

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF DOTY
OCONTO COUNTY, WISCONSIN**

CHAPTER 7: BUILDINGS AND CONSTRUCTION

TABLE OF CONTENTS

CHAPTER 7: BUILDINGS AND CONSTRUCTION	7-1
7.0100 UNIFORM DWELLING CODE	7-1
7.0101 Authority	7-1
7.0102 Purpose.....	7-1
7.0103 Scope.....	7-1
7.0104 Wisconsin Administrative Codes Adopted.....	7-2
7.0105 Enforcement.....	7-2
7.0106 Building Inspector.....	7-2
7.0107 Building Permit Required	7-3
7.0108 Building Permit Fee	7-3
7.0109 Disclaimer on Inspection	7-4
7.0110 Violations.....	7-4
7.0111 Penalties	7-4
7.0200 LAND DIVISIONS	7-3
7.0201 Authority.....	7-14
7.0202 Adoption of Ordinance	7-1
7.0203 Land Division Covered.....	7-14
7.0204 Minimum Lot Sizes (Residential Development)	7-14
7.0205 Variances.....	7-15
7.0206 Private & Public Road Construction Requirements.....	7-15
7.0207 General Street Design Standards.....	7-18
7.0208 Specifications for Preparation, Construction, and Dedication of Street Roads.....	7-111
7.0209 Enforcement.....	7-116
7.0300 ROAD DESIGN STANDARDS.....	7-17
7.0301 Purpose.....	7-17
7.0302 Scope.....	7-17
7.0303 Road Construction Standards.....	7-17
7.0304 Town Board Approval	7-17
7.0400 CULVERTS.....	7-18
7.0401 Intent	7-18
7.0402 Exception	7-18
7.0500 ROAD EXCAVATION	7-19
7.0501 Permit Required	7-19
7.0502 Cash Bond.....	7-19
7.0503 Emergency Excavation	7-19
7.0504 Protection of the Public.....	7-20
7.0600 OTHER LAND DIVISION AND ROAD SITUATIONS.....	ERROR!
BOOKMARK NOT DEFINED.	
7.0700 RESERVED.....	7-20
7.0800 RESERVED.....	7-20

7.0900	RESERVED.....	7-20
7.1000	RESERVED.....	7-20
7.1100	RESERVED	7-20

CHAPTER 7: BUILDINGS AND CONSTRUCTION

7.0100 UNIFORM DWELLING CODE

7.0101 Authority

These regulations are adopted under the authority granted by Wis. Stats. §101.65.

7.0102 Purpose

The purpose of this section is to promote the general health, safety and welfare of the town.

7.0103 Scope

A. One and Two Family Dwellings

The scope of this section includes the construction and inspection of stick and manufactured one- and two-family dwellings built since June 1, 1980. The building structure and any heating, electrical, or plumbing systems shall comply with the Wisconsin Uniform Dwelling Code (UDC).

In addition to all requirements of the UDC, for permits issued after January 1st 2023, roof designs and materials must meet the following:

1. Only listed roof coverings tested and rated as class A in accordance with ASTM E108, *Standard Test Methods for Fire Tests of Roof Coverings*, or UL 790, *Standard for Test Methods for Fire Tests of Roof Coverings*, shall be used.
2. The roof covering shall be tested with all of the assembly components representing the as-built condition in service.
3. Any panel products in addition to the structural deck incorporated to improve the fire-performance of the assembly in the test shall be tested with a between-panel joint in the tested assembly.
4. The between-panel joint shall be located in vertical alignment with the appropriate burning brand.
5. The between-panel joint shall be located no further than 6inches (150mm) from the between-panel joint of the wood based sheathing material.

B. Garages

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code and the accessory building requirements of the Oconto County Ordinance.

In addition to all requirements of the UDC, for permits issued after January 1st 2023, roof designs and materials must meet the following:

1. Only listed roof coverings tested and rated as class A in accordance with ASTM E108, *Standard Test Methods for Fire Tests of Roof Coverings*, or UL 790, *Standard for Test Methods for Fire Tests of Roof Coverings*, shall be used.

2. The roof covering shall be tested with all of the assembly components representing the as-built condition in service.
3. Any panel products in addition to the structural deck incorporated to improve the fire-performance of the assembly in the test shall be tested with a between-panel joint in the tested assembly.
4. The between-panel joint shall be located in vertical alignment with the appropriate burning brand.
5. The between-panel joint shall be located no further than 6 inches (150mm) from the between-panel joint of the wood based sheathing material.

C. **Camping Units**

Wis. Stats. ch. 101.63(1) establishes standards for the construction and inspection of camping units set in a fixed location in a campground that is licensed by the Wisconsin Department of Health Services. The standards apply to such units that contain a sleeping place, and that is used for seasonal overnight camping. Wis. Adm. Code § SPS 327.08(9) defines a camping unit as a framed structure or a tent, teepee, yurt, or other structure with fabric roof or walls that is 400 square feet or less in an area, which is used for seasonal overnight camping in a campground.

7.0104 Wisconsin Administrative Codes Adopted

The following Wisconsin Administrative Code chapters, and all amendments thereto, are hereby adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance:

Wis. Adm. Code Chs. SPS 320 through SPS 325, State Uniform Dwelling Code.

Wis. Adm. Code Ch. SPS 327, Camping Units.

Wis. Adm. Code Ch. SPS 316, State Electrical Code.

Wis. Adm. Code Chs. SPS 381 through SPS 387, State Plumbing Code.

Wis. Adm. Code Ch. ILHR 21, except with a more restrictive code that permanent foundations for mobile or manufactured homes shall be a full floating slab to meet State of Wisconsin specifications for thickness and consistency described for size and weight.

7.0105 Enforcement

This section will be enforced by the town using a contract with a certified building inspector.

7.0106 Building Inspector

- A. **Qualifications:** The building inspector shall have the necessary qualifications as stated in ILHR 26.06 and be certified by the state in categories for which the building inspector is appointed. The building inspector shall maintain UDC credentials in good standing with the State of Wisconsin at the building inspector's expense. The building inspector shall maintain liability insurance at the building inspector's expense when performing duties associated with

the town as building inspector.

- B. **General Powers and Duties:** The building inspector shall administer and enforce all provisions of this code and the UDC. The building inspector may at all reasonable times enter upon any public or private premises for inspection purposes. No person shall interfere with the building inspector while in the performance of the duties described herein.
- C. **Unsafe Buildings:** Whenever the building inspector or the town board find any building or part thereof within the town to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Wis. Stats. § 66.0413.
- D. **Records:** The building inspector shall keep a record of all permit applications issued; to include State of Wisconsin Insignia Camp Unit Seal and Uniform Dwelling Code seal.
- E. **Permits** shall be marked in order and shall coordinate with the seal numbers purchased from the State of Wisconsin Insignia Camp Unit Seal and Uniform Dwelling Code Seal.
- F. **Records** shall exhibit project, occupancy type, HVAC, construction type, living space, foundation, sewer/sanitary permit no. estimated building cost, etc.
- G. **Records** of all condemnation and removal of buildings.

7.0107 Building Permit Required

- A. No person shall alter, renovate, remodel, add onto or build without obtaining a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code compliant condition as determined by the building inspector is exempted from permit requirements. Residing, re-roofing, finishing of exterior surfaces and installation of cabinetry shall be exempted from permit requirements.
- B. **Issuance:** Building permit copy to be electronically filed no later than the 15th day of the first month beginning after issuance of each building permit.
- C. **Compliance:** Failure to submit permit electronically by the end of the month; after the permit was issued, shall deem a refund of the amount paid for the building permit minus the State seal cost Wis. Stats. § 101.63(7m).

7.0108 Building Permit Fee

The building permit fees shall be determined by the town board. Refer to the Town

of Doty Fee Schedule.

7.0109 Disclaimer on Inspection

The purpose of the inspection(s) under this chapter is to improve the quality of housing in the town. The inspection(s) and the reports and findings issued after the inspection(s) are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this chapter.

“These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use, or durability of equipment and materials not specifically cited herein is expressed or implied.”

This section shall not be construed as creating or assuming any liability on the part of the town or its officials for damages to anyone injured or any property damaged or destroyed by any defects in any building or equipment, or in any plumbing, electrical wiring, or equipment or any flammable materials, equipment or devices.

7.0110 Violations

When the building inspector cites violations with this code or the UDC, the violations shall be promptly corrected. All written violations shall be corrected within 30 days unless an extension of time is granted pursuant to Wis. Adm. Code § DILHR 20.21 of the UDC.

7.0111 Penalties

The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Refer to the Town of Doty Bond Schedule for forfeitures for each day of noncompliance. Wis. Stats. § 101.66.

7.0200 LAND DIVISIONS

7.0201 Authority

The town board has been granted village powers pursuant to Wis. Stats. § 60.10.

7.0202 Adoption of Ordinance

The town board has by adoption of this ordinance, confirmed the specific statutory authority, powers, and duties noted in the specific section of this ordinance.

7.0203 Land Divisions Covered

This ordinance shall apply to the act of division of a lot, parcel or tract which existed on the effective date of this ordinance by the owner thereof or his/her agent for the purpose of transfer of ownership or building development where the act of division creates one or more new lots, parcels, tracts or units, if the lot, parcel, tract or unit being created is equal to or smaller in area than 10 acres in size.

This ordinance, insofar as it may apply to divisions of land of less than 5 parcels, shall

not apply to:

1. Transfer of interest in land by will or pursuant to court order;
2. Leases of a term not to exceed 10 years, mortgages or easements; and
3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance or other applicable law.

7.0204 Minimum Lot Sizes (Residential Development)

In all instances where land located within the town is to be divided, the following minimum requirements shall apply:

1. Lands zoned Agricultural (A) or Forestry (F) – The minimum lot size in these districts shall be 10 acres
2. Rural Residential District (AFR) or Residential Single-Family District (R1) – The minimum lot size in these districts shall be 2 acres regardless of whether or not the lot is served by a public sewer
3. Lots having frontage on navigable lakes, ponds or flowages -
 - a. DESIGNATED LAKES. The lot size requirement established through this ordinance shall be enforced for all lakes, (named or unnamed), 30 acres or less in size, which are identified in the Wisconsin Department of Natural Resources Publication "Surface Water Resources of Oconto County". This includes all lakes of this size whether they are manmade or natural and whether or not they are identified in the DNR Publication referenced above.
 - b. LOT SIZE. In all instances where land located within the town is to be divided, adjacent to lakes covered by this ordinance, the minimum lot size shall be Eighty-Seven Thousand One Hundred Seventy (87,170) square feet (2 acres).
 - c. LAKE LOT FRONTAGE. In all instances where land abuts small lakes within the town, as defined in this ordinance, the minimum frontage shall be two hundred (200) feet, measured at the Ordinary High-Water Mark (OHWM).
 - d. PUBLIC ACCESS. Public access (if required) needs to be provided consistent with regulations established for all lakes residing in Oconto County.
 - e. GENERAL LAKE LOT PROVISIONS. In addition to the provisions listed above Oconto County lake lots abutting small lakes (CLASS 1 LAKES) are to meet the minimum requirements set by the Oconto County Board of Supervisors. This includes but is not limited to: 35 feet of native vegetation buffer lands, no more than 30 feet of lake access and defined sewage management requirements.

Notwithstanding the foregoing, this ordinance, insofar as it may apply to divisions of land into four (4) parcels, shall apply to:

- a. Transfers of interests in land by will or pursuant to court order.
- b. The sale or exchange or parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Wis. Stats. ch. 236 or other applicable laws or ordinances.

4. Lots having frontage on navigable rivers or streams – Any lots having frontage on navigable rivers or streams shall have a minimum of 200 feet of frontage on the water at the Ordinary High-Water Mark (OHWM) and shall have the minimum acreage (whether 10 acres or 2 acres) required by the district within which it lies. For example, land in a forestry district will require a 10-acre minimum lot size as well as a minimum of 200 feet of frontage on the water at the OHWM.

7.0205 Variances

When the town board finds that “extraordinary hardship” or “practical difficulties” may result from strict compliance with the minimum lot size regulation and/or the purposes of this ordinance may be serviced to a greater extent by an alternate proposal, it may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of the minimum lot size regulation; and further provided that the town board shall not approve any such variances unless the proposed variances have first been submitted to the town plan commission for its review and recommendation and further provided that the town board shall make findings based upon the evidence presented to it at a public hearing in each specific case that:

1. The creating of the variance will not be detrimental to the public safety, health, natural resources or welfare, or injurious to other properties; and
2. The conditions upon which the request is based are unique to the property for which the variance is sought and are not applicable generally to other properties; and
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the minimum lot size requirements of this ordinance is enforced.

7.0206 Private & Public Road Construction Requirements

A. Intent

The purpose of this section is to control the widespread development of divisions of land using private and public roads and to provide standards for roads and easements within the town that promote the public safety, convenience, general welfare and minimize poorly designed points of access, set standards for new private or public roads over which emergency vehicles may be required to travel, set standards for new private and public roads being developed into the road system and set standards for recognized access roads serving newly created lots.

B. Specifications

Along with the provisions of this section, private roads shall be subject to all specifications and provisions included in said section and regarding town roads and Wis. Stats. ch. 236, currently in effect and subsequently amended

with such provisions incorporated by reference into this section.

C. Standards

For all new roads serving more than three (3) parcels.

1. After April 18, 2017, all new roads for development serving more than three (3) parcels of residential units shall be built and ownership thereof turned over to the town as public town roads after satisfactory completion by the developer/property owner according to the standards prescribed in this section or, with approval of the town board, a private road may be utilized complying with the standards of this subsection.
2. All newly developed future town roads shall be constructed to standards prescribed by this code of ordinances, including required paving, or, in lieu of paving, a certificate of deposit, surety bond, irrevocable letter of credit or cash deposit shall be established and deposited in the name of the town to pay for the construction and paving of the road at a later date. The monetary deposit/guarantee shall be in an amount acceptable to the town reflecting the current cost of paving and associated base improvements at the time of submittal.
3. The developer shall make an escrow deposit or in lieu thereof shall furnish a performance bond or irrevocable letter of credit, the amount of the deposit and the penal amount of the bond to be equal to one and one-quarter (1 ¼) times the estimate of the total cost of all road improvements (grading, base installation, paving, etc.), as prepared by the town board or designee, including the cost of inspection.
4. A new private road may be established serving more than three (3) parcels or residential units if the following criteria are met:
 - (a) The parcel(s) served by said road is owned by the same person and ownership remains with that person;
 - (b) The parcel(s)/unit(s) and/or residence(s) is owned by a legally recognized corporation and remains in that corporation's holdings;
 - (c) All such private roads shall have a minimum of sixty-six (66) foot right-of-way;
 - (d) All such private roads may remain graveled a minimum of twenty-six (26) foot wide and ownership remains according to the criteria above;
 - (e) If the criteria of subsection (4) above no longer qualified, no certified survey map (CSM) may be approved unless the private road is brought to the town standards including paving and the private road is dedicated to the town as a public town road.

D. New Private Roads Serving Three (3) or Fewer Parcels

1. If existing and new private roads serving three (3) or fewer parcels do

not have minimum standards. It is the responsibility of the owner(s) to adequately construct and maintain such private roads. Adequate clearance for emergency vehicles is also the responsibility of the owner(s) and if such access is inadequate the owner(s) assume all risks. The Town Emergency Services Organizations will make best efforts to provide services at the time of an emergency.

2. If a private road is established serving up to three (3) parcels or residential units and later extended or due to additional land divisions added to serve more than three (3) parcels or residential units, the entire road shall then be brought up to the town road standards and turned over to the town as a public road.
3. It is understood that any private road, new or existing, shall not be entitled to either maintenance or improvement by the town at any time, now or in the future, unless and until such road has been dedicated to and accepted by the town as an appropriated public road pursuant to the then applicable ordinance governing acceptances of such road.

E. Existing Private Roads

Existing private roads within the town will be considered for public town road status if the following requirements are fully satisfied:

1. A majority of owners of the road agree, in writing, to turn over the road to the town as a public town road.
2. The road meets all standards established in this chapter, section (compliance) including the paving requirement.
3. Satisfactory town inspection of the road shall first occur, verified and approved by the town board or designee.

F. Development Plan/Review

Required Information. Following payment of development plan fees per the Town of Doty Fee Schedule prior to the commencement of any road construction project (public or private); a development plan shall first be submitted to the town for approval with the following information in standard section regarding development plan procedures with land divisions.

1. A legal description of the location of the proposed right-of-way on the development plan, for the property owner(s) is responsible. The proposed road shall be staked out at the proposed site for visual inspection at the centerline.
2. The length of road at the centerline.
3. In the case of a private road, the legal documents creating a legally binding property owners association responsible for the maintenance of the private road and other proposed restrictive covenants.
4. All roads conveyed to the town shall be free and clear of all liens, encumbrances and restrictions except utilities easements. The

developer/appliance association shall provide sufficient title evidence reflecting that the property will be conveyed as set forth above it is to be a public road.

5. Upon completion of said road, a professionally prepared map indicating that the road is constructed in the middle of the right-of-way shall be filed with the town board.
6. The applicant shall submit to the town five (5) copies of all information required. The town clerk-treasurer upon receipt of the required information shall forward to town chairperson and town supervisors, and plan commissioners, if applicable.

G. Access Points

1. In the case of requested access to a state or federal highway, the property owner must obtain a permit from the State of Wisconsin.
2. In the case of requested access to a county highway, the property owner must obtain a permit from Oconto County.
3. In the case of access to town roads not part of a recorded subdivision, the access point shall be 50 feet in all directions from the centerline of the town road and the access road from the point of intersection d. The applicant shall submit to the town five (5) copies of all information required. The town clerk-treasurer upon receipt of the required information shall forward to town chairperson and town supervisors, and plan commissioners if applicable.

7.0207 General Street Design Standards

A. Compliance with Statutes

In laying out a subdivision, the owner shall conform to the provisions of Wis. Stats. ch. 236 and all applicable town regulations. In all cases where the requirements of this chapter are different from the requirements of Wis. Stats. ch. 236, the more restrictive provision shall apply.

B. Dedication

The subdivider shall dedicate land and improve streets as provided in this chapter. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the town board. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road and be compliant to Oconto County Land Division Ordinance.

C. Compliance with Comprehensive Plan

Per Town of Doty 20-year Comprehensive Plan: the goal is to advocate safe and efficient transportation systems for all modes of transportation in the

town.

D. Street Classifications.

Streets/roads shall be classified as indicated below.

- (a) Arterial Streets. Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.
 - (b) Rural Minor Arterials: Minor arterials, in conjunction, with principal arterials, serve moderate to large sized towns, and other traffic generators providing inter-regional and inter-area traffic movement. Serving populations of 1,000+.
 - (c) Collector Streets: Collector streets shall be arranged so as to provide ready collection of traffic from commercial/residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches, retail centers and other concentrations of population and to the major streets into which they feed
 - (d) Rural Major Collector: major collectors provide service to smaller-to-moderate sized places and other intra-area traffic generators, and link those generators to nearby larger population centers or higher function routes
 - (e) Rural Local Road: Local roads provide access to adjacent land and provide for travel over relatively short distances on an inter-township or intra-township basis. All rural roads not classified as arterials or collectors will be local functional roads.
- E. Alleys. Alleys may be provided in commercial/industrial districts for off-street loading and service access but shall not be approved in residential districts. Dead-end alleys shall not be approved
- F. Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provisions shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect.
- G. Number of Intersections. The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements. Preferably not more than two (2).
- H. Visibility. Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable.

- I. Street Grades. Unless necessitated by exceptional topography and subject to the approval of the town board, the maximum centerline grade of any street or public way shall not exceed the following:
 - 1. Town road standards per Wis. Stats. § 82.50 (1).
 - (a) 100 to 250 Average Daily Traffic:

(1) Right-of-way	66 feet
(2) Roadway Width	26 feet
(3) Surface Width	22 feet
(4) Maximum grades percent	11
 - (b) Wis. Stats. § 82.50 does not apply to improvements on town roads existing on October 1, 1992.
 - 2. Uniform geometric standards for the improvement of existing town roads per Wis. Stats. § 82.52.
- J. Cul-de-Sacs: Dead-Ends
 - 1. Cul-de-sac streets designed to have one end permanently closed shall not exceed 1,000 feet in length. All cul-de-sac streets designated to have one end permanently closed shall terminate in a circular turnaround having a minimum seventy-five (75) foot radius, with twenty-five (25) foot paved radius. No more than three (3) private driveways shall have their access on a cul-de-sac. If a parcel located behind a cul-de-sac will, in the opinion of the town board, likely be developed in the future, an outlot of sufficient size to provide a future sixty-six (66) foot access shall be provided from the bulb to such parcel.
 - 2. Temporary termination of streets intended to be extended at a later date shall be accomplished with the construction of a "T"-shaped turnaround contained within the street right-of-way. The "T"-shaped turnaround shall be a 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-two (22) feet, and be not less than fifty (50) feet long on both sides of the highway centerline. Temporary turnarounds must be connected and extended when the adjoining property is developed.

7.0208 Specifications for Preparation, Construction, and Dedication of Streets/Roads

- A. General Requirements
 - 1. Construction Standards. All roadway and street construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this chapter, whichever

is more restrictive. The design requirements of this section shall be applicable to all streets and roads that are to be dedicated to the Town, regardless of whether such streets or roads are part of a new subdivision or land division.

2. **Project Costs.** All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants, unless otherwise specified. This includes any expense incurred by the town in the preparation of plans and review and inspection of plans and construction.
3. **Preliminary Consultation.** Prior to the design, preparation and construction of any roadway to be dedicated to the town, the applicant shall notify the town clerk-treasurer. An on-site meeting will then be arranged to be attended by the town board and the applicant. Plans must be provided in order for the town board to check the design and the drainage.
4. **Required Inspections.** Although the town board may conduct inspections as necessary at any state of construction, town board shall be contacted for required inspections after the following phases of construction:
 - (a) Subbase grading;
 - (b) Crushed aggregate base courses;
 - (c) Bituminous surface course; and
 - (d) Shouldering.
 - (e) Placement of erosion control measures (soil stabilization and storm water retention/detention measures). (Upon project completion erosion control to be removed in timely manner.). Any deficiencies found by the town board shall be corrected before proceeding to the next phase of construction.
5. **Tests 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.
6. **Pavement Samples.** Samples of bituminous concrete may be required to be taken by the town at the developer's expense during pavement construction operations for purposes of determining that the material meets specifications.
7. **Town Board Approval.** The finished roadway shall meet with the approval of the town board since the town will include this road work in their annual request for highway aid.

B. Construction Standards

The minimum construction specifications prescribed by this section shall pertain to all new roads and streets, including roads set out in plats and private driveways for public use, and these standards shall be met before such roads will be accepted by the town as public roads. After completion of the underground utilities and approval thereof, the streets shall be constructed.

Unless phasing of construction of improvements is approved by the Town Board or its designee, certified survey maps shall not be signed prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site grading plan, as determined by the town board or designee. All streets and highways constructed in the town or to be dedicated to the town shall fully comply with the following minimum construction standards; the town board reserves the right to modify these standards as needed:

C. Roadway Grading; Ditches

Roads shall be graded to their full width in accordance with approved plans, plus an additional distance necessary to establish a four to one (4:1) back slope. The roadway shall be compacted and graded to subgrade using, where necessary, approved fill material which is in accordance with Wisconsin Department of Transportation standards. Reference Wis. Stats. § 82.50

D. Road Right-of-Way

The standard town road shall have a right-of-way width of sixty-six (66) feet.

E. Preparation of Road Base

The road right-of-way shall be graded and drained to include sufficient ditches and culvert pipes for adequate drainage of the area considering the highway and adjacent land development, including proposed development. Grading referenced Wis. Stats. § 82.50.

F. Culverts

Private entrance culvert pipes shall be placed in ditches so as to provide adequate drainage of standing and running water. Private entrance culvert pipes shall be of such dimensions as to meet the requirements of the town board and shall be of sufficient size to carry the surface water drainage of the area considering the highway and adjacent land development, including proposed development, as determined by the town board referencing town driveway permit requirements. The diameter and length of public culverts, including culverts at the entrance to any connecting public road, shall be as determined by the town board.

Note: The town shall not provide culverts to individuals at the town's expense. See Section 7.0500 of this ordinance.

G. Minimum Base Course Specifications.

The base course shall consist of six (6) inches of one and one-half (1-1/2) inch crusher run or maximum four (4) inch stone. The top course shall consist of six (6) inches of compacted three-fourths (3/4) inch crusher run stone. The applicant shall furnish a written certificate of the supplier of stone, certifying the road proposed for acceptance by the town, upon request by the town

board.

H. Additional Base Material.

If, in the opinion of the town board, soil forming the foundation for a road proposed to be accepted by the town, is unstable as a result of water saturation or unstable composition of soils, or is otherwise so unstable as to preclude the construction of a sound and durable public road in accordance with the minimum specifications otherwise established by this chapter, the town board may require construction of additional base materials before such road shall be accepted as a public road.

I. Surface Course Standards.

Surfacing must consist of bituminous concrete composition suitable for anticipated traffic loads. The minimum amount of pavement necessary for acceptance must be two (2) inches minimum compacted in thickness. Such material shall be laid down at a width of not less than twenty-two (22) feet with its centerline corresponding to the centerline of the right-of-way.

J. Shouldering.

Shouldering shall be placed on each side of the pavement. Shouldering must correspond with the height of the pavement. It shall be three-fourths (3/4) inch crusher run gravel with a width of three (3) feet from said pavement on each side.

K. Authority for Higher Standards.

The road design standards herein as stated above are intended to be minimum design standards. The town board shall have the discretion to impose higher design standards where in the opinion of the town board local conditions require higher standards or anticipated traffic which in quantity or quality will require higher standards.

L. Topsoil, Grass, Seed, Fertilizer and Mulch.

All disturbed areas (ditches, back slopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway shall be protected by necessary erosion control materials such as hay bales, sod, erosion control mats, etc., as prescribed by the engineering design for the ditches as approved according to the storm drainage plan required by the Wisconsin Department of Natural Resources.

M. Drainage Improvements.

In the case of all new roads and streets, the town board may require that stormwater retention areas and storm sewers be constructed in order to provide for proper drainage. Stormwater maintenance projects involving

more than one (1) acre shall meet state requirements.

N. Roadway Drainage Accumulation.

The highway/street shall not impede the general flow of surface water or stream water in any unreasonable manner so as to cause either an unnecessary accumulation of waters flooding or water soaking uplands, or an unreasonable accumulation and discharge of surface waters flooding or water soaking uplands; Wis. Stats. § 88.87.

O. Post-Construction Traffic Limited.

No vehicular traffic shall be permitted on the pavement for a minimum period of between twenty-four (24) and seventy-two (72) hours following paving, as determined necessary by the town road supervisor or town board to protect the new pavement.

P. Statutory Requirements.

The laying out of highways and roads shall be as provided in Wis. Stats chs. 80 and 86, except that in the case of subdivisions and certified surveys, the provisions of Wis. Stats. § 236.29(2) shall apply.

Q. Final Inspection.

Upon completion of the proposed highway, the town board will proceed to make final inspection, accepting or rejecting the road as the case may be. After all of the provisions of this chapter have been complied with, the roadway or easement will be inspected by the town officials 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 or arrangements have been made for the payment through written instrument by the subdivider. If the road is rejected, corrections shall be made as recommended by the town board, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall turn over to the town the deed of all land necessary for the road as previously mentioned.

7.0209 Enforcement

- A. Any division of land in the town which does not comply with the requirements of this ordinance shall not be recognized by the town and no permits, including any building permits, shall be authorized or issued by the town for any such land.
- B. Any landowner who fails to comply with the requirements of this ordinance shall, upon conviction, forfeit not less than \$100.00 nor more than \$500.00 and the cost of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offence.
- C. The town may institute appropriate legal action or proceedings to enforce this section including, but not limited to, seeking an injunction or restraining order.

7.0300

ROAD DESIGN STANDARDS

7.0301 Purpose

The purpose of this ordinance is to establish road right-of-way standards, including, but not limited to, width, materials of construction, and drainage.

7.0302 Scope

To promote the public safety, general welfare and convenience, it is necessary that all streets and roads hereafter constructed in the town shall meet all the requirements as provided in this ordinance and failure to do so shall prohibit the town board from accepting any portion of such road and shall prohibit the town from expending any funds on said road for maintenance purposes.

7.0303 Road Construction Standards

All roads proposed and/or existing private roads that are to be donated or given to the town shall conform to the following.

- A. The minimum width of a right-of-way shall be 66 feet (4 rods), roadway width shall be 30 feet, surface width shall be 22 feet, and maximum grades shall be 8% to 11%. No road shall be terminated without provisions for a cul-du-sac (turn around) with a minimum width of 70 feet.
- B. Right-of-Way Construction. All trees, stumps, brush or obstacles shall be removed from the entire width and length of right of way.
- C. In sand, mud, and other unstable areas there shall be enough pit run, dirty gravel, and like material to be inspected by the town board before finish gravel can be applied.
- D. Roadway Width. Roadway width shall be 30 feet, surface width to be graveled shall be 22 feet.
- E. Roadway Materials. The driving portion of the roadway shall be surfaced with at least 2,200 yards of crushed gravel per mile.
- F. Culverts. All roads intersecting other roads shall have a culvert of a size to be determined by the town board.
- G. Blacktop/Asphalt Required. Blacktop/asphalt shall be laid in two lanes, surface shall be 22 feet and compacted to 2¼ inches.
- H. Bridge Standards. The town board shall establish by rule uniform minimum design standards for the improvement of town road bridges.
- I. The town board can reduce the minimum standards of town roads and bridges as warranted.

7.0304 Town Board Approval

Upon completion of proposed road, the town board will proceed to make final inspection; accepting or rejecting road as the case may be. If road is rejected, then corrections must be made as recommended by the town board before final

inspection can then be made again.

7.0400 CULVERTS

7.0401 Intent

It is the intent of this section that the town shall not provide culverts to individuals at the town's expense.

7.0402 Exception

Except that if reconstruction of roadways is done by the town or if a culvert is damaged by the town, the culvert shall be replaced at the town's expense.

7.0500 ROAD EXCAVATION

7.0501 Permit Required

- A. No person, company, LLC, utility or corporation, or their agents or employees or contractors shall make or cause to be make any opening, excavation, or boring, or place/relocate/replace any utility structure or pole, sanitary lateral or thereof; in or under any public street, public road/highway, public lane, right-of-way, public ground or town-owned easement or fill or alter any culvert or construct or install additions or extensions to its existing facilities within the town without a permit application filed therefore with the town chairperson or town clerk-treasurer, or their designee.
- B. The utility or contractor shall submit to the town a written request for a utility construction/street-road excavation permit and a plan of the proposed alteration, coring, extension or addition, showing its location and details of construction, including specified depth, method of excavation, open our or auguring, provisions of restoration and whatever the town would deem necessary for review and consideration.

7.0502 Cash Bond

- A. Before a permit of excavation, boring or opening any road/highway/street/lane or public way be issued, the applicant must provide a signed statement in that the applicant will indemnify and save harmless the town and it officials from all liability for accidents and damage caused by any of the work covered by the "work on town road" permit and that the applicant will fill up and place in good and safe condition all excavation and openings made in the road/highway/lane, etc. and will replace and restore the pavement over such opening; making it as near as can be to the state and condition in which the applicant found it and keep and maintain the same in such condition, normal wear and tear exempted, to the satisfaction of the town board.
- B. Whenever the town board shall find that such work has been defective upon notification of completion from such excavator/contractor and such road/highway/street etc. is not restored as required, the town board will/shall restore the surface and bill the permittee therefore the cost thereof less the five hundred (\$500.00) cash bond (refer to the Town of Doty Fee Schedule).

7.0503 Emergency Excavation

In the event of an emergency, any person, firm or corporation owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public road/highway/street, easement, way or ground and his/her agents and employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation-permit to work on town road; however, town board member should be notified of

such action.

7.0504 Protection of the Public

Every opening and excavation shall be enclosed with sufficient barriers, sufficient warning signs, warning lights, etc. exercising necessary precaution measures against injury or damage to persons, vehicles or property of any kind.

7.0600 OTHER LAND DIVISION AND ROAD SITUATIONS

7.0601 Scope

Notwithstanding fees and situations covered elsewhere, this section provides policy for other situations that may arise regarding roads and land divisions such as, but not limited to:

- Vacating a portion or all of a town road
- Extending a town road
- Surveying lands adjacent to town property or town interests
- Non-emergent tree removal and pruning on trees in or near the ROW

7.0602 Policy

In general, the entity requesting the action (survey, vacation, etc.) is responsible for all costs incurred for the actions such as surveys and attorney fees. The town will be responsible for newspaper postings, title checks and miscellaneous town admin costs.

If in the best interest of the town, the town may elect to cover a portion of survey and legal fees. Payment schedules will be agreed to, in writing, prior to any billable work commencing. The Town will not pay after the fact for work performed that was not pre-approved or for work outside the scope of any agreement.

7.0700 RESERVED

7.0800 RESERVED

7.0900 RESERVED

7.1000 RESERVED

7.1100 RESERVED