

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

Chapter 14: Private Road Ordinance

TABLE OF CONTENTS

Chapter 14: PRIVATE ROAD ORDINANCE

14.0100 TITLE/PURPOSE

14.0200 AUTHORITY

14.0300 GENERAL PROVISIONS

14.0400 REQUIREMENTS FOR THE CONSTRUCTION OF A PRIVATE ROAD ARE AS FOLLOWS:

14.0401 Requirements Governing Private Road and it's Connection with Public Road

14.0402 Private Road Name

14.0403 Right-of-way width

14.0404 Clear Zone

14.0405 Cul-de-sac

14.0406 Highway width

14.0407 Construction Standards

14.0408 Ditches

14.0409 Back and Side Slopes

14.0410 Culverts

14.0411 Bridge Design

14.0412 Curves and Inclines

14.0413 Seeding

14.0414 Registered survey

14.0415 Affidavit of Private Road

14.0416 Typical Cross section

14.0417 Applicability

14.0418 Frontage

14.0419 Filling of Ditches and or Culverts

14.0500 PROCEDURE AND FEES

14.0502 Penalties

14.0600 DEFINITIONS

14.0700 EFFECTIVE DATE

14.0800 VALIDITY OF PORTIONS:

14.0900 EFFECT

Chapter 6: PRIVATE ROAD ORDINANCE

6.0100 TITLE/PURPOSE

This ordinance is entitled the Town of Pound Private Road Ordinance.

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

6.0200 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 Sections. 60.10, 66.0425 and 86.0" 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.

6.0300 GENERAL PROVISIONS

To insure compliance with the standards created by this ordinance, no person shall commence construction of any private road which is intended to provide access to more than three (3) landowners without providing detailed plans of the proposed private road construction and obtaining a permit for such construction from the Town of Pound Board's designee, along with a copy of this ordinance and a typical cross section. All costs incurred by the Town of Pound in the development and construction of said private road shall be born by the private landowner or developer.

If the proposed private road will connects 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.

6.0400 Requirements for the construction of a private road are as follows:

6.0401 Requirements Governing Private Road and it's Connection with Public Road

The private road 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. 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. It will also determine the

angle and slope of the connecting portion of the private road and whether any erosion control devices must be installed at or near the connection in order to minimize damage to the public road. 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. The minimum height clearance, free of trees, wires, etc., shall be 16 feet. It 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. The private road 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. The angle of any connection of a town road and private road 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. The private road shall have an adequate sight distance along the town highway in both directions. Any variance from these requirements must have prior approval from the Town Board.

6.0402 Private Road Name

New road 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.

6.0403 Right-of-way width

All private roads shall have an easement right-of-way width of 4 rods (66 feet). Additional right-of-way must be provided in cuts to allow a minimum ditch depth of 24 inches at 22 feet from centerline of road.

6.0404 Clear Zone

A minimum clear-cut width of not less than 24 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.

6.0405 Cul-de-sac

All dead-end private roads 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.

6.0406 Highway width

Private Roads shall have a minimum roadbed width of 24 feet with an 18 foot driving surface.

6.0407 Construction Standards

- A. Sub-Base: The entire width of a private road shall have a minimum sub-base of (8) inches of pit run with a base course of 4 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.**
- B. Driving Surface: Three options are available. The appropriate application will be determined by the Town Board's designee based on estimated traffic count.**
- C. 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.**
- D. Option 2 shall be a minimum two and one half (2 1/2) inches of compacted cold mix 18 or 20 feet wide. Required for becoming a Town Highway.**
- E. Option 3 shall be a minimum of 6 to 8" of $\frac{3}{4}$ " crushed limestone or crushed gravel.**
- F. 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.**
- G. Gravel applied to the shoulder shall be flush with the paved area or driving surface.**

H. 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.

6.0408 Ditches

Private roads 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.

6.0409 Back and Side Slopes

All private roads 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.

6.0410 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 private road. 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.

6.0411 Bridge Design

See Wisconsin Statue 86.265 Rules for Town Road Bridge Standards.

6.0412 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.

6.0413 Seeding

All disturbed areas (ditches, back slopes, and fills) within the private road 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.

6.0414 Registered survey

All applications for private road 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 registered land surveyor shall provide the property owner with an Affidavit of Private Road which shall be executed in such written form as is entitled to recording in the office of the Register of Deeds in Marinette County, Wisconsin. Said affidavit shall show the private road as surveyed, the legal description for the private road, and the private road certificate which shall read as follows: "The undersigned hereby requests the Town Board of the Town of Pound to grant permission to the undersigned to name private road legally described hereon, and hereby state that it is understood and agreed that such road is a private road which will not be entitled to either maintenance or improvement by the Town of Pound at any time now or in the future unless and until such road has been dedicated to and accepted by the Town of Pound as an appropriate town highway pursuant to the then applicable ordinance governing acceptances of such highway."

The cost for said survey to be the responsibility of the private land owner and /or developer.

6.0415 Affidavit of Private Road

All Affidavits of Private Roads shall have the Town Board approval before recording in the office of the Marinette County Register of Deeds.

6.0416 Typical Cross section

Attached hereto and made a part of this ordinance.

6.0417 Applicability

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

6.0418 Frontage

All lots fronting on a private road shall extend to the center of the private road.

6.0419 Filling of Ditches and or Culverts

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

6.0500 PROCEDURE AND FEES

Application for a Private Road 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 private road site including grade, slope, width, length and erosion control procedures and payment of the required fee. The Private Road 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 Private Road has not been constructed by the end of this period, a new application must be submitted and approved.

The Town Board's designee will make an appointment to meet with the applicant at the site to discuss the specifics of the road. 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.

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 Private Road or setting the culvert, but the Town Board's designee may require a town employee be present to oversee the construction.

The granting of a permit is not certification by the Town of Pound that the private road is safe or adequate for use by emergency equipment.

If the requirements and procedures of this ordinance are not followed and a private road 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 private road be changed to correct these flaws at the private owner's expense.

Continual inspection of the private road by the Town Board's designee during all phases of construction is necessary if the private road is to be considered a public road at a later date. A minimum of two (2) inspections must take place at the following phases of construction:

A. Sub-base grading

B. Crushed aggregate base course; and

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 private road 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.

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

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

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

6.0502 PENALTIES

Any private road 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 road.

Any person who constructs an unlawful private road, 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.

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

Any person who constructs an unlawful private road, 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.

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

6.0600 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 if 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 or 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.

Private Road Construction Permit is a permit to construct a private 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.

6.0700 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.

6.0800 VALIDITY OF PORTIONS:

If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or 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.

6.0900 Effect

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