

Ordinance No.6

An Ordinance to Establish Rules Pertaining to Town Roads

Section 1 – Title and Purpose

This ordinance is entitled an Ordinance to Establish Rules Pertaining to Town Roads. The purpose of this ordinance is to establish rules regarding the following; 1) the dedication, layout and construction of new roads, 2) providing public access (driveways) to town roads, 3) establishing weight limit restrictions and the procedure for exemptions and the issuing of permits and, 4) issues related to signs and encroachment upon the road right-of-way.

Section 2 – Statutory Authority

The Town Board of the Town of Dewey, Portage County, Wisconsin, has the specific authority, power and duties as outlined under Ch. 81 and Ch. 349 of the Wisconsin Statutes.

Section 3 – Adoption of Ordinance

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to establish rules pertaining to town roads in the Town of Dewey. A Public Hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a Class 1 Notice, under Ch. 985, Wis. Stats.

Section 4 – Definitions

The following definitions shall be applicable in this ordinance;

- (A) Cul-de-sac – A local road with only one outlet and having a single terminal for safe and convenient reversal of traffic.
- (B) Driving Surface – The actual paved or finished road surface intended for vehicular travel, not including the shoulders.
- (C) Grade – The slope of a road or driveway entrance shall not exceed 8% unless necessitated by topography and approved by the Town Board.
- (D) Culvert – A piece of drainage pipe made of plastic, concrete or galvanized steel.
- (E) Driveway – Any entrance from a public roadway to private property.
- (F) Right-of-way – A strip of land occupied or intended to be occupied by a road, railroad, utility line, or for other special purposes, and normally requiring public dedication where public maintenance is involved.
- (G) Road Top – The driving surface and shoulders of any road.
- (H) Seasonal Permit – A permit to exceed the weight limits for an entire posting season, but limited to certain sections of roads as specified in the permit.

- (I) Temporary Permit – A permit to exceed the weight limits for a specified number of days, but limited to certain sections of roads as specified in the permit.

Section 5 – Dedication, Layout, Construction of New Roads

- (A) Assign Road Name – All roads under the jurisdiction of the Town shall be assigned a name. The road name shall be reviewed by the Town Board and forwarded to the Portage County Emergency Management Department for approval.
- (B) Road Right-of-way (ROW) – All roads dedicated to the Town shall have a minimum right-of-way of 66 feet. Right-of-way markers shall be put in showing the right-of-way lines with a marker being located at each lot corner with a minimum of four (4) markers per forty (40) acre parcel.
- (C) Road Design – The design of all new roads in the Town of Dewey shall be in accordance with the WISDOT Facilities Development Manual for town road design.
- (D) Road Improvements – All road ways shall be graded to their full width including side slopes and to the appropriate sub-grade. The road top shall be a minimum of thirty-two (32) feet in width and shall be surfaced with a minimum of ten (10) inches of compacted road base material and the driving surface shall be twenty-two (22) feet in width and shall be surfaced with a minimum of either three (3) inches (compacted) of a cold mix asphalt or two (2) inches (compacted) of a hot mix asphalt, all in accordance with applicable specifications of the Town. Said asphalt shall not be applied to the road until such time as the ten (10) inches of compacted road base material has been laid on the proposed road for a period of one (1) winter season, (December 15 through May 31). After the asphalt work has been completed, the remaining road top shall be shouldered with material approved by the Town. The remainder of the right-of-way shall be seeded with grass and covered to prevent erosion.
- (E) Road Drainage – All necessary facilities shall be installed sufficient to prevent the collection of surface water in any low spot, and to maintain any natural water course. Drainage facilities satisfactory to the Town or their designated road Superintendent shall be provided and shall also include the ends of all cul-de-sacs and dead end streets.
- (F) Cul-de-sacs – Cul-de-sacs that are back to back must allow a fifteen (15) foot utility easement between the cul-de-sacs.
- (G) Other Requirements – In addition to the above requirements, all roads shall be constructed pursuant to the provisions of the Wisconsin Statutes, Wisconsin Administrative Code, and any other lawful governing authority including any other applicable ordinances of the Town of Dewey. If the Town Board deems it necessary to seek professional engineering expertise in reviewing any road dedication project, the party seeking to dedicate said road shall as a condition of road acceptance, reimburse the Town for the actual cost of such engineering help.
- (H) Dedication – No road shall be dedicated to the Town until such time as all the requirements of Section 5 (A), (B), (C), (D), (E), (F) and (G), have been completed and approved by the Town.

Section 6 – Utilities

The requirements concerning utilities are the following;

- (A) Location – Utilities should be located within the outer most three (3) feet of the right-of-way. Deviations from this requirement shall require Town approval.
- (B) Marking – The location of all utilities shall be clearly marked.
- (C) Prior Approval – All utility work within the road right-of-way shall receive written approval from the Town prior to the beginning of the work.

Section 7 – Public Access – Driveways

- (A) Placement of Driveway – The placement of any driveway shall be approved by the Town before it is installed. The property owner shall obtain a copy of the Town of Dewey’s Driveway Policy and a copy of the Town’s Driveway Permit Form. The permit shall be completed prior to the beginning of any work. The Town reserves the right to limit the number of driveways to a parcel of land. A copy of the policy and permit form can be obtained by contacting the Town.
- (B) Specifications – The specifications for the installation of a driveway are laid out in the Town of Dewey Driveway Policy.
- (C) Temporary Driveway – The regulations for the installation of a temporary driveway are part of the Town of Dewey Driveway Policy.

Section 8 – Weight Limit Restrictions

The Town Board shall have the right to place weight limit restrictions on the town roads as they deem necessary. Outlined below are the procedure for establishing the Seasonal Weight Limit Restrictions, the procedure for establishing Special Weight Limit Restrictions, and the procedure that shall allow for exemptions and issuing of permits for those exemptions.

- (A) Seasonal Weight Limits – the following seasonal weight limits shall be effective for the period of time outlined in the yearly resolution approved by the Town Board notifying the public of the posting of the seasonal weight limits:

Class “B” Weight Restrictions shall be posted for the following roads:

Dewey Drive from County Road Y to County Road X

Sunset Drive from County Road X to County Road DB

7 ½ Ton Weight Restrictions shall be posted for the following roads:

All blacktop and chipseal roads other than those listed with Class B Weight Restrictions

Any granite roads as deemed necessary by the Town Board

The town chairperson, or designee, shall place appropriate traffic signs on the above described highways on or before the notice to the public of the posting of the seasonal weight restrictions. No person may operate any vehicle on the above mentioned highways in violation of the weight limits set forth in s. 349.16, Wis. Stats.

- (B) Special Weight Limits – The Town Chairperson, or designee, may immediately post weight limits on any town road that is deemed to be in danger of potential damage that could possess a threat of harm to the public utilizing that road. That posting will remain in place for a period deemed necessary by the Town Board. No person may operate any vehicle on the above noted highway in violation of the weight limits set forth in s. 349.16, Wis. Stats.
- (C) Procedures for Exemptions and the Issuing of Permits – The Town Board shall allow for exemptions to the weight limit restrictions and shall issue permits as they deem appropriate. The following shall identify the exemptions and permitting process.
- (1) Total Exemption – The following uses are exempt for any permit requirements; school buses on established routes, garbage and/or recycling trucks contracted with the Town on the specified route days, town trucks engaged in snowplowing or emergency road repairs, emergency vehicles, and any other vehicles the Town would deem to be total exempt.
 - (2) Seasonal Exemption – The following uses could receive a seasonal exempt permit; milk trucks on roads that would be designated on their permit, trucks from businesses within the town on established routes designated on their permits, trucks of over the road haulers coming to or leaving their residence on a route designated on their permits, or any other truck on an established route that the town chairperson (or designee) would approve. These permits would be approved and issued by the town chairperson (or designee). The permit should be carried in the vehicle during the entire time the roads of use are posted within the year the permit is issued and are good only during the year issued.
 - (3) Temporary Exemption - A temporary exempt permit would be issued by the Town chairperson (or designee) on a case by case basis. This permit would need to be carried in the vehicle the entire time for which it is issued and would be subject to the terms, conditions and date(s) outlined on the permit.

Section 9 – Safety

The following actions are prohibited by this ordinance;

- A) Damaging and/or removing any road name signs, address/fire signs, stop signs and/or any other road signs in the Town, removing or tampering with any right-of-way markers,
- B) Encroachment upon the right-of-way such as filling in, plowing or in any other way damaging the ditch line, slopes, shoulders or roadway.

Section 10 – Violations, Penalties

- A) Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall be subject to the forfeitures found in the Cash Deposit Schedule found in Ordinance No.2. In addition to the forfeitures found in the Cash Deposit Schedule, each violator upon conviction shall pay any mandated fees, costs, surcharges, and assessments for each violation.

B) Each day in violation exists or continues constitutes a separate violation for violations of Section 6, Section 7, or Section 9. For Section 8, each trip in violation of this ordinance shall constitute a separate violation. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations of Section 8.

Section 11 –Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

Section 12 – Effective Date

This ordinance shall become effective upon its publication and/or posting in the manner set forth in s. 60.80, Wis. Stats.

Adopted this day of
By the Town Board of the Town of Dewey, Portage County

Maurice King, Chairperson

Dennis Meis, Supervisor

Leroy Pukrop, Supervisor

Attest: _____
Angela Lochinger, Clerk