

ORDINANCE NO. 2013-3

AN ORDINANCE TO ESTABLISH PRIVATE AND PUBLIC ROAD CONSTRUCTION AND TOWN HIGHWAY ACCESS STANDARDS IN THE TOWN OF EASTMAN, CRAWFORD COUNTY, WISCONSIN, AND TO ESTABLISH PENALTIES FOR VIOLATION THEREOF

1.0 TITLE/PURPOSE

The title of this ordinance is the Town of Eastman Driveway and Highway Access Permit Ordinance. The purpose is to regulate, for public health and safety reasons, the establishment, repair, construction, improvement, modification, and reconstruction of private driveways, to assure that the methods of repair, construction, improvement, modification, and reconstruction practices used in any driveway will protect properly the public health, safety, and general welfare of persons in the Town of Eastman, and to limit and regulate highway access by motor vehicles to any Town highway in the town. This is not a Town Zoning Ordinance.

2.0 AUTHORITY

The Town Board has the specific authority under ss. 66.0425 and 86.07, Wis. Stats., to adopt a Town Highway Access Permit Ordinance, and has the general authority under its Village powers under Wis. Stat. sec. 60.22 to adopt this ordinance.

3.0 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 to regulate and permit certain driveways and highway access locations in the Town.

4.0 DEFINITIONS

In this ordinance:

(1) "Accessory Costs" means all costs associated with the signage necessitated by construction or rehabilitation of a road, such as fire number identification signs at intersections, road identification signs, stop signs and other traffic safety signs on the subject road, as well as "road crossing" and other signage made necessary on an existing road as a result of construction of a new intersecting road.

(2) "Angle of Entry" means the angle at which the subject road enters onto the public road, using the public road as the base of the angle.

(3) "Approach" means that portion of road extending 100 feet on each side of culvert or bridge.

(4) "Base Course" means coarse gravel laid as the first and supporting level of the roadbed.

(5) "Drainage" means to make gradually dry, by trenches, channels, or other means.

(6) "Driveway" means any private drive, private road, field drive or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide service to a residence, business, recreational site, or other similarly appropriate use.

(7) "Emergency vehicle" means any fire, law enforcement, ambulance, or first responder vehicle used in emergency or hazard activities in the Town.

(8) "Field Road" means any privately owned or maintained road or drive used for any purpose or of any length and does not fit into the classification of Public or Private Road or Private Drive.

(9) "Grade" means the rate of the ascent or descent of a road.

(10) "Impacted landowner" means an owner of real estate that is provided vehicular access to a public highway by a driveway determined to be unsafe.

(11) "Prime or productive agricultural or forestry land" means any land within the town that is currently being farmed or kept in forestry, including cropland and pastureland, or land that is included in a government sponsored agricultural or forestry program.

(12) "Private Drive" means any road of any length built and maintained by private interests which serves one (1) or two (2) residential dwelling units. The need for turn-around "T"(s) and/or cul-de-sac(s) will be determined by the Town Board for each residential dwelling unit on a Private Drive.

(13) "Private Road" means any road of any length built and maintained by private interests which serves three (3) or more residential dwelling units or a place of business intended to be open to the general public. The need for a turn-around "T"(s) and/or cul-de-sac(s) along Private Roads will be determined by the Town Board.

(14) "Public Road" means any road which is owned and/or maintained by the Town of Eastman or other general purpose unit of government, and is open to travel by members of the general public, regardless of length or how many residential dwellings are served by the road.

(15) "Residential Dwelling Unit" means a structure where people do or may live for a short or extended period of time. Such a unit may be determined, but not limited to, such factors as an on site mail address, existence of a drilled water well, indoor plumbing, water heater, flush or chemical toilet, and properly installed waste water disposal system. The Town Board may make the final determination as to whether or not a structure is a "residential dwelling unit".

(16) "Right-Of-Way and Set Back" means the land width and length owned by, or dedicated by easement to, the Town for placement of a public road, including the drainage facilities. Public Roads have a 66 foot right of way and a 24 foot road width. A 42 foot setback will be required from the edge of the right of way. This setback will be a minimum of 75 feet from the center of a town road. This setback requirement will be enforced for new construction.

on an existing town road. Private Drives being converted to Private Roads or Public Roads will also have to meet the minimum set back. Unless stated otherwise building setback requirements are measured from the nearest edge of the right-of-way.

(17) "Roadbed" means the whole material of a roadway, laid in place and ready for travel.

(18) "Roadway" means the combined width of the travelway and shoulders on each side. The same as surface width.

(19) "Surface Course" means the top of the roadway.

(20) "Surface Width" means the combined width of the travelway and shoulders. The same as roadway.

(21) "Town" means the Town of Eastman, Crawford County, Wisconsin.

(22) "Town Board" means the Board of Supervisors for the Town of Eastman, Crawford County, Wisconsin and includes any designee of the board authorized to act for the Board.

(23) "Town Clerk" means the clerk of the Town of Eastman, Crawford County, Wisconsin.

(24) "Travelway" means the actual portion of roadway which normally carries traffic. This may be paved, or gravel/crushed rock, or earth surface.

(25) "Utilities" include various buried or overhead wiring and piping as for electrical service, telephone, cable TV, piped gas service, water, and sanitary waste disposal.

(26) "Wis. Stats." means the Wisconsin Statutes, including successor provisions to cited statutes or amendments to cited or successor statutes.

5.0 COVERAGE

(1) No person shall establish or construct a driveway or reconstruct, reroute, or alter the existing slope of any existing driveway or any town or other highway or highway right-of way in the Town without first obtaining a Private Drive, Private Road or Field Road Permit to be issued by the Town Board.

(2) No person shall establish or construct a driveway or reconstruct, reroute, or alter any highway access onto a town highway without first obtaining a Town Highway Access Permit to be issued by the Town Board.

6.0 SPECIFICATIONS

(1) **Private Drives.** Commencing six (6) months after the effective date of this Ordinance for existing private drives and commencing on the effective date of this ordinance for

new private drives being constructed, all private drives in the Town for which a permit is required under Section 5.0(1) shall meet all of the minimum requirements established in the Road Standard Matrix under Section 15.0 for private drives and this section. No permit shall be issued unless the materials submitted as required under Sections 7.0 and 8.0 demonstrate compliance with the requirements of this section.

(2) **Private Roads.** Commencing six (6) months after the effective date of this Ordinance for existing private roads and commencing on the effective date of this ordinance for new private roads being constructed, all private roads in the Town for which a permit is required under Section 5.0(1) shall meet all of the minimum requirements established in the Road Standard Matrix under Section 15.0 for private roads and this section. No permit shall be issued unless the materials submitted as required under Sections 7.0 and 8.0 demonstrate compliance with the requirements of this section:

(3) **Field Roads.** Commencing six (6) months after the effective date of this Ordinance for existing field roads and commencing on the effective date of this ordinance for new field roads being constructed, all field roads in the Town for which a permit is required under Section 5.0(1) shall meet all of the minimum requirements established in the Road Standard Matrix under Section 15.0 for field roads and this section. No permit shall be issued unless the materials submitted as required under Sections 7.0 and 8.0 demonstrate compliance with the requirements of this section:

(4) **Applicability.** The standards under Section 15.0 shall apply to the entire length of any driveway serving residences and or/businesses whether any such driveway is located on the property served by the driveway or is an easement over the property of another for access or egress purposes or both.

(5) **Additional Standards and Requirements.** In addition to those standards described in the matrix in Section 15.0, the following are minimum standards set by the Town Board for the construction of any private driveway. In the event of a conflict between the provisions of this section and section 15.0, the more restrictive provision shall control **The Town Board may make the determination to require the plans be prepared by a registered professional engineer.**

(a) **Accessory Costs-** all accessory costs associated with private road construction will be borne by private parties responsible for the road.

(b) **Base Course-** the base course of any private road subject to this ordinance shall be six inches of 2 to 3 inch breaker rock.

(c) **Cul de Sac-** All dead-end private roads shall have a cul de sac with a 45 foot radius. Private drives will be provided with a cul de sac or a turning tee or stub to allow for the safe turn around of emergency vehicles. The Town Board will evaluate each road to determine the appropriate length, without intersecting road access out of the closed system. Generally roads with an ADT of 250 or greater should have a second access point to allow free traffic flow if one road is blocked. The grade of the cul de sac

shall not exceed a minus 3% slope of center. There shall be a minimum slope of minus 1% of center and a maximum of minus 3% of center.

(d) Culverts- Culverts will be at least 30 feet in length on private roads and on private drives and field roads will extend at least two feet on either side of the roadway edge. Culverts on public or private roads will be a minimum 15 inches in diameter and made of steel. Culverts on private roads must meet Crawford County Highway Department Standards. A 30 foot culvert is required where a Private Drive connects (connector) onto a Public or Private Road.

(e) Private Drive and field road culverts- will be a minimum of 15 inches in diameter and steel. Culverts will be marked at both ends by an approved marking device.

(f) Curvature- the radius of curves will be determined by the Town Board but minimum in the range of 90 feet will be considered appropriate.

(g) Ditch Crossing- any crossing of an existing drainage ditch by a private road, or any private drive, regardless of length or number of residences served will present the engineering specifications and the necessary DNR permits to the Town Board for review and approval before a decision to grant permission is given.

(h) Ditching- the roadway must be complete and have proper elevation to provide for the removal of water.

(i) Grade at Intersection- The grade of the subject or private road approaching the intersection with any public or private road shall be no greater than 4.5 percent for a distance of at least 100 feet from the edge of the intersecting roadway and a grade of no greater than 2.5 percent for a distance of at least 50 feet from the edge of the intersection roadway. The grade of a private drive or field road shall be no greater than 4.5 percent for a distance of at least 30 feet from the edge of the intersecting roadway.

(j) Length- the length of the proposed highway is to be measured to the nearest tenth of a mile.

(k) Private Drive Entry on to a Public Road- One entry is allowed for a Private Drive entering a Public Road. The Town Board must approve additional driveways.

(l) Overall Grade- The grade on the common run of the road shall not exceed 11 percent at any point.

(m) Organic Material in Roadway- No organic material, including down trees, brush, stumps or other organic matter or trash may be buried or placed in the roadway project.

(n) Roads in the Floodplain- Private roads may be permitted in the floodplain provided proper permits have been obtained by the owner from the Department of Natural Resources, Corps of Engineers, and other regulatory agencies as appropriate. The Town will consider requests to take over such roads on an individual case by case basis.

(o) Slope- The human altered road bank slope shall not exceed 20% until it blends into the natural lay of the land. All altered soil/slopes shall be seeded with an appropriate vegetative mixture as soon as possible.

(p) Surface Course- the surface course of any private road subject to this ordinance shall be 6 inches of ¾ inch crushed gravel or, at the option of the owner, a double seal followed by a one year maintenance seal will be required.

(q) Surface Width- The surface width of private roads shall be 24 feet, and Private Drives, 16 feet. There is no Town standard for field road width.

(r) Utility Apparatus- utility apparatus must be placed at least 30 feet from the center of the roadway. Utility apparatus will be marked with orange 8 foot pole. Placement of the utility will be determined by the Town Board if located within the right-of-way.

(s) Turn-Around "T"- A thirty foot (30 ft.) (minimum) perpendicular extension off the side of a road or driveway built to the same specifications as the road or driveway.

7.0 APPLICATION/PERMIT PROVISIONS AND PROCEDURES FOR DRIVEWAYS

(1) The Town Board shall approve a form for application for both a Town Driveway Permit and the Town Highway Access Permit, which shall be available from the Town Clerk.

(2) The applicant for a Town Driveway Permit or a Town Highway Access Permit shall submit to the Town Clerk a completed application for each with the appropriate fee and with the following attachments:

(a) Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions. The sketch map may be submitted to the Town Board prior to the preparation or submission of the other supporting documents in order for the Town Board to provide initial comments and review of the proposal. However, formal approval for a Town Driveway Permit or Town Highway Access Permit will not be granted without the submission of complete supporting documents.

(b) Plat Map. A plat map indicating the location and dimensions of the desired driveway and highway access locations, if any, as well as the parcels immediately adjacent to the applicant's property. The applicant may first submit only a sketch plat. Once the Town Board has reviewed the sketch plat, the applicant may be asked to submit an additional preliminary plat or final plat, or both.

(c) Soil/Slope Analysis.

(d) Other Documents. The Town Board may require other documents to be attached to the Driveway Permit Application, including a Town Highway Access Permit.

(3) Procedures for the evaluation of the Town Driveway Permit Application and any required Town Highway Access Permit Application by the Town Board are as follows:

(a) Upon receipt of the application materials described in s. (2), the Town Chairman or a Town Supervisor, or the Town Board as a whole, will inspect the site of the proposed driveway. The applicant will receive notice, either verbally or in writing of any such inspection.

(b) Subsequent to inspection, the Town Board will act on the application. The applicant will receive notice, either verbally or in writing of any meeting at which action on the application may be taken.

(4) The Town Board shall approve or deny any Town Driveway Permit Application or Town Highway Access Permit Application and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the applicant/permittee. Reasons for denying a Town Driveway Permit Application or Town Highway Access Permit Application may include, but are not limited to:

(a) The inconsistency or nonconformance of the proposed driveway or highway access with this ordinance, with any existing town comprehensive plan, master plan, or land use plan, with town ordinances, rules, regulations, or plans, or any applicable County, State, or Federal laws, ordinances, rules, regulations, or plans.

(b) The driveway, bridge, culvert, or highway access, or any combination, when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for use by persons in the town.

(c) The application as filed and submitted is incomplete or contains false material as determined by the Town Board.

(d) Alternative driveway locations, bridges, culverts, and highway access locations will be safer for persons for motor vehicle ingress or egress on the driveway and access point.

(e) Alternative driveway locations or alternative highway access locations will preserve or better protect more prime or productive agricultural or forestry land in the town.

(f) Alternative driveway locations or alternative access highway locations will have less negative land use impact on historically, archaeologically, community,

public, or culturally significant or environmentally sensitive parcels of land or facilities in the Town, including land adjacent or near the proposed driveway.

(g) The driveway will not provide timely and adequate ingress and egress for emergency vehicles.

(5) In the event of a denial of a Town Driveway Permit Application or Town Highway Access Permit Application, the Town Board shall recite in writing the particular facts upon which it bases its denial of the permit. The Town Board shall also afford the applicant an opportunity to request that the Town Board review the decision. After posting or publication of a Class 1 Notice of the hearing, the applicant may present evidence at the public hearing to the Town Board refuting the Board's initial determination. Thereafter, the Town Board may affirm, reverse or modify its decision. The Town Board shall recite in writing findings for any decision to modify or reverse its initial determination.

(6) If the Town Board denies two consecutive applications for a Town Driveway Permit or denies two consecutive applications for a Town Highway Access Permit on the same parcel, no subsequent re-application for a permit of the same type that was denied for that parcel will be considered within twelve (12) months of the second denial of either.

(7) Both the Town Driveway Permit and the Town Highway Access Permit are effective for twelve (12) months from the date of issuance. Each permit shall expire after twelve (12) months unless renewed. Unless the permit is renewed, if the driveway or highway access has not been constructed by the end of the 12-month period, a new application and fee must be submitted and approved.

(8) Each permit may be renewed for an additional period of 6 months. If the driveway or highway access has not been constructed by the end of one 6-month renewal period, a new application and fee must be submitted and approved.

(9) The applicant shall notify the Town Chairman within 30 days after completion of the construction, reconstruction, rerouting, or alteration of the driveway or highway access. Within 30 days of notification, the Town will conduct an inspection of the driveway or highway access to ensure full compliance with all of permit conditions and provisions of this ordinance. Upon a determination of completeness and compliance, the Town Board shall issue the appropriate permits.

(10) No building permit for any construction of buildings or structures will be issued by the Town until the driveway or highway access is constructed, reconstructed, rerouted, or altered according to the specifications of the permit as issued and this ordinance.

(11) An application fee that is non-refundable in an amount determined by a resolution of the Town Board will be charged for each permit application. These fees are specified as follows:

(a) For a driveway permit, the fee shall be \$50.00.

(b) For a highway access permit, the fee shall be \$50.00.

(12) The Town Board, or its designees, shall have the right of inspection onto land pursuant to a warrant issued under s. 66.0119, Wis. Stats., for the purpose of inspecting existing or proposed driveways to determine if the driveways will allow for the safe and timely travel by emergency vehicles or vehicles of the general public.

8.0 HIGHWAY ACCESS PERMIT

(1) A highway access permit is required for all sections of any proposed driveway by the applicant that will enter onto a town highway. The private driveway 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.

(2) In order to meet this requirement, the Town Board will determine, upon application, (based on the specific location), in addition to the requirements set forth above for all driveways:

(a) Whether or not a culvert is required and, if so, the minimum diameter and the length of the culvert.

(b) The angle and slope of the intersecting portion of the driveway and whether any erosion control devices must be installed at or near the intersection in order to minimize damage to the public road.

(c) Irrespective of whether the driveway serves one or more residences or businesses, the minimum roadway width at the intersection shall be 20 feet, with a minimum width clearance of 24 feet and a steel culvert, if necessary, shall be no less than 30 feet in length.

(d) The driveway within the area of the public right-of-way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road. The angle of any intersection of a town road and driveway shall be no less than 90 degrees for a horizontal distance of 50 ft. from the intersection as measured from the edge of the roadway. Any variance from these requirements must have prior approval from the Town Board.

(3) The applicant must agree to comply fully with Sections 66.0425 and 86.07 Wis. Stats, regarding correction of damage to public roads.

9.0 GENERAL REQUIREMENTS

(1) The Town Board shall, when applicable, seek review and comment from the local fire chief, EMS provider or their deputies, regarding the proposed driveway and whether the

proposed driveway will allow for adequate and timely emergency vehicle access and other equipment access to buildings and structures within the premise.

(2) The preparation of a driveway construction plan or a highway access plan does not guarantee the approval of a Driveway Construction Permit or Town Highway Access Permit by the Town Board.

(3) As a condition of any Town Driveway Permit and any Town Highway Access Permit, the driveway and highway access shall be constructed and maintained by the owner or occupant to ensure safe, timely, and proper access and travel by emergency vehicles.

(4) The approval of a Town Driveway Permit or Town Highway Access Permit application by the Town Board does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for vehicles of the general public or emergency vehicles, that public access and travel is authorized, or that the applicant or permittee is in compliance with this Ordinance. No person may rely on the issuance of either permit to determine that a driveway, bridge, culvert, or highway access location is fit or safe for any purpose or that they are in compliance with the ordinance or any State or County laws or ordinance.

(5) The approval of the Town Driveway Permit or Town Highway Access Permit application does not establish or commit the Town to future approval of any driveway as a public road or highway in the Town.

(6) All accessory costs associated with private road construction will be borne by private parties responsible for the road.

10.0 TOWN ROAD APPLICATION PROCEDURE AND STANDARDS

Any person requesting that the Town Board approve a driveway as a public road or who, for any other reason, seeks to dedicate property to the Town for town road purposes shall meet the requirements of this section.

(1) Application Procedure

(a) Individual land or home owners whose land abuts on the part of a private road which the owner seeks to turn over to the Town for ownership and/or maintenance, shall make application in writing to the Town Board of the Town of Eastman. The application shall contain a description of the subject road, its proposed or actual location and the names of each person or person who is (are) requesting the action to make it a public road. The application shall also contain a list of names and property description of all property owners whose property abuts on the subject road.

(b) The completed application may be delivered to any Town Board member or to the Town Clerk. A fee of \$200 is required with the application.

(c) Upon receipt of the completed application, the Town Board will examine the proposed route of the roadway. The individual or group making application may

proceed to build the roadway, under the supervision of the Town Board, once the Town Board has approved the plan for the proposed roadway.

(2) Standards and Requirements

In addition to those standards described in Section 15.0, the following are minimum standards set by the Town Board for the construction of any proposed roadway, and for take over by the Town of any existing roadway. In the event of a conflict between the provisions of this section and section 15.0, the more restrictive provision shall control **The Town Board may make the determination to require the plans be prepared by a registered professional engineer.**

(a) Base Course- the base course of any public road subject to this ordinance shall be six inches of 2 to 3 inch breaker rock.

(b) Bridges- The Town Board may make the determination that a bridge should be built, rather than a planned or existing culvert, prior to accepting the road as a Public Road. Costs of engineering and construction will be paid by the appropriate private interests. All bridges must meet Crawford County Highway Department Standards.

(c) Cul de Sac- All dead-end public roads shall have a cul de sac with a 45 foot radius. Private drives will be provided with a cul de sac or a turning tee or stub to allow for the safe turn around of emergency vehicles. The Town Board will evaluate each road to determine the appropriate length, without intersecting road access out of the closed system. Generally roads with an ADT of 250 or greater should have a second access point to allow free traffic flow if one road is blocked. The grade of the cul de sac shall not exceed a minus 3% slope of center. There shall be a minimum slope of minus 1% of center and a maximum of minus 3% of center.

(d) Culverts- Culverts will be at least 30 feet in length on public roads. Culverts on public roads will be a minimum 15 inches in diameter and made of steel. Culverts on public roads must meet Crawford County Highway Department Standards.

(e) Curvature- the radius of curves will be determined by the Town Board but minimum in the range of 90 feet will be considered appropriate.

(f) Ditch Crossing- any crossing of an existing drainage ditch by a public road will present the engineering specifications and the necessary DNR permits to the Town Board for review and approval before a decision to grant permission is given.

(g) Ditching- the roadway must be complete and have proper elevation to provide for the removal of water. Where it becomes necessary to make a lateral trench leading from the main ditch, the additional land necessary for the removal of accumulated water must be deeded to the Town or obtained by easement.

(h) Grade at Intersection- The grade of a public road approaching the intersection with any other public or private road shall be no greater than 4.5 percent for a distance of at least 100 feet from the edge of the intersecting roadway and a grade of no greater than 2.5 percent for a distance of at least 50 feet from the edge of the intersection roadway. The grade of a private drive or field road shall be no greater than 4.5 percent for a distance of at least 30 feet from the edge of the intersecting roadway.

(i) Length- the length of the proposed highway is to be measured to the nearest tenth of a mile.

(k) Overall Grade- The grade on the common run of the road shall not exceed 11 percent at any point.

(l) Organic Material in Roadway- No organic material, including down trees, brush, stumps or other organic matter or trash may be buried or placed in the roadway project.

(m) Right-of-Way Width- the right-of-way Width for any public roadway shall be a minimum of 66 feet. The width will be evaluated by the Town Board.

(n) Roads in the Floodplain- Private roads may be permitted in the floodplain provided proper permits have been obtained by the owner from the Department of Natural Resources, Corps of Engineers, and other regulatory agencies as appropriate. The Town will consider requests to take over such roads on an individual case by case basis.

(o) Road Posting- When Public Roads are temporarily posted, permits to exceed weight limits are required from the Eastman Town Board. Permits are available from the Town Board and are issued at the Board's discretion.

(p) Seal Coat- A minimum of a double seal of oil and chipped rock following Public Road Requirements for sealcoating roads will be required on all roads followed by a maintenance seal at one year before the Eastman Town Board accepts the road as a Public Road. The seal coated surface includes the travel way and the shoulder. Any other hard surface application must meet State Road Standards.

(q) Slope- The human altered road bank slope shall not exceed 20% until it blends into the natural lay of the land. All altered soil/slopes shall be seeded with an appropriate vegetative mixture as soon as possible.

(r) Surface Course- the surface course of any road subject to this ordinance shall be 6 inches of $\frac{3}{4}$ inch crushed gravel or at the option of the owner, or Town Board if the road is to be turned over to the Town, a double seal followed by a one year maintenance seal will be required.

(s) Surface Width- The surface width of public roads shall be 24 feet.

(t) Utility Apparatus- utility apparatus must be placed at least 30 feet from the center of the roadway. Utility apparatus will be marked with orange 8 foot pole. Placement of the utility will be determined by the Town Board if located within the right-of-way.

(u) Turn-Around "T"- A thirty foot (30 ft.) (minimum) perpendicular extension off the side of a road or driveway built to the same specifications as the road or driveway.

11.0 ACCEPTANCE OF ROAD

(1) Upon receipt of notice of completion of the proposed road, the Town Board will make a final inspection and will either accept or reject the road. If the road is rejected, the Board will give the applicant(s) written notice of the rejection and a list of corrections which must be made prior to further inspection. Failure to correct within sixty (60) days will be deemed a withdrawal of the application for the proposed roadway unless a time extension is requested from the Town Board and approved by it.

(2) Upon final approval of the proposed road, the owner or owners shall dedicate the property to become the highway right-of-way and provide title by proper conveyance and proof that all construction costs have been paid. The Town Board will then proceed to accept the highway.

(3) Construction or rehabilitation of a private road to town standards described by this ordinance does not necessarily mean or imply that that road will be accepted by the Town for Public Road status.

(4) Any person requesting that the Town Board approve a driveway as a public road or who, for any other reason, seeks to dedicate property to the Town for town road purposes shall meet the requirements of Wis. Stat. sec. 82.50 and all requirements for driveways serving multiple structures under this ordinance. In the event of a conflict between the provisions of this ordinance and Wis. Stat. sec. 82.50, the more restrictive provision shall control.

12.0 PENALTY PROVISION

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction, pay a forfeiture of not less than \$10.00 nor more than \$100.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this Ordinance. In addition, the Town Board may seek injunctive relief from a Court of record to enjoin further violations.

13.0 SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

14.0 ROAD AGREEMENTS

Any of the provisions of this ordinance may be modified by the development of a Private Road Agreement and/or Private Road Development Agreement between the Town and any property owner if the Town Board determines that the intent of this ordinance can be achieved through the use of alternative measures, and that the public health, safety and welfare will not be adversely affected thereby. Any such agreement shall provide protections for the public at least equal to those of this ordinance. Upon reaching a tentative agreement the terms of the agreement shall be made publicly available and 15 day notice shall be given prior to any meeting taking action on the agreement.

15.0 ROAD STANDARD MATRIX

Road Standards for Town of Eastman

Road Classifications	T. of Eastman Public Road	T. of Eastman Pvt Road	T. of Eastman Pvt Drive	T. of Eastman Field Road	State Stat. <100 ADT	State Stat. 100-250 ADT
Description of Road Classifications	Any Town Rd open to the public	Any pvt maint rd 3 or > res.	Any pvt maint rd with 1 or 2 res.	Any road for any purpose not in other class		
ROW Width (Feet)	66 Min	66 min	-	-	50	66
Roadway width (Ft)	24	24	16	-	24	26
Travel Way	Incl. above	Incl in above	Incl. in above		18	20
Shoulders	Incl. above	Incl in above	Incl. in above		3	3
Grade-after 1 st 100 ft	11% MAX	11% MAX	11% MAX	-	9%-11%	8%-11%
Grade and Length at intersection entry	2.5% 1 st 50 ft 4.5% 2 nd 50 ft	2.5% 1 st 50 ft 4.5% 2 nd 50 ft	4.5% 30 ft	4.5% 30 ft		
Base course	6" of 2-3"	6" of 2-3"	6" of ¾" grvl	Discretion of Owner		
Surface course	bkr	bkr	Top coat-optional.			
Pavement	6" of ¾" grvl Optional 3"	6" of ¾" grvl Optional 3"	6" of 2-3" breaker rock			
Culverts	As needed throughout length		@public rd int	@public rd int		
Min Length Ft	30	30	2 ft either side	2 ft either side		
Min diameter inches	15	15	15	15		
Material of Manufacture	Steel	Steel	Steel	Steel		
Curvature (Right of Left)	No less than 90 feet radius ¹		-	-	²	
Angle of Entry at Inter.	No < 60 deg	No < 60 deg	No < 60 deg	No < 60 deg		
Utilities	30 ft from CL	30 ft from CL	30 ft from CL	-		

Cul de Sac Radius Maximum length of run	At dead end in Eastman 45 ft Variable ³	At dead end in Eastman 45 ft Variable	Turning Tee	None Required		
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1 The trend in the DOT is to express all curves in radius. A radius of 90 to 130 feet is recommended for lower volume Public roads and roads in residential subdivisions, as this permits safe speeds of 20 mph traffic. Curve radii of 350 to 450 feet are necessary for safe operation with heavier traffic in the 30-35 mph speed range.

2 The recommendation of maximum 6 to 12.5 degree curvature becomes effective at an Average Daily Total (ADT) over 250. This is an equivalent to a radius of 955 to 1438 feet.

3 The maximum length of a cul de sac street is determined by the total number of properties that would be affected if the street was blocked. A suggested number is no more than twenty-five houses or ADT 250.


4 If Road Classification Changes, It Is Necessary To Apply For Another Road Permit.


All classes of roads in Eastman are regulated at the point of entry unto another public or private road. This is intended to protect the physical integrity of the public road system, as well as the safety of the traveling public. All the standards developed and placed upon private roads by the Town are intended to protect the long term integrity of the road system which serves residents and travelers in the Town of Eastman, and to protect the Town's interests in the event of the eventual takeover of a currently private road by the Town.

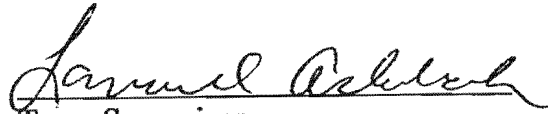
16.0 EFFECTIVE DATE

This Ordinance is effective on publication. The town clerk shall properly publish this ordinance or a notice of adoption of this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 8th day of May 2013.


Town Chairman


Town Supervisor


Town Supervisor

ATTEST:

Marlene H. Simmons
Town Clerk

Date Adopted:	<u>5/8/2013</u>
Date Recorded:	<u>5/8/2013</u>
Date Published:	<u>5/15/2013</u>
Effective Date:	<u>5/16/2013</u>