.0404 Mitigation and Correction

If the requirements and procedures of this ordinance are not followed and a subdivision highway is constructed in such a way as to cause damage to the town road or create a hazard to public safety, the Town will require that the highway be changed to correct these flaws at the private owner's expense.

5.0405 Minimum Number of Inspections

Continual inspection of the subdivision highway by the Town Board's designee during all phases of construction is necessary if the highway is to be considered for addition to the Town Highway System. A minimum of three inspections must take place at the following phases of construction:

- A. Sub-base grading**
- B. Crushed aggregate base course; and**
- C. Driving surface course**

5.0406 Inspection Report

Subdivision Highway Construction Permit includes initial on-site consultation, any interim inspections or consultations as necessary, and final site inspection and approval.

5.0407 Town Board Approval

An inspection report and recommendation of approval will be given to the full Town Board at which time the Board will approve each phase of construction. The highway will be accepted as a Town Highway only after final approval by the Town Board and the receipt of a warranty deed conveying title of the entire right of way to the Town of Pound, or through plat dedication per Chapter 236 of Wisconsin Statutes.

5.0408 Building Permits

No building permit, for construction of any kind, will be issued until such time as the above criteria have been met.

5.0409 Fee

The fee for a Subdivision Highway Construction Permit shall be defined in the Town of Pound Fee and Penalty Schedule.

5.0500 PENALTIES

Any highway constructed on land in the Town of Pound in violation of any of the provisions of this Ordinance shall be deemed to be an unlawful highway.

5.0501 Unlawful Highways

Any person who constructs an unlawful highway, which connects a town road in the Town of Pound in violation of any provision of this Ordinance, shall incur a penalty as defined in the Town of Pound Fee and Penalty Schedule. Each day a violation continues without action taken to remedy the situation constitutes a separate offense.

5.0502 Failure to Obtain Permit

Failure to procure a permit before establishing a subdivision highway shall incur a penalty as defined in the Town of Pound Fee and Penalty Schedule.

5.0503 Additional Penalties

Any person who constructs an unlawful highway, which connects a State or County Highway on land in the Town of Pound, will be subject to any penalties, forfeitures of conditions established by the State of Wisconsin and/or Marinette County.

5.0504 Costs of Mitigation and or Correction of Unlawful Highways

Any physical changes required by the Board of the Town of Pound to an unlawful highway to bring the highway into compliance with the terms of this Ordinance and the terms of the Subdivision Highway Permit will be made at the private owner's expense.

5.0600 DEFINITIONS

For the purpose of this ordinance the following definitions shall be used:

Driveway is a private road, field access road, or other avenue of vehicular travel that runs through any part of a private parcel of land and that connects or will connect to a public highway or private road.

Field Access Road is a road used only for agricultural purposes or to access agricultural land.

Private Road is a privately owned strip of land serving as access from a public highway to more than three (3) parcels of land and or residences (driveways); title to said parcels of land are not held by the same individual(s). If said road serves more than three (3) parcels of land and or residences it is considered a private road.

Town Highway is any Public Highway that the Town of Pound holds fee simple title to or has prescriptive rights in. Generally, Town of Pound considers a highway to be a town highway is it appears on the Town's gas tax map.

Subdivision is a division of a lot, parcel or tract of land by the owner thereof of the owner's agent for the purpose of sale or of building development, where:

The act of division creates 5 or more parcels or building sites or

Five or more parcels or building sites are created by successive divisions within a period of 5 years.

Subdivision Highway Construction Permit is a permit to construct a roadway from a town road, through the public road right of way to private property. Issued by the Town of Pound.

Dwelling. Per state definition of meeting five of eight characteristics pertaining to dwelling as referenced in MFL legislation and according to Wisconsin Administrative Code NR 46.15(9) or if structure is occupied on a full time basis.

Connection means the portion of the driveway that connects through the public right of way to a public roadway.

Parcel means contiguous land under the control of a land divider not separated by streets, highways, navigable rivers, or railroad right-of-way.

Owner/Landowner is the Party who has legal title to the land or the designated agent of same.

Town Right-of-Way is the strip of land over which a public road is built. Town of Pound roads are presumed to be four (4) rods (66 feet) in width unless originally deeded to the town with a lesser width specified.

5.0700 EFFECTIVE DATE

This Ordinance shall apply to tax parcels created and recorded in the Marinette County Register of Deeds office after the date of publication and enactment of this ordinance.

5.0800 VALIDITY OF PORTIONS

If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid of unconstitutional by any Court or Competent Jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

This ordinance shall take effect upon adoption by the Board of the Town of Pound and publishing or posting as required by law.

