

TITLE 6

Public Works

- Chapter 1** Highway Construction
- Chapter 2** Driveways; Culverts

ORDINANCE NO. 1-2007
TOWN OF CADY

An Ordinance Amending Ordinance No. 2-2005 Regulating Highway Construction

The Town Board of the Town of Cady, St. Croix County, Wisconsin, hereby ordains as follows:

Section 1. Town of Cady Ordinance No. 2-2005 Sec. 6-1-1 (r) (2) shall be amended to read as follows:

(2) **Submittal.** The completed permit application shall be submitted to the Plan Commission along with a preliminary plan view showing the extent of the development, if any, the point(s) of access to an existing public highway(s), the location and length of the new Town highway centerline, and preliminary lot layout for all lots which will be provided access by the Town Highway. The applicant shall also submit road construction plans prepared by an engineer which show to the Town's satisfaction that the road shall be built to town specifications.

Section 2. Town of Cady Ordinance No. 2-2005, Sec. 6-1-1 (t) shall be amended to read as follows:

(t) **Expert Assistance.** The Town Board may hire a consultant(s) (such as the Town Engineer, County Highway Commissioner, etc.) to review the application, certified survey map/plat and site, if necessary. The cost of the consultant and all costs incurred in the development and construction of said Town highway shall be the responsibility of the applicant and/or property owner on whose property the road is being built. The Town may, at its option, consider the property owner to be primarily responsible. At the time of road permit application, the applicant shall be required to pay to the Town a review deposit in the amount of Five Hundred Dollars. Said amount shall be used to pay any consultants the Town retains to review the road permit application. In the event the amount deposited with the Town falls below twenty-five percent (25%) of the amount originally required to be deposited, the Town Board shall have the authority to require the applicant to replenish the amount on deposit to the original amount required in this section. If the deposit amount is not replenished the Town will not process the application any further. After the road is completed and accepted by the Town and all consultants are paid, any amounts remaining on deposit shall be refunded to the applicant. Any costs the Town incurs in reviewing a road permit application, including consultant costs as provided herein, shall be considered special charges for current services to the property under Wis. Stat. 66.0627. If the applicant and/or property owner fails to pay any consultant fees when billed, such amount remaining unpaid shall be certified against the property on which the road is built or proposed to be built as a special charge under Sec. 66.0627 for collection along with the property taxes.

Section 3. Except as amended above or by other ordinances amending

Ordinance No. 2-2005, all other provisions of Ordinance No. 2-2005 shall remain as originally adopted and shall be in continuing effect.

Section 4. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

Adopted by the Town Board this 2 day of January, 2007

TOWN OF CADY

Dennis Blegen
Dennis Blegen, Town Chair

ATTEST: Carla Greiber
Carla Greiber, Town Clerk

Posted: 1/3/2007

Title 6 ► Chapter 1

Highway Construction

6-1-1 Town Highway Construction Standards

Sec. 6-1-1 Town Highway Construction Standards.

- (a) **Purpose.** The purpose of this Section is to promote the safety and general welfare of the citizens of the Town of Cady, St. Croix County, Wisconsin, and others who travel the Town's highways by providing for the orderly layout and construction of Town highways, roads and streets ("highway" and/or "road"). If a new parcel(s) is being created by subdivision or certified survey map causing the need for new highways, roads or streets, the location of such new highways, roads or streets shall be approved by the Town Board, following a recommendation of the Plan Commission, pursuant to the Town's Land Division Ordinances.
- (b) **Definition.** Per Chapter 82, Wis. Stats., all Town roads, highways or streets shall be termed "Town highways." A "Town highway" is any highway that the Town of Cady holds fee simple title to or has prescriptive rights in. Generally, the Town of Cady 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.
- (c) **Naming of Highways.** Prior to completion of a new highway application, proposed highway names shall be submitted to both the Town of Cady and St. Croix County for preliminary approval, with particular attention paid to the needs of emergency personnel and vehicle response requirements. Highway names shall be assigned as set forth in Sec. 82.03(7), Wis. Stats., and shall be subject to approval by the Town Board.
- (d) **Right-of-Way Standards.** Per Sec. 82.18, Wis. Stats., all Town highways shall have a right of way width of sixty-six (66) feet or greater unless, in the Town Board's discretion, that width is impractical solely due to unique terrain characteristics of the location. If the Town Board determines that a sixty-six (66) foot width is impractical, the width shall be determined by the Town Board but shall be at least forty-nine and five-tenths (49.5) feet in width. The Town Board reserves the right to require rights-of-way greater than sixty-six (66) feet where it is deemed necessary for anticipated heavy traffic, vision clearance or other public purpose needs.
- (e) **Clear-Cut Zone.** In locating new Town roads in heavily wooded areas, a minimum clear-cut width of not less than thirty (30) feet from the centerline shall be acceptable. Said

clear-cut width shall be recommended to the Town Board by the Town Superintendent of Highways or Town Chairperson at the time of the permit application and site inspection.

(f) **Length.** No Town highway right-of-way shall be less than five hundred (500) feet in length, unless a variance is granted by the Town Board due to the nature of the development.

(g) **Dead-End Highways.**

(1) **Turnaround Requirements.** All dead-end highways, regardless of length, shall have a cul-de-sac or a "T" turnaround, as directed by the Town Board.

(2) **Cul-de-Sac Radius Specifications.** A cul-de-sac right-of-way radius shall be a minimum of eighty (80) feet, have a base course radius not less than sixty-two (62) feet, and a pavement radius not less than sixty (60) feet.

(3) **"T" Turnaround Standards.** A "T" turnaround shall be at right angles to the centerline of the highway, have a sixty-six (66) foot wide right-of-way, a minimum base width of not less than thirty-four (34) feet, a minimum paved surface of not less than twenty (20) feet, and be not less than sixty (60) feet long on both sides of the highway centerline.

(4) **Construction Standards.** Construction standards for a "T" turnaround and a cul-de-sac shall be the same as those delineated under Subsection (i) below. All Town highway requirements for shoulders, clearance and ditching shall apply to the entire length of the "T" turnaround and the cul-de-sac.

(h) **Highway Width.**

(1) **Standard Highways.** Town highways with a projected average daily traffic count shall have a twenty-two (22) foot minimum of paved driving surface, gravel shoulders a minimum of two (2) feet in width, and a surface crown of 2.2% slope at the centerline of the highway. The Town Board may approve a narrower pavement width if it is deemed that a twenty-two (22) foot width is impractical due to the unique physical limitations of the proposed highway location.

(2) **Commercial/Industrial Traffic Highways.** Commercial/industrial highways may require greater structural requirements than those residential requirements specified in this Section. Any additional construction requirements, and final approvals, shall be determined by the Town Board.

(i) **Construction Standards.** All highways constructed in the Town shall fully comply with the following construction standards:

(1) **Topsoil Removal.** All topsoil shall first be removed. In order to ensure a stable foundation for the roadway, unstable fill, stumps, marsh/swamp material, 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 Town-approved materials and brought up to grade before the sub-base is placed. Where such potentially unstable sub-base materials exist, the Town Board may require that such removed material be replaced with a minimum of eighteen (18) inches of fabric-reinforced sand where deemed necessary by the Town Board due to soil types.

- (2) **Sub-Base.**
- a. The width [see Subsection (h) above] of all highways shall have:
 1. A compacted sub-base of eight (8) inches of breaker rock [three (3) to six (6) inch crusher run stone];
 2. Twelve (12) inches of sand: and
 3. A top course of five (5) inches of compacted one and one-quarter (1 1/4") inch gravel, limestone or other Town-approved material; each course shall be compacted at each interval.
 - b. Additional material may be needed to create stability in problem areas. The need for additional sub-base material(s) will be determined by the Town Board, following a recommendation from the Superintendent of Highways, with assistance by an engineer employed by the Town, if needed.
- (3) **Shoulders; Utility Setbacks.** Crushed limestone shall be applied to the shoulder compacted flush with the paved area at a width of two (2) feet. Utility setbacks shall be twelve (12) feet on each side of the highway.
- (4) **Surfacing.** Surfacing shall be an applied minimum of two and one-half (2-1/2) inches of Asphaltic Type AC Penetration 120-150 Single Aggregate Bituminous Pavement (compacted). The Town Board may require greater pavement thickness where traffic volumes and composition dictate the need.
- (5) **Cleanup.** All unearthed rubbish or similar materials shall be removed from the site.
- (j) **Ditches.** Ditching of the roadway must be complete and have proper elevation to provide adequate drainage. The Town Board, upon the recommendation of the Superintendent of Highways, shall determine the ditching requirements pursuant to Section 14-1-71 standards.
- (k) **Back and Side Slopes.** All highways shall have an eight (8) foot fore slope and back slope with a four to one (4:1) 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 foot (2 1/2:1).
- (l) **Town Highway Culverts.**
- (1) **Minimum Length.** Any Town under-highway culvert necessary for proper drainage shall be installed after proper elevation and location is obtained from the Town Superintendent of Highways, with assistance from an engineer, as needed. The minimum length of any culvert installed in a road bed shall be, at a minimum, two (2) feet greater than the base course width. Apron end walls shall be installed as dictated by the Town Superintendent of Highways.
 - (2) **Culvert Diameter.** The culvert diameter and length shall be subject to the approval of the Town Board, following a recommendation from the Superintendent of Highways, after the amount of flowage is determined. In no case shall the culvert be less than eighteen (18) inches in diameter.
- (m) **Private Driveway Culverts.** The developer/applicant shall be responsible for the installation of all private driveway culverts, and the cost thereof, necessary to serve parcels fronted by the new highway. Private driveway culverts shall be installed as prescribed in the Town of Cady's ordinances governing private driveway culverts.
- (n) **Curves and Inclines.** All curves and inclines shall be constructed in accordance with the standards set forth in Sec. 86.26, Wis. Stats., which are incorporated herein by reference.

(o) **Vision Corners.**

- (1) **Vision Clearance Triangle.** In each quadrant of every Town highway intersection there shall be a visual clearance triangle bounded by the highway centerline and a line connecting points on them as prescribed. In each quadrant of every highway intersection, there shall be designated a visual clearance triangle bounded by the road centerline and a line connecting then three hundred (300) feet from a "Class A" (state or federal numbered) highway intersection, two hundred (200) feet from a "Class B" (county trunk) highway intersection, and one hundred fifty (150) feet from a "Class C" (Town highway) intersection. If two highways of a different class intersect, the largest distance shall apply to both centerlines. Within this triangle, no object over two and one-half (2-1/2) feet in height above the roads shall be allowed if it obstructs the view across the triangle. Posts or open fences are excluded from this provision. Tree trunks shall be exempt where they are unbranched to a height of ten (10) feet and located a minimum of thirty (30) feet apart.
- (2) **Ground-Mounted Items.** Traffic signs, telephone poles and power transmission poles are permitted. Permanently-mounted ground level equipment must receive approval from the Town Superintendent of Highways prior to installation. The location of said equipment shall be designated by the Town Superintendent of Highways and all locations shall have orange markers. Trees in the vision clearance triangle must not obstruct the view to a height of ten (10) feet.
- (3) **Greater Requirements.** All Town highways intersecting with state or county highways must meet the requirements of the state or county if their vision corner requirements are greater than those of the Town.
- (4) **Trimming Easement.** The property owner/developer shall furnish to the Town of Cady a recordable easement to trim vegetation within the vision corners based on the specifications listed with this Section.

(p) **Access.**

- (1) **Access Limits.** Wherever possible, for each one-quarter mile of an existing Town road not more than one (1) road may be constructed to adjoin the existing road.
- (2) **Access Permits.** The property owner/developer shall obtain a permit from the State of Wisconsin Department of Transportation for access to state and federal highways, and from the St. Croix County Highway Department for access to any county highway.

(q) **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 proper erosion control materials.

(r) **Permit Application.**

- (1) **Permit Required.** No person, partnership, company or corporation shall commence construction of any Town highway which is intended to provide public access to more than one (1) landowner without first obtaining a Town Highway Permit Application and a copy of this Ordinance from the Town Clerk.

- (2) **Submittal.** The completed permit application shall be submitted to the Plan Commission 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 centerline, and preliminary lot layout for all lots which will be provided access by the Town highway.
- (3) **Review; Approval.** The Plan Commission will review the permit application and plan view as prepared by the applicant and make an advisory recommendation to the Town Board. The Town Board shall then consider the application and the Plan Commission's recommendation and make a determination regarding the request.
- (s) **Highway Survey.** All applications for a new Town highway shall be accompanied by a survey of said proposed highway delineating public utility placement and a corresponding legal description for said highway. Said certified survey/plat shall be performed by a land surveyor licensed by the State of Wisconsin. The cost of said certified survey/plat is the responsibility of the private land owner and/or developer.
- (t) **Expert Assistance.** The Town Board may hire a consultant(s) (such as the Town Engineer, County Highway Commissioner, etc.) to review the application, certified survey map/plat, 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.
- (u) **Bridges.** If a bridge is necessary to serve the site, such bridge shall be paid for by the applicant and shall be of a design and location approved by the Town Board, following recommendations from the Town Engineer and other regulation agencies.
- (v) **Phased Construction; Performance Bond.**
- (1) At the option of the Town Board, the applicant(s) may prepare the highway (grade, ditch and gravel, etc.) one year and surface it the next year in order to further compact the roadbed.
- (2) The applicant (i.e. subdivider or landowner) shall be responsible for payment of all costs of highway construction under this Ordinance made necessary by his/her development project, including surfacing. The applicant(s) shall provide to the Town a bond, cash escrow agreement or irrevocable letter of credit which shall 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 account agreement shall be equal to one and one-quarter (1 1/4) times the estimated cost of the required improvements, as determined by the Town. If the required improvements are not completed within an eighteen (18) month period, all amounts held under the escrow agreement, irrevocable letter of credit, 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 (1) year; however, the initial bond shall be required to run one (1) year beyond the initial date of acceptance of improvements.

(w) **Required Inspections; Deficiencies.**

- (1) **Mandatory Inspections.** The contractor shall notify the Town Superintendent of Highways or Town Clerk prior to the start of construction and when each stage of construction is ready for inspection. A minimum of three (3) inspections, paid for by the applicant, shall take place at the following phases of construction, conducted by the Superintendent of Highways, Town Chairperson and/or Town Engineer:
 - a. Clearing, stripping of topsoil and stump removal; shaping of road bed grade and sloping of ditches;
 - b. Application of base course, culverts and seeding; and
 - c. Bituminous surface course, shouldering and cleanup.
- (2) **Inspection Report.** The inspection report shall be completed after each phase of inspection, with a verbal or written report presented to the Town Board.
- (3) **Deficiencies.** Any deficiencies found by the Superintendent of Highways, Town Chairperson and/or Town Engineer shall be corrected before proceeding to the next phase of construction.

(x) **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.

(y) **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.

(z) **Final Inspection.**

- (1) Upon completion of the proposed highway, the Town Superintendent of Highways, Town Engineer and/or Town Board shall proceed to make a final inspection, accepting or rejecting the highway as the case may be. After all of the provisions of this Section have been complied with, the highway will be inspected by the Town Board or designees, 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 in full or arrangements have been made for the payment through written instrument by the developer/applicant. If the highway is rejected, corrections shall be made as recommended by the Town Board before final inspection can then be made again. New highways constructed shall fully comply with all requirements of this Section as a condition of Town acceptance.
- (2) 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 Cady, or through plat dedication per Chapter 236, Wis. Stats., and Town ordinances. Easement documents authorizing the Town to cut vegetation within vision clearance corners shall also be provided. All Town highways conveyed to the Town of Cady 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.

- (aa) **Appeals.** The owner/developer has the right to appeal to the Town Board any decision/recommendation made by the Town Superintendent of Highways or Town Engineer.
- (bb) **Applicability.**
- (1) **Validity After Effective Date.** This Section shall apply to all highways, the construction of which is completed after the original effective date of this Section and all existing highways which may in the future become dedicated for public use or submitted to the Town as a Town highway.
 - (2) **Existing Roads.** This Section shall not require the Town of Cady to construct or reconstruct any existing Town highway to the standards set forth in this Section.
 - (3) **Private Roads.** After the original enactment of this Section, it is the policy of the Town of Cady not to allow private roads. However, private roads which provide access to no more than two (2) lots or parcels may be permitted if first approved by the Town Board. Such private roads shall meet the design requirements for Town roads found in this Section
- (cc) **Acceptance of Private Roads to Town Highways.**
- (1) **Statutory Procedure.** Under the provisions of Sec. 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:
 - a. A legal description of the road to be altered.
 - b. A scale map of the land that would be affected by the application.
 - (2) **Acceptance Standards.** With the adoption of the standards in this Section, the Town Board establishes the standards which existing private roads must meet to be accepted on a road-by-road basis by the Town as a public highway. 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 private road will be at no expense to the Town of Cady. If desired, the cost of said private road improvements will be applied as a special assessment per Sec. 66.0703, Wis. Stats., in an agreed upon time frame.
 - (3) **Certified Survey Map; Warranty Deed; Easements.** 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 Secs. 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 Cady. Easement documents authorizing the Town to cut vegetation within vision corners must also be provided. All Town highways conveyed to the Town of Cady 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.

- (4) **Improvements Completion.** Improvements to the former private road shall be completed within one (1) year of Town Board acceptance.
- (dd) **VariANCES.** Where, in the judgement of the Town Board, it would be inappropriate to literally apply the provisions of this Section, the Town Board may waive or modify any requirement in accordance with this Subsection:
 - (1) **Conditions.** The Town Board may consider the following in exercising its judgment to waive or modify the requirements of this Section:
 - a. The division of land involves the transfer of property within the immediate family.
 - b. Exceptional and undue hardship would result, unique to the parcel involved.
 - c. Other variance conditions spelled out in the Zoning Code governing the parcel which is in effect at the time the application has been filed.
 - (2) **Restrictions on Issuance.** The Town Board may waive or modify any requirements under this Section to the extent deemed just and proper, provided:
 - a. Such relief is granted without impairing the intent and purpose of this Section or the desirable general development of the Town of Cady.
 - b. No variance or waiver may be granted that would be contrary to any Wisconsin Statute, the Wisconsin Administrative Code, County ordinances or the intent of this Section. Financial hardship alone for the applicant to fully comply with the requirements of this Section shall not be the basis for a variance or waiver..
- (ee) **Violations and Penalties.** The Town Board shall authorize issuance of a citation(s) to any person, firm or corporation who violates this Section, subject to the penalty provisions of Section 1-1-6. If found guilty of said violation, and needed correction is not completed within ninety (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 Section shall be paid by the developer/property owner either directly or through the special assessment procedure in Sec. 66.0701, Wis. Stats. No building permits shall be issued for new construction on newly created lots if the highway serving such lot(s) is not in full compliance with this Section.
- (ff) **Highway Signage.** On all highways constructed within the Town of Cady (including private roads), the Town shall determine what signs are needed, including highway name, regulatory and traffic signs, order such signs, and have the signs installed. The statement for said signs and their installation shall be provided to the property owner/developer and shall be paid by the property owner/developer prior to the dedication of the highway.
- (gg) **Conflict of Provisions.** In the event the provisions of this Section conflict with any provision contained in a Town land division or other ordinance, the stricter provision shall be applicable.

Title 6 ▶ Chapter 2

Driveways; Culverts

6-2-1 Construction of Driveways; Placement of Culverts

Sec. 6-2-1 Construction of Driveways; Placement of Culverts.

- (a) **Purpose.** The purpose of this Section is to promote the safety and general welfare of the citizens of the Town of Cady through Town authorization of driveway locations and minimum standards which allow proper drainage of surface waters within Town ditches.
- (b) **Definition.** A "driveway" is defined as a private roadway which serves no more than one (1) parcel of land owned by the same individual(s).
- (c) **Driveway/Culvert Construction Application Required.**
 - (1) **Application Requirement.** No person, partnership, company or corporation shall locate, establish or construct any new driveway or install or replace any culvert without having first obtained a Driveway/Culvert Construction Application from the Town Clerk or Building Inspector who shall collect the fee as determined by the Town Board.
 - (2) **Authorization Required Before Property Use Change.** Prior to the time the use of a property to be served by a driveway changes, the owner and/or his/her agent shall obtain a Construction Application from the Town Clerk/Building Inspector and approval from the Town of Cady before the new use of the property can commence.
- (d) **Driveway Location Approval; Other Agency Approvals.**
 - (1) **Location Approval.** The Town Building Inspector or Superintendent of Highways shall make a recommendation on the location of any driveway which will intersect with any private road or Town highway located within the Town of Cady. The Town Building Inspector or Superintendent of Highways shall make a recommendation on the need for culverts on all driveways. No more than three (3) driveways shall be permitted along the arc of a cul-de-sac. Easements for driveways shall conform to the requirements of this Chapter. Driveway location applications shall be acted on by the Town Board.
 - (2) **Other Agency Approvals.** The property owner/developer shall obtain permission from the State of Wisconsin Department of Transportation for access to state and federal highways, and from the St. Croix County Highway Department for access to any county highway.

(e) **General Requirements and Design Standards.** The location, design and construction of driveways shall be in accordance with the following:

(1) **General Driveway Design.**

- a. All driveway approaches shall be at least twenty (20) feet apart, and there shall be at least ten (10) feet from the edge of the driveway to the property line except by special permission from the Town Board. Driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street/road of the property being served.
- b. Driveways shall in all cases be placed wherever possible as to not interfere with utilities in place.

(2) **Special Requirements for Driveways Over 150 Feet in Length; Special Situations.**

- a. In addition to those driveway requirements prescribed in Subsection (e)(1) above, private driveways one hundred and fifty (150) feet and over in length, measured from the edge of the traveled surface of the intersecting highway to the structure, shall meet the following standards to permit access to principal buildings by Fire Department and/or other public safety authorities:
 1. A minimum of a thirty-three (33) foot right-of-way;
 2. A minimum clear-cut width of twenty (20) feet;
 3. A minimum driving surface of sixteen (16) feet;
 4. A minimum height clearance of fifteen (15) feet; and
 5. A minimum width of twenty-six (26) feet for all aprons and approaches.
 6. The minimum size of a culvert in a road right-of-way shall be eighteen (18") inches, with endwalls, twenty-six (26) feet in minimum length.
 7. In addition for driveways over three hundred (300) feet in length, at least one (1) twenty-five (25) feet in length and eighteen (18) feet in width segment of road surface shall be provided for each three hundred (300) feet of driveway length for turnout purposes.
- b. Driveways of one hundred fifty (150) feet and over accessing parcels on which there are no structural improvements are exempt from the requirements of this Subsection. However, if a structure is subsequently built, all standards and requirements for driveways and culverts prescribed by this Section shall then be fully complied with.
- c. The Building Inspector, based on recommendations of the Fire Department, may require additional clear-cut width clearances and extra driving surface widths to alleviate concerns caused by sharp curves, steep inclines or other situations which could interfere with emergency vehicles properly and safely utilizing the driveway.

(3) **Culverts.**

- a. The Town Building Inspector or Superintendent of Highways shall make a recommendation on the need for culverts for all driveways. If culverts are needed, the Building Inspector or Superintendent of Highways will determine the required culvert diameter, design/type and length based on the site location and drainage needs. Applications shall be acted on by the Town Board. Used culverts are not permitted without Town Board authorization. Double-walled

PVC plastic pipe or concrete culverts may be used provided the Building Inspector or Superintendent of Highways determines adequate cover will be installed and it is determined that such culvert can be so placed as to not routinely be hit and damaged by maintenance and snowplowing equipment. In no case shall the culvert diameter be less than twelve (12) inches nor shall the culvert length be less two (2) feet greater than the width of the driveway. Endwalls need not be constructed unless so directed by the Town Board.

- b. Culverts shall be placed in the ditchline at elevations that will assure proper drainage.
 - c. Material used for backfill shall be of a quality acceptable to the Town and shall be free from frozen lumps, wood, stumps, or other extraneous or perishable/biodegradable materials.
 - d. The minimum cover, measured from the top of the culvert pipe to the top of the subgrade, shall be six (6) inches.
 - e. Erosion control measures shall be implemented as necessary to control erosion when culvert and/or driveways are installed, as directed by the Town.
 - f. The property owner shall install the culvert and be responsible for the cost thereof. Illegal culverts shall be removed at the owner's expense following notice and a prior opportunity to correct. Maintenance of culverts and/or driveways and repair of defective culverts shall be the responsibility of property owners, except when the Town does a re-ditching project and culverts are replaced, the Town will replace the culvert and pay the cost thereof.
- (4) **Drainage; Apron Interference With Pavement Prohibited.** The surface of the driveway connecting with the highway cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage from flowing onto the highway roadbed. Under no circumstances shall such driveway apron extend above any highway pavement surface.
- (f) **Final Inspection/Approval.** The final inspection and approval for driveways will be made by the Town Chairperson, Town Building Inspector or Superintendent of Highways upon completion of construction.
 - (g) **Prohibited Driveways and/or Approvals.** No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the right-of-way limits of any highway in the Town of Cady except as permitted by this Section. As used herein, the term "structure" includes private driveways, a portion of which extends into any highway, and which is in non-conformance with the requirements of this Section. Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town Board.
 - (h) **Applicability.** This Section shall apply to all driveways constructed or reconstructed within the Town of Cady after the original effective date of this Section.
 - (i) **Appeals.** The property owner/developer has the right to appeal to the Town Board any decision and/or recommendation made by the Town Building Inspector or Superintendent of Highways.

6-2-1

- (j) **Enforcement.** No fire/address number or building permit for construction of any kind will be issued until such time as the Driveway/Culvert Construction Application has been approved.
- (k) **Penalties.** Any person, partnership, company or corporation who violates any provision of this Section shall pay, when a permit fee is required, double the required fee and shall remove, alter or correct the installation as ordered by the Town of Cady. If the owner or occupant does not correct the installation as ordered by the Town within the allotted time, the expense and work of correcting the installation shall be done by the Town and the expenses thereof shall be charged against the property as a special charge pursuant to Sec. 66.0301, Wis. Stats., after notice and hearing. In addition, a forfeiture penalty may also be applicable per Sec. 1-1-6, with each day of non-compliance being a separate violation.