

**ORDINANCE NO: 19****AN ORDINANCE REGULATING THE CONSTRUCTION OF ROADS, THE METHOD OF FINANCING SAME AND THE ALTERATION AND EXCAVATION OF TOWN RIGHT-OF-WAY**

The Town Board of the Town of Grand Rapids, Wisconsin, pursuant to § 60.22 Wisconsin Statutes does ordain as follows with regard to its Town Ordinances:

**19.1 Purpose**

Without limitation because of enumeration, the Town Board may:

- 1) Notwithstanding Sec. 60.10(2)(e), Wis. Stats. acquire lands to lay, construct, alter, extend or repair any highway, street or alley in the Town.
- 2) Provide for laying, constructing, altering, extending, replacing, removing or repairing any road, sanitary sewer, or storm sewer in the Town.
- 3) Provide for lighting for roads, as defined under Sec. 340.01 (22), Wis. Stats. located in the Town.
- 4) Provide for making improvements in any lake or waterway located in the Town.

**19.2 Definitions**

Unless otherwise indicated, the following terms used in this ordinance shall be deemed for the purpose of this ordinance to have the meaning hereinafter set forth:

- A. "New Road" means a road right-of-way constructed and blacktopped by a sub-developer or adjacent property owners and subsequently conveyed to the town by plat, certified survey map or deed.
- B. "Existing Road" means a deeded road right-of-way constructed, but not blacktopped, or existing and blacktopped and in need of maintenance or new blacktop.
- C. "Right-of-Way" means a road right-of-way in which the road has not been constructed, has not been blacktopped, but the right-of-way has been deeded to the town.

**19.3 New Roads**

All new roads within the Town of Grand Rapids, other than state or county, will be the responsibility of the adjacent property owner to cut in, stump, grade, provide drainage apparatus where necessary, gravel, blacktop, and shoulder to specifications established by the Town Board.

- A. The owner of the road shall obtain a first inspection of the road upon the owner's completion of the cutting in, stumping and grading of road. Upon a satisfactory first inspection the owner shall gravel the road according to Town specifications, and then obtain a second inspection. The first and second inspection shall be performed by the Public Works Chairman or Town Chairman. Within one (1) year after acceptance of the road, by the approval of the plat by the Town Board, the road shall be blacktopped and shouldered, unless otherwise provided by resolution of the Town Board. A bond sufficient to complete the necessary improvements, consistent with

- the direction of the Town Board, shall be posted prior to the acceptance of the plat, certified survey map, or deed. A plat shall not be signed until the road is completed, except for blacktopping, according to Town specifications.
- B. All roads or streets will be stumped and graded to a minimum of sixty-six (66) feet in width.
  - C. All 40-line roads will be graded to the full width of the right-of-way.
  - D. Specifications shall be established by the Town Public Works Committee for new or reconstructed roads in the town and described in the Appendix to Ordinance 19 (Roadway Construction Specifications), also on file with the clerk of the town.
  - E. All wood cut from road rights-of-way shall be removed from the roadway. It will be offered to the adjacent property owner if requested in writing within a reasonable time.
  - F. All cul-de-sacs constructed after November 13, 2001 shall be constructed with a minimum radius of seventy-two (72) feet.

#### **19.4 Existing Roads**

Section 19.2 does not preclude any action by Town Board to grade, gravel and/or blacktop any existing roadway deemed to be in the best interest of the town.

#### **19.5 Boulevards**

Boulevards, defined as such, will not be permitted anywhere within the Town of Grand Rapids, Wood County, Wisconsin.

#### **19.6 Concrete Curb, Gutter, Pavement, Sidewalks, or Storm Sewers**

Under special circumstances which shall be found to exist by resolution of the Town Board, concrete curb, gutter, pavement, sidewalks or storm sewers shall be required for specified roads. Construction shall be in accordance with plans and specifications approved by the Town Board. A bond sufficient to complete the improvements, consistent with the direction of the Town Board, shall be posted prior to commencement of construction. In the event said concrete improvements or storm sewers are required, the cost of concrete improvements or storm sewers shall be specially assessed to the adjacent landowners consistent with the terms of sec. 66.60 and sec. 66.605, Wis. Stat.

#### **19.7 Right-of-Way**

Within the Town of Grand Rapids there shall be no:

- A. Private structures or objects placed within the road right-of-way. The Town of Grand Rapids will not be responsible for such illegally placed structures or objects.
- B. Personal use of road right-of-way except for planting or maintaining a lawn.
- C. Pursuant to sec. 86.04 of Wis. Stat., the Town Board shall have the right to order the removal of any object or structure which lies within the bounds of the road right-of-way.
- D. For the safety of motorists, bicyclists and pedestrians, the Zoning Ordinance requires that the triangles of lots at intersections are clear of trees and shrubs to allow clear visibility of both streets.

### **19.8 Blacktopping**

The blacktopping of an existing road shall be commenced by a petition in writing signed by a majority of all owners of real estate bounding the specified town road. Each parcel bounding the specified town road shall be entitled to no more than one vote despite multiple ownership. Owners of more than one parcel bounding the specified town road shall be entitled to only one vote. Authority to proceed with the requested blacktopping shall be subject to approval by resolution of the Town Board. All petitions, bearing the necessary signatures, shall be filed with the Town Clerk no later than June 1st of the calendar year in which blacktopping is requested.

- A. Cul-de-sacs on roads to be blacktopped shall be fully blacktopped from center-point to a circumference with a minimum radius of fifty (50) feet.
- B. All blacktopping shall comply with specifications established by the Town Board, described in the Appendix to Ordinance 19 (Roadway Construction Specifications), also on file with the clerk of the town.
- C. The cost of new blacktopping shall be specially assessed to adjacent property owners in accordance with the terms of sec. 60.51, sec. 66.60 and sec. 66.605, Wis. Stat.
- D. Section 8 does not preclude any action by the Town Board to grade, gravel or blacktop any existing roadway deemed to be in the best interest of the town.

### **19.9 Roadway Ditches**

Roadway ditches shall be constructed consistent with the specifications set forth on Diagram A attached hereto.

- A. No property owner shall modify an existing roadway ditch in such a manner as to cause the depth to vary from the greater of:
  - 1) The original elevation; or
  - 2) A depth nine (9) inches below the edge of the paved surface of the road.
- B. A property owner may place up to four (4) inches of topsoil on the right-of-way from the lotline to the outside edge of the roadway shoulder. In any event, no property owner may modify an existing roadway ditch, nor install a driveway without culvert pipes, so as to impede the natural drainage of water.
- C. The Town Public Works Committee Chairman shall have authority to order, in the interests of the public safety, health, and welfare, that a deeper roadway ditch is required for drainage or road preservation.

### **19.10 Shoulders**

All newly constructed roadways within the Town of Grand Rapids shall have a three (3) foot minimum shoulder which consists of a gravel or aggregate road base.

- A. If existing blacktopped roads are overlayed, the shoulder shall be of reasonable width consisting of a gravel or aggregate road base.

### **19.11 Driveways**

Any person installing a driveway or a reconstruction or alteration of an existing driveway shall, prior to any such installation, obtain a Driveway Permit. Application for a Driveway Permit shall be made in writing to the Public Works Leadman and shall describe the property and the road or street where the driveway will be constructed or altered. All driveways installed, altered, changed, replaced or extended after the effective date of this article shall meet the following requirements and must be approved as to location by the Town of Grand Rapids Public Works Leadman or their designee.

- A. A plot plan showing the placement of the driveway access shall be required along with the permit application, and a fee as per Ordinance 39 "Schedule of Fees and Forfeitures" shall be paid with application submission.
- B. The maximum number of driveway openings for vehicular ingress and egress permitted for lots with a width less than 100 feet shall be one and for lots with a width greater than 100 feet, two driveway openings may be permitted with approval of the Public Works Leadman. Agricultural-zoned (A) parcels with a width greater than 100 feet, may be permitted more than two driveway openings with approval of the Public Works Leadman or their designee.
- C. Openings for vehicular ingress and egress shall be a maximum of 40 feet wide and a minimum of 15 feet wide. At the property line, driveways shall be a maximum of 30 feet wide and a minimum of 10 feet wide.
- D. Driveway approaches may be constructed of the following material, bituminous, gravel, granite, sand, sod, concrete, and such materials as the Town Public Works Committee may approve from time to time in order to protect road grading equipment.
- E. The surface of the driveway connecting with the roadway shall slope down and away from the road shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flowing onto the roadbed. The driveway shall not obstruct or impair drainage in the roadside and ditch areas.
- F. Any repairs or cleaning of the roads adjacent to the installation of driveways shall be at the owner's expense.
- G. When grading or reconstructing a roadway, the Town of Grand Rapids will replace existing driveway(s) for each separate freehold. The portion of the driveway approach to be replaced will be from the portion of the edge of the roadway to the edge of the abutting right-of-way. A driveway shall be replaced with a surface similar to its original surface except for concrete. For a concrete approach the property owner will have the option of accepting a bituminous approach or accepting a payment from the Town of Grand Rapids equal to the cost of a bituminous replacement. .

### **19.12 Subdivision Entrances**

In all entrances and exits of subdivisions in the Town of Grand Rapids there shall be no signs or structures in the road right-of-way.

### **19.13 Special Assessments**

When the costs of improvements are determined by the Town Board to be assessable to benefited property owners, special assessments shall be assessed pursuant to the terms of § 66.54, § 66.60 and § 66.605, Wis. Stat.

- A. In the event property benefited by a public improvement derives no use of the improvement, the special assessment may be deferred on terms and in such a manner as prescribed by the Town Board. If prescribed by the Town Board, special assessments may be paid in installments over a period not to exceed ten (10) years. All assessments deferred or to be paid in installments shall bear interest at a rate to be set by the Town Board. This interest charge shall be made to cover administrative expenses relating to these assessments.

#### **19.14 ALTERATION/EXTENSION, EXCAVATION OR ADDITION TO RIGHT-OF-WAY**

##### **A. Regulations:**

- 1) No person, partnership, utility or corporation, or their agents or employees or contractors shall make or cause alteration, extension or addition within the road right-of-ways without a permit issued by the Town Clerk. The permit fees shall be established in Ordinance No. 39 and shall be paid prior to the issuance of the permit.
- 2) An application for the permit shall be submitted to the Town Clerk with a written plan of the proposed alteration, extension or addition, showing its location and details of construction, including specified depth, method of auguring, provisions of restoration and whatever the Town would deem necessary for review and consideration. The Town Clerk shall approve or deny a permit application within 60 days of receipt of the application. If a permit application is denied, the Town Clerk shall provide the applicant with a written explanation of the reasons for denial.
- 3) No openings in the roads, sidewalks or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Town.
- 4) In any opening or excavation, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water in the right-of ways.
- 5) Every opening and excavation shall be enclosed with sufficient barriers. Sufficient warning lights shall be kept on from sunset to sunrise. Such lights shall be spaced so as to give adequate warning of the existence of the opening and piled excavated materials. No open flame warning pots shall be used. Except by special permission from the Town, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit neither laying nor left unfilled more than five hundred (500) feet where pipe or conduit has been laid. All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Town in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of

any necessary precaution against injury or damage to persons, vehicles or property of any kind.

- 6) Unless the work shall be commenced within thirty (30) days from the date of approval, permission shall be void, and a new request must be submitted. The Town may extend the time limitation for good cause. The applicant shall have present at the site of construction and during the restoration period a copy of the construction plans and Town's written permission.
- 7) It shall be the duty of the applicant to notify the Town Clerk and all private individuals, firms and corporations affected by the work to be done at least twenty-four (24) hours before such work is to commence. The Town Clerk shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.
- 8) During the period of construction and excavation, the applicant shall take all reasonable precaution, including following all industry standards, in protecting the safety of all persons, including but not limited to, area residents, motorists and Town employees, who are likely to be in the area of construction and/or excavation. The utility shall also take reasonable precaution necessary to protect the environment and prevent erosion.

#### **B. Restoration:**

- 1) All surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position. Any excavated material, which, in the opinion of the Town, is not suitable for refilling, shall be replaced with approved backfill material. All rubbish shall be immediately removed. In refilling the opening, the earth must be puddled or laid in layers not more than six (6) inches in depth and each layer rammed, tamped or flushed to prevent aftersettling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Town may elect to have the opening repaired by the Town, in which case the cost of making such repair and of maintaining it for one (1) year shall be charged to the person making the road opening.
- 2) The person who does such restoration shall be responsible therefore for two (2) years from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the Town in the amount of One Thousand Dollars (\$1,000.00), except as provided in paragraph I herein.
- 3) Whenever the Town shall find that any such work has become defective within two (2) years of the date of completion, it shall give written notice thereof to the contractor or to his surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Town to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the Town for the cost of doing the work as set forth in the notice.

- 4) All restoration work must be completed with 30 days of the project completion. In the event the applicant fails to timely complete the restoration, the Town may do so at the applicant's expense.
- C. Insurance Required:** Except as provided for in paragraph I herein, a permit shall be issued only upon condition that the applicant submit to the Town satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than One Hundred Thousand Dollars (\$100,000.00) per one (1) person, Three Hundred Thousand Dollars (\$300,000.00) for one (1) accident and property damage coverage of not less than Fifty Thousand Dollars (\$50,000.00). The Town shall be listed as a third party insured on the policy.
- D. Bond:** Except as provided for in paragraph I herein, before a permit is issued, the applicant must sign a statement that he will indemnify and hold harmless the Town of Grand Rapids and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the road, and will replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Town Board for a period of two (2) years, and that he will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing road openings or drain laying adopted by the Town Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Town. Such statement shall also guarantee that if the Town shall elect to make the road repair, the person opening the road will pay all costs of making such repair and of maintaining the same for one (1) year.
- E. Costs to be paid by utility:**  
Pursuant to PSC 130.05 (Wis. Admin.Code) and under the authority of the Town generally, a utility shall be required to pay the actual cost of functions undertaken by the Town to manage utility access to and use of municipal right-of-way. These management functions include all of the following:
- 1) Registering utilities, including the gathering and recording of information necessary to conduct business with a utility.
  - 2) Issuing, processing and verifying excavation or other utility permit applications, including supplement applications.
  - 3) Inspecting utility job sites and restoration projects.
  - 4) Maintaining, supporting, protecting or moving utility equipment located within a municipal right-of-way during highway, street and right-of-way work undertaken by or at the direction of the Town. In lieu of payment of the actual cost, a utility may perform the duties.
  - 5) Undertaking restoration work inadequately performed by a utility after providing notice and the opportunity to correct the work.
  - 6) Revoking utility permits.

- 7) Maintenance of databases.
  - 8) Scheduling and coordinating, when possible, highway, street and right-of way work relevant to a utility permit.
- F. Permanent relocation of utility facilities:** Pursuant to PSC 130.09 (Wis. Admin. Code) the Town may require a utility, at its expense, to permanently relocate transmission or distribution facilities in a municipal right-of-way when necessary for health, safety or public welfare.
- G. Abandonment:** A utility shall notify the Town of the utility's intent to abandon transmission or distribution facilities and the utility shall provide the Town a map, at the utility's expense, depicting the location of any facility within the Town that the utility intends to abandon.
- H. Advance excavation work plans:** A utility shall submit to the Town of Grand Rapids Public Works Director its future construction or excavation work plans in a time frame that will allow the Town to coordinate work within a municipal right-of-way.
- I. Bond/Insurance Requirements:**  
Pursuant to PSC 130.06 (Wis. Admin. Code) the Town may require a utility to provide indemnity and/or performance bonds as well as proof of adequate liability insurance prior to the issuance of a permit only if the Town has reasonable grounds to question the financial responsibility or compliance ability of the utility.
- J. Definition:** In this section, the definition of terms shall be as set for in PSC 130.01 (Wis. Admin. Code). Provided, however, the term utility as used in this section shall include an interim cable television operator and a video service provider.
- K. Exception:** The provisions of this Section requiring payment of a fee, including a permit fee, the posting of a bond or the submission of proof of insurance shall not apply in any of the following circumstances, except that the safety and restoration requirement in this Section shall still be followed:
- 1) Excavation work done by Town employees or contractors performing contract with the Town.
  - 2) Development of new town highways in recorded subdivisions.
  - 3) Excavation for utility purposes on a town highway in a recorded subdivision conducted by the subdivision developer prior to the hard-surface paving of such highway.
  - 4) Other projects in which the town board determines that issuing and exemption is appropriate.

#### **19.15 Penalties**

Any person, firm or corporation that fails to comply with the provisions of this ordinance shall, upon conviction, be subjected to a forfeiture per Ordinance 39 "Schedule of Fees and Forfeitures" together with the costs of prosecution. Each day a violation exists or continues shall constitute a separate offense. All



prosecutions of violations of provisions of this ordinance shall be commenced by citation pursuant to Town of Grand Rapids Ordinance No. 27.

**This ordinance shall take effect from and after the date of its passage and publication as provided by law.**

**HISTORY**

<b>Declaration/Ordinance/Resolution No</b>	<b>Dated</b>
<b>RESOLUTION NO:</b>	12-April-1994
	24-September-1996
	10-August-1999
	13-September-2005
2005-08	23-May-2006
2006-07	11-May-2010
2010-19	10-April-2012
2012-13	8-July-2014
2014-20	8-March-2016
2016-12	8-June-2021
2021-13	