

TOWN OF SIOUX CREEK
BARRON COUNTY, WISCONSIN
AN ORDINANCE REGARDING CONSTRUCTION OF NEW ROADS
ADOPTED JUNE 8, 2010

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Section one: To create Town of Sioux Creek New Road Construction Ordinance

SECTION 1. TITLE/PURPOSE, AUTHORITY AND SCOPE

1.1 TITLE/PURPOSE

The title of this Ordinance is the Town of Sioux Creek Construction of New Roads Ordinance.

The purpose of this Ordinance is to promote the public health, safety and general welfare of the community, to further the safe and orderly layout of roads, to ensure the safe and timely access of emergency vehicles to properties, to minimize the Town's future maintenance expense, and to ensure that the proposed placement and use of new roads is consistent with the Town of Sioux Creek Comprehensive Plan Adopted on October 28, 2005 and as may be subsequently amended and the Town of Sioux

Creek Land Division Ordinance adopted December 12, 2006 and as may be subsequently amended.

1.2 AUTHORITY

This Ordinance is adopted pursuant to the authority vested in the Town under §§60.10(2), 60.22(1) and (3), 61.34, 82.03 and 86.07, Wis. Stats.

1.3 SCOPE

This Ordinance applies to all lands in the Town of Sioux Creek, County of Barron, Wisconsin. The Town Board shall be responsible to administer this Ordinance. No new roads may be constructed unless all required approvals have been given.

1.4 INTERPRETATION

A. Abrogation and Greater Restrictions

- (1) Except when set forth expressly herein, it is not the intent of the Town Board to abrogate, annul or repeal any other ordinance of the Town or to alter the applicability of laws which are not of statewide concern within the Town. To the extent that a conflict arises between this and any other ordinance, rule or regulation, the more restrictive of them shall control.
- (2) Private Covenants. These regulations are not intended to abrogate any easement, covenant, deed restriction, or any other private agreements, or restrictions, provided that where the provisions of these regulations are more restrictive than such easement, covenant, deed restriction or other private agreements or restrictions, the requirements of these regulations shall govern.

B. Liberal Construction. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. The provisions of this Ordinance shall be liberally and broadly construed in favor of the Town of Sioux Creek to promote the purposes for which they are adopted and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town of Sioux Creek.

- C. General. Where used herein the word “shall” is mandatory. The word “may” is permissive.
- D. Severability and Non-Liability
- (1) If a court of competent jurisdiction adjudges any section or portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance shall not be affected.
 - (2) If any application of this Ordinance to a particular parcel or lot of land is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other land or parcel not specifically included in said judgment.
 - (3) The Town does not guarantee, warrant, represent, or hold itself liable for any defects in plans or specifications, false information provided, plan omissions, examination or inspection oversight, construction, or damage that may result in or after installation, and reserves the right to order changes or additions if conditions arise pertaining to the public health, safety, or welfare or in the interest of maintenance and operation of Town Roads which support such action being taken.
 - (4) The Town assumes no responsibility for any property damage related to flooding, or any other form of injury which are the result of the construction of a road pursuant to authority granted under the terms and conditions of this Ordinance.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply:

Alley. A public or private right of way shown on a plat or certified survey map which provides secondary access to a lot, block or parcel of land.

Clerk. The Town Clerk for the Town of Sioux Creek

Conservation Design Subdivision. A housing development from land division in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained by the greatest extent possible.

County. Means the County of Barron, Wisconsin.

County highway. A highway, inclusive of all public ways and thoroughfares and all bridges on the same, operated by the County for public travel purposes.

Inspector. The Town Road Patrolman for the Town of Sioux Creek or other person designated by the Town Board.

Land Division Ordinance. Means the Town of Sioux Creek Land Division Ordinance adopted December 12, 2006, and as may be subsequently amended.

Major Subdivision. Division of a lot, parcel, or tract of land by the owner(s) thereof or agent of the owner(s) for the purpose of sale or building development where the act of division creates four (4) or more lots or building sites and the remnant parcel.

Minor Subdivision. Division of a lot, parcel, or tract of land by the owner(s) thereof or agent of the owner(s) for the purpose of sale or building development where the act of division creates three (3) or less lots or building sites and the remnant parcel.

Owner. Any person having a legal or equitable interest in a parcel or lot.

Parcel or Lot. A unit or parcel of land legally described and of record with the County Register of Deeds.

Patrolman. The Town Patrolman for the Town of Sioux Creek.

Person. Natural persons, partnerships, associations and all other bodies corporate or public.

Principal Structure. The main structure on a lot or parcel, used for the primary purpose of said lot or parcel, as opposed to being used for a subordinate or accessory use.

Private Road. A privately owned and maintained road that serves more than two (2) parcels or lots and that intersects with a Public highway and has not been dedicated and/or accepted to/by the Town.

Public highway. Any segment, right of way, or easement associated with a Town road or County highway designated for public use.

Right of Way. A strip of land which is either conveyed to the Town or which is dedicated to the Town or whose use for public travel or opening and working by the Town are of such long standing as to constitute it as being made available for public travel purposes. Rights-of- way of all new roads shall be sixty-six (66) feet in width unless otherwise authorized by the Town Board consistent with State standards. However as to pre-existing roads, widths may vary and are site specific.

Road Plan. A plan prepared by or on behalf of any person for the construction of a Town Road, which plan is approved by the Town under this Ordinance.

Subdivider. Any person creating a land division, including the owner(s), agent for the owner(s), or a party with an ownership interest in a parcel of land proposed to be divided. A land divider with an option to purchase may be the subdivider if all owners or holders of interest in all involved properties are disclosed at the time of application. Also the applicant or land divider.

Town. Means the Town of Sioux Creek, Barron County, Wisconsin, and includes the Town's officers, employees, and agents where appropriate.

Town Board. The Town Board of Supervisors for the Town of Sioux Creek.

Town road. A highway, inclusive of all public ways and thoroughfares and all bridges on the same, operated by the Town for public travel purposes.

SECTION 3. NEW ROAD CONSTRUCTION

3.1 PROCEDURE

A. No construction shall begin on any road intended for public or private use until a road plan has been approved by the Town of Sioux Creek and all applicable requirements, procedures and approvals required under Wisconsin State law, Town and County Ordinances have been met.

B. Road Plan. A person proposing to construct a road in the Town shall submit a plan for its location and design to the Town. Said plan shall include at the minimum a map of its location, a description of its right-of-way, proposed intersections with existing roads, and detailed engineering plans for the manner of constructing the subgrade, grade and traveled portions of the road together with materials proposed to be used and a delineation of existing soil types, the existence of wetlands in relationship thereto and the actual or proposed uses of lands adjoining the proposed road. Additional information or studies may be required upon review of the plan by the Town. Each such plan shall be certified by a civil engineer licensed in Wisconsin .

C. In the event that there is a conflict between a standard set forth in this Ordinance for the construction of a Town Road and those set forth in County or State laws, ordinances or regulations, the most restrictive requirement shall control and shall be reflected in the plan.

D. At the discretion of the Town Board, modifications to or variances from Town road standards may be allowed if it is determined that a better design will result.

3.2 MEETINGS, NOTICES, INSPECTIONS, ACCEPTANCE AND BOND

- A. A preconstruction meeting shall be held at a designated location prior to beginning any construction activities.
- B. A minimum forty-eight (48) hour notice to the Town Patrolman or Town Engineer shall be provided prior to beginning any construction.
- C. Each phase of the road construction shall be inspected and approved by the Town Patrolman or Town Engineer prior to beginning the next course. Inspections shall include at a minimum road subgrade and aggregate base courses. All costs incurred by the Town associated with the road construction shall be the responsibility of the road builder, including, but not limited to, services such as construction inspection or surveying. Reimbursements for costs incurred will be made to the Town prior to final acceptance of the project.
- D. Upon completion of the construction, the road builder shall provide the Town with a written notification that the work has been completed. The Town will then complete a final inspection of that project and notify the subdivider of any deficiencies which shall be corrected prior to final acceptance.
- E. Sixty-Seven per cent Rule. Prior to any road being accepted by the Town as a Town Road, sixty-seven percent (67%) of all lots or parcels abutting or having legal access to said road shall have been developed by the construction or erection of a principal structure.
- F. Upon acceptance of a road plan, the road builder shall furnish the Town with a bond drawn on a surety licensed in Wisconsin guaranteeing faithful and complete performance in accord with the approved plan. Each bond shall be in an amount equal to one hundred-twenty percent (120%) of the anticipated cost of construction. Said bond shall not be revoked at the time when the Town acknowledges that the construction has been completed in a manner consistent with the approved plan; rather, said bond shall be maintained for a period of two (2) years next following Town acknowledgement of completion of the project to guarantee

against deficiencies in performance detected within that period of time. The bond shall name the Town as its obligee.

SECTION 4. DESIGN AND CONSTRUCTION STANDARDS OF NEW TOWN ROADS

4.1 DEDICATIONS AND LAYOUT

- A. The land divider shall dedicate land for and to improve roads in the Town as provided herein. New Town roads shall conform to any applicable official map ordinances in effect in the Town. Roads shall be located with due regard for topographical conditions, natural features, existing and proposed Town roads or County highways, utilities, land uses, and public conveyance and safety.
- B. All parcels, out lots, or lots shall have frontage on a Public highway, except as allowed in the Land Division Ordinance.
- C. Road locations shall be designated consistent with the approved road plan; nonetheless, a road location may be rejected by the Town if it is incompatible with the Town Comprehensive Plan. The rights-of-way, widths, and radii of curvatures and grades shall conform with the standards in this Ordinance and §82.50, Wis. Stats., whichever is more restrictive. To guarantee access to adjacent parcels which lack frontage on an approved Town Road, the Town may require that a road builder provide an easement consistent with the requirements of §82.27(6), Wis. Stats.
- D. Roads shall be laid out in a subdivision of land in such a manner as to provide for their continuation across adjoining lands not included in the subdivision whenever topographic and other physical conditions so permit.
- E. Roads in minor subdivisions and Conservation Design Subdivisions shall be laid out so as to discourage their use by through traffic.
- F. The number of intersections in minor subdivisions and Conservation Design Subdivisions shall be reduced to the

practical minimum consistent with circulation needs and safety requirements. Where a land division abuts or contains an existing Public highway, the Town may require a frontage road, or such other treatment as may be necessary by the Town to ensure safe, efficient traffic flow and adequate protection of properties.

4.2 CONSTRUCTION STANDARDS

The following criteria shall be used by a road builder's engineer to develop minimum road section designs. The typical road section shown as Appendix A herein is the minimum design section. Nonetheless, in designing a road, the road builder's engineer shall take into account physical characteristics, including but not limited to the quality of the subgrade soils, anticipated traffic volume, topography and other factors deemed necessary by the Town's engineer and shall modify the design according to instructions from the Town engineer.

- A. Design Criteria
 - 1. Twenty (20) year design
 - 2. Ten (10) percent maximum road grade
 - 3. One (1) percent minimum ditch grade unless otherwise approved by the Town
 - 4. Two (2) percent minimum roadway cross slope
 - 5. One-half (1/2) percent minimum road grade on curb and gutter sections
 - 6. A tangent of at least One hundred fifty (150) feet shall be required between reverse curves on Public highways and seventy-five (75) feet on roads in minor subdivisions and Conservation Design Subdivisions.
 - 7. Permanent dead end roads and cul-de-sacs shall not be longer than one thousand (1000) feet, shall have a minimum width of sixty-six (66) feet, and terminate with a turn-a-round having an outside roadway diameter of at least one hundred (100) feet and a property line diameter of one hundred thirty-eight (138) feet.

8. Roads shall afford maximum visibility and safety and shall intersect at right angles, where practicable. Road jogs at intersections shall be avoided. There shall be at least one hundred twenty-five (125) feet between the centerlines of roads at adjacent intersections. No roads shall intersect any other road at less than seventy-five (75) degrees, and more than two roads intersecting at one point shall be prohibited, unless for intersections designed as a roundabout.
9. Road names shall be subject to both Town and County approval.
10. Alleys shall have a minimum width of twenty (20) feet.
11. Roads in residential subdivisions shall be designed based on a twenty-five (25) MPH design speed unless otherwise specified by the engineer.

B. Materials and construction requirements

1. Aggregate base course and shoulder aggregate shall meet the requirements of WI DOT 301 and 305. The aggregate base shall be compacted to ninety-five (95) per cent standard proctor density. The finished aggregate base shall not vary by more than 0.04' above or 0.1' below from the proposed plan elevations.
2. Sub base shall meet the requirements of WI DOT 211.
3. Bituminous Mixture shall meet the requirements of WI DOT 450.
4. Roadway excavation and embankment shall conform to WI DOT 205 and 207. Roadway compaction shall be in accordance with the "standard compaction method". Compaction in the upper three (3) feet of the subgrade shall be ninety-five (95) per cent standard proctor density. Subgrade surface shall not vary more than 0.04' above or 0.1' below the proposed plan elevations.

5. Roads shall have a minimum base course thickness of six (6) inches (WI DOT 304 Gradation #3) and twelve (12) inch granular sub base.
6. The aggregate base course shall go through one freeze/thaw cycle prior to placing bituminous courses unless otherwise approved by the Town.
7. Roads shall be surfaced with a minimum two and one-half (2 ½) compacted inches bituminous wear (WI DOT 450)
8. As determined by the Town, roads having the potential of heavy use, shall have a recommended road base and pavement section provided by an engineer licensed in the State of Wisconsin and approved by the Town.
9. Subgrade preparation shall meet the requirement of WI DOT 211.
10. A test roll shall be performed upon completion of the fine grading of the subgrade and aggregate base. The contractor shall provide a loaded tandem axle truck with a minimum gross weight of twenty-five (25) tons to perform the test roll.
11. All pavement shall be in accordance with WI DOT 450. Compaction shall be by the ordinary compaction method.
12. Road culverts and storm sewer shall meet the requirements of WI DOT 520. Storm culverts shall be designed to carry a fifty (50) year storm flow with head water elevations a minimum of one (1) foot below the finished centerline road grade. Minimum pipe size is fifteen (15) inches.
13. An erosion control and turf establishment plan shall be submitted for review and approval by the Town. Erosion control shall meet the requirements of WI DOT 628. Topsoil shall be placed a minimum of four (4) inches deep and shall be free of rocks larger than four (4) inches in diameter. WI DOT 630 seed or other Town approved mixture shall be applied at a

rate of one-hundred (100) pounds per acre to all disturbed areas. Seeding completed after November 1 shall be considered dormant and shall be applied at twice the rate. Mulch (WI DOT 627) shall be applied at a rate of two (2) tons per acre to disturbed areas. Erosion control maintenance is the responsibility of the subdivider or contractor, any silt, debris, mud, etc. deposited on new or existing pavement or in drainage systems shall be removed at the expense of the contractor or subdivider. All silt fence shall be removed by the contractor/subdivider upon establishment of permanent erosion control measures.

14. It is the contractor's and subdivider's responsibility to determine the locations of all underground utilities and to notify the utility companies of any concerns. The contractor and subdivider are responsible for the protection of all utilities on or near the site.

SECTION 5. PENALTIES FOR NON-COMPLIANCE

5.1 Violations

- A. Any person who violates, disobeys, neglects, omits, tries willfully to circumvent the intent of the Ordinance, refuses to comply with this Ordinance, or resists enforcement of any of its provisions shall be subject to a written notice of violation.
- B. The Town Patrolman, Building Inspector, a law enforcement officer, or any other authority authorized by the Town Board may require by written order any road construction violating this Section to be put in compliance within thirty (30) days from written order or other time as specified in such order.

5.2 Penalties

- A. Each failure to obey a written order shall constitute a new violation of this Ordinance. Forfeitures shall be assessed in the following manner:
 1. Failure to comply with first written notice: \$100.00

2. Failure to comply with second written notice: \$150.00
 3. Failure to comply with third written notice: not less than \$150.00 nor more than \$1,000.00 for each day of continued non-compliance following the expiration of the notice period contained in the notice served.
- B. If road construction for which a written violation order has been issued is not brought into full compliance within the time period specified in the written notice, at the option of the Town it may through a member of the Town Board, a law enforcement officer or the Town Patrolman, issue a citation for such violation. As a complete alternative, when called for in the interest of public health, safety and welfare, the Town Board may authorize seeking injunctive relief against continuation of the violation in question.
- C. Failure to construct a road meeting with the requirements of this Ordinance as particularly applied to the road in question may result in the refusal of the Town to accept dedication of the road to the public, any agreement to the contrary notwithstanding.

SECTION 6. SHORELAND, FLOODPLAIN AND COUNTY HIGHWAY ORDINANCES

6.1. State and County Shoreland and Floodplain

Nothing in this Ordinance shall contravene the State of Wisconsin Department of Natural Resources or Barron County's ordinances, regulations and rulings applicable to lands located in shoreland zoning or floodplain overlay districts.

6.2. County Highways

Nothing in this Ordinance shall contravene Barron County's ordinances, regulations and rulings relating to roads that access County Highways.

SECTION 7. VARIANCES

Variances

Variances to the standards of this Ordinance may be recommended by the Town of Sioux Creek Plan Commission or designee and authorized by the Town Board. The Town Board shall consider the decision of the Town of Sioux Creek or designee as part of the variance request and shall provide written findings to support their decision. Applications for a variance must be accompanied by the appropriate payment of fees set forth under the Town of Sioux Creek and must demonstrate that:

- A. Failure to grant the variance would result in exceptional and unnecessary hardship to the applicant.
- B. The hardship described in para. A. above, is specifically related to special circumstances applicable to the land to be crossed by the road including, but not limited to, size, shape, drainage, topography, location and surroundings and is not the result of the applicant's own actions nor simply for his or her economic convenience.
- C. Granting of the variance will not be materially detrimental to the public health, safety, welfare, use or interest.
- D. The granting of the variance will not materially compromise the goals and policies of the Town of Sioux Creek Comprehensive Plan, be inconsistent with other applicable regulations or inconsistent with the purpose of this Ordinance.
- E. No variance shall be granted for a road design which the Town Board finds does not fulfill each of the standards set forth above.

Section Two: This Ordinance shall take effect upon its adoption and publication as required by law.

Ordinance first Adopted

June 8., 2010

Ordinance first Published

June 16, 2010

TOWN OF SIOUX CREEK, BARRON COUNTY, WISCONSIN

TOWN BOARD CHAIR

Michael Wick

____Michael Wick_(signature)_____

TOWN CLERK

Kathleen L. Martin

____Kathleen L. Martin (signature)_____