

TITLE 6

Public Works

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Public Works

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Sec. 6-1-1 Statutory Public Work Authority.

Without limitation because of enumeration, the Town Board may:

- (a) **Acquire Lands.** 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 of Stephenson.
- (b) **Streets, Sewers and Water Mains.** Provide for laying, constructing, altering, extending, replacing, removing or repairing any highway, street, alley, sanitary sewer, stonn sewer or water main in the Town.
- (c) **Sidewalks.** Provide for construction, removal, replacement or repair of sidewalks under Sec. 66.0907, Wis. Stats.
- (d) **Lighting Highways.** Provide for lighting for highways, as defined under Sec. 340.01(22), Wis. Stats., located in the Town.
- (e) **Lake Improvement.** Provide for making improvements in any lake or waterway located in the Town.

State Law Reference: Sec. 60.50, Wis. Stats.

Sec. 6-1-2 Payment for Public Works; Special Assessments.

The Stephenson Town Board may levy and collect special assessments and charges under Sec. 66.0703, Wis. Stats., and Title 3, Chapter 2, of this Code to pay for all or part of the cost of any public work or improvement. Special assessments may be paid under Sec. 66.0713, Wis. Stats. Reassessments shall be under Sec. 66.0731, Wis. Stats.

State Law Reference: Sees. 60.51, 66.54, 66.0703 and 66.0731, Wis. Stats.

Sec. 6-1-3 Burning or Deposit of Rubbish on Highway Right-of-Ways Prohibited.

It shall be unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, machinery, garbage or other waste or rubbish in or on the right-of-way of any highway located in the Town of Stephenson, Marinette County, State of Wisconsin, or to burn any material of any nature in or on the right-of-way of any such highway or road, and particularly the paved portions thereof, in the Town of Stephenson, except as specifically authorized by the Town Board.

Title 6 ► Chapter 2

Private and Public Roads

6-2-1 Private and Public Road Construction Requirements

Sec. 6-2-1 Private and Public Road Construction Requirements.

- (a) **Intent.** The purpose of this Section is to control the widespread development of divisions of land using private and public roads and to provide standards for roads and easements within the Town of Stephenson that promote the public safety, convenience, general welfare and minimize poorly designed points of access, set standards for new private or public roads over which emergency vehicles may be required to travel, set standards for new private and public roads being developed into the road system and set standards for recognized access roads serving newly created lots.
- (b) **Specifications.** Along with the provisions of this Section, private roads shall be subject to all specifications and provisions included in Sections 6-2-11 and 6-2-12 regarding Town roads and Ch. 236, Wis. Stats., currently in effect and subsequently amended, with such provisions incorporated by reference into this Section.
- (c) **Standards For All New Roads Serving More Than Three Parcels (with the exception of private roads serving less than 3 parcels may have gravel surface.)**
- (1) After December 10, 2003, all new roads for development serving more than three (3) parcels of residential units shall be built and ownership thereof turned over to the Town of Stephenson as public Town roads after satisfactory completion by the developer/property owner according to the standards prescribed in Sections 6-2-11 and 6-2-12, or, with approval of the Town Board, a private road may be utilized complying with the standards of this Subsection.
 - (2) Except as provided in Subsection (c)(3), all newly developed future Town roads shall be constructed to standards prescribed by this Code of Ordinances, including required paving, or, in lieu of paving, a certificate of deposit, surety bond, irrevocable letter of credit or cash deposit shall be established and deposited with and in the name of the Town of Stephenson to pay for the construction and paving of the road at a later date. The monetary deposit/guarantee shall be in an amount acceptable to the Town reflecting the current cost of paving and associated base improvements at the time of submittal.
 - (3) The developer shall make an escrow deposit or in lieu thereof shall furnish a performance bond or irrevocable letter of credit, the amount of the deposit and the

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penal amount of the bond to be equal to one and one-quarter (1 1/4) times the estimate of the total cost of all road improvements (grading, base installation, paving, etc.), as prepared by the Town Board or designee, including the cost of inspection. (4) A new private road may be established serving more than three (3) parcels or residential units if the following criteria is met:

- a. The parcel(s) served by said road is owned by the same person and ownership remains with that person;
 - b. The parcel(s)/unit(s) served by said road is under ownership of members of a single family and stays under said ownership;
 - c. The parcel(s)/unit(s) and/or residence(s) is owned by a legally recognized corporation and remains in that corporation's holdings.
 - d. All such private roads shall have a minimum of sixty-six (66) foot right-of-way.
 - e. All such private roads may remain graveled a minimum of twenty-six (26) foot wide of ownership remains according to the criteria above.
 - f. If the criteria of Subsection (c)(3)a-c above no longer qualifies, no certified survey map (CSM) may be approved unless the private road is brought to Town standards including paving and the private road is dedicated to the Town of Stephenson as a public Town road.
- (d) **New Private Roads Serving Three or Fewer Parcels; Future Extensions.**
- (1) **If** a private road is established serving up to three (3) parcels or residential units and later extended due to additional land divisions to serve more than three (3) parcels or residential units, the entire road shall then be brought up to Town road standards and turned over to the Town of Stephenson as a public road. Any private road existing prior to December 10, 2003, is exempt from the requirements of this Subsection unless an extension of the road is made. Developers/property owners shall be notified before approval is considered by the Town.
 - (2) It is understood that any private road, new or existing, shall not be entitled to either maintenance or improvement by the Town of Stephenson at any time, now or in the future, unless and until such road has been dedicated to and accepted by the Town of Stephenson as an appropriated public road pursuant to the then applicable ordinance governing acceptances of such road.
- (e) **Existing Private Roads.** Existing private roads within the Town of Stephenson will be considered for public Town road status if the following requirements are fully satisfied:
- (1) A majority of owners having access to the road agree, in writing, to turn over the road to the Town of Stephenson as a public Town road.
 - (2) The road meets all standards established in Sections 6-2-11 and 6-2-12, including the paving requirement.
 - (3) Satisfactory Town inspection of the road shall first occur, verified and approved by the Director of Public Works or designee.
- (f) **Development Plan Review; Approvals.**
- (I) **Required Information.** Following payment of development plan fees per Section 1-3-1, prior to the commencement of any road construction project (public or private),

a development plan shall first be submitted to the Town for approval, with the following information (see also Title 14A, regarding development plan procedures with land divisions):

- a. A legal description of the location of the proposed right-of-way on the development plan, for which the property owner(s) is responsible. The proposed road shall be staked out at the proposed site for visual inspection at the centerline.
- b. The length of road at the centerline.
- c. In the case of a private road, the legal documents creating a legally binding property owners association responsible for the maintenance of the private road and other proposed restrictive covenants.
- d. All roads conveyed to the Town of Stephenson shall be free and clear of all liens, encumbrances and restrictions except utilities easements. The developer/applicant association shall provide sufficient title evidence reflecting that the property will be conveyed as set forth above if it is to be a public road.
- e. Upon completion of said road, a professionally prepared map indicating that the road is constructed in the middle of the right-of-way shall be filed with the Town Clerk.

(2) Access Points; Plans Required.

- a. If the case of requested access to a state or federal highway, the property owner must obtain a permit from the State of Wisconsin.
- b. In the case of requested access to a county highway, the property owner must obtain a permit from Marinette County.
- c. In the case of access to Town roads not part of a recorded subdivision, the access point shall be fifty (50) feet in all directions from the centerline of the Town road and the access road from the point of intersection.
- d. The applicant shall submit to the Town four (4) copies of all information required. The Town Clerk shall, upon receipt of the required information, forward copies to the Director of Public Works, Town Chairperson, and Plan Commission chairperson.
- e. The Public Works Director shall review the plans and make recommendations to the Town Board. Inspections shall occur as stated in Town ordinances.

(g) Maintenance of Private Roads. Maintenance by property owners on existing or new private roads is required by the Town. A property owners/homeowners association shall be formed, per the standards of Title 14A, as a requirement for creating and maintaining a private road. Private roads shall be maintained and be free of brush in order for emergency vehicles to have access to all property owners serviced by that road. **If** a lack of maintenance is observed by the Town, all property owners on the road shall be notified that emergency vehicles may not be able to access their property during an emergency. The Town may not risk damage to emergency vehicles or personnel attempting

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to gain access to roads not maintained or kept free of brush. [Note: A majority of the property owners served by a private road may petition the Town to turn the road over as a public Town road per Subsection (e); the road would then have to be brought up to Town road standards, which would be the responsibility and at the cost of the landowners.

- (h) **Naming of Roads.** The standards for naming of private roads shall be the same as for the naming of Town roads per Sections 6-2-11 and 6-2-12. All road names shall be approved by property listings of Marinette County using forms provided by the County and in compliance with County Ordinance #242 or its most current successor ordinance.
- (i) **Utility Easements.** All private roads are subject to easements for public utilities. The placement of such easements shall be indicated on certified survey maps.
- (j) **Plan Modifications.** The Town Board may alter plans as permitted under Sec. 236.45, Wis. Stats., currently in effect and subsequently amended, or require additional features in order to promote public safety, convenience and general welfare. The Town may require additional information.
- (k) **Variances.** Where, in the judgment of the Town Board, it would be inappropriate to literally apply the provisions of this Section, the Town Board may waive or modify any requirement(s) in accordance with this Section. Considerations for a variance include:
 - (1) The division of land involved is less than four (4) lots.
 - (2) The division of land involves the transfer of property within the immediate family.
 - (3) Exceptional or undue hardship would result.
- (l) **Restrictions on Issuance.** The Town Board may waive or modify any requirement under this Section to the extent deemed just and proper provided:
 - (1) Such relief is granted without impairing the intent and purpose of this Section or the desirable general development of the Town of Stephenson.
 - (2) No variance or waiver may be granted that would be contrary to any Wisconsin Statute or Wisconsin Administrative Code provision.
- (m) **Noncompliance.** Any person or firm required to comply with the provisions of this Section shall do so. Failure to comply with any provision of this Section shall upon conviction be subject to a forfeiture as prescribed in Sec. 1-1-6.
- (n) **Enforcement.** The Director of Public Works or other person or persons authorized by the Town Board shall be empowered to inspect and, if necessary, issue citations.

Sec. 6-2-2 Required Agreement Providing for Proper Installation of Improvements.

- (a) **Compliance.** Prior to installation of any required improvements and prior to the meeting at which the Final Plat or certified survey map is approved, the sub-divider shall follow Town ordinances, with the Town requiring the sub-divider to furnish and construct said improvements at his/her sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction details by the Town Board or designee. Per Title 14A, the Town Chairperson and Clerk shall not sign a Final Plat or certified survey map until required improvements are installed.
- (b) **Financial Guarantees.**
 - (1) The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish a performance bond or irrevocable letter of credit, the amount of the deposit and the penal amount of the bond to be equal to one and one quarter (1-1/4) times the estimate of the total cost of all road improvements (grading, base

installation, paving, etc.), as prepared by the Town Board or designee, to be furnished, including the cost of inspection.

- (2) On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit, letter of credit or bond shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. If the required improvements are not complete within the specified period, all amounts held under performance bond, deposit or letter of credit, shall be turned over and delivered to the Town and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Town Board, at its option, may extend the bond, deposit or letter of credit, period for additional periods not to exceed two (2) years each period.
- (3) The time for completion of the work and the several parts thereof shall be determined by the Town Board upon recommendation of the Town Engineer after consultation with the subdivider. The completion date shall be a component of the contract.
- (4) The subdivider shall pay the Town for all costs incurred by the Town for review and inspection of the subdivision. This would include review, and preparation at the Town Board's discretion, of plans and specifications by the Town Engineer, Planner, and Attorney, as well as other costs of a similar nature.
- (5) If the Subdivider and the individual or entity holding title to the property on which the development is to occur are different entities or individuals, then both shall sign the development contract. If either or both the Subdivider or title holder to the development property are a corporate or legal entity, then all of the owners of that entity (or entities if both the Subdivider and the title holder are legal entities) shall sign the development contract in their individual capacities.

Sec. 6-2-3 Required Construction Plans; Town Review; Inspections.

- (a) **Engineering Reports, Construction Plans and Specifications.** As required by Section 14-1-31, general engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Preliminary Plat. At the Final Plat stage, detailed construction plans for the required improvements conforming in all respects with the standards of the Town Engineer, if utilized, and the ordinances of the Town of Stephenson shall be prepared at the subdivider's expense. Such plans, together with the quantities of construction items, shall be submitted to the Town Board, or Town Engineer, if utilized, for their approval and for their estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Final Plat with the Town Clerk, or as soon thereafter as practicable, copies of the construction plans and specifications, where applicable, shall be furnished for the following public improvements, with a copy sent to the appropriate sanitary district, if involved:
 - (1) **Street Plans and Profiles** showing existing and proposed grades, elevations and cross sections of required improvements.
 - (2) **Storm Water and Open Channel** plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (3) **Erosion and Sedimentation Control** plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the erosion control ordinances/regulations of the Town of Stephenson, Marinette County or the Wisconsin Department of Natural Resources, whichever is more restrictive.
 - (4) **Planting Plans** showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (5) **Additional** special plans or information as required by Town officials.

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- (b) **Action by the Town Board.** The Town Board shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Town ordinances and design standards approved by the Town Board. If the Town Board rejects the plans and specifications, the Town shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Board shall approve the plans and specifications before the improvements are installed and construction commenced.
- (Note: Town Engineer review is optional at the discretion of the Town Board.)**
- (c) **Construction and Inspection.**
- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Town Board upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Certified survey maps shall not be signed until all improvements required by this Chapter are satisfactorily completed.
 - (2) Construction of all improvements required by this Chapter shall be completed within two (2) years from the date of approval of the Preliminary Plat by the Town Board, unless good cause can be shown for the Town Board to grant an extension.
 - (3) During the course of construction, the Town Board shall make such inspections as the Town Board deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Town for such inspections. This fee shall be the actual cost to the Town of inspectors, engineers and other parties necessary to insure satisfactory work.
- (d) **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the sub divider shall make or cause to be made three (3) copies of record plans showing the actual location of all improvements and such other facilities as the Town Board shall require. These plans may be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion. Two (2) copies shall be retained by the Town and one (1) copy of such record plans shall be forwarded to the appropriate sanitary district.

Sec. 6-2-4 Street Improvements.

The sub divider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this Chapter:

Street Construction Standard.

The design and construction of all roads, streets and alleys in the Town shall fully comply with the requirements and specifications of Sections 6-2-11 and 6-2-12.

(a) **Grading.**

- (1) With the submittal of the Final Plat, the sub-divider shall furnish drawings which indicate the roads, streets and alleys shown on the plat.
- (2) Proposed grades will be reviewed for conformance with Town standards and good engineering practice. Street grades require the approval of the Town Board after receipt of the Town Engineer's recommendations (if utilized).
- (3) After approval of the street grades, the sub-divider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots.

- (4) In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line.
- (5) The bed for the roadways in the street rights-of-way shall be graded to sub-grade elevation.
- (6) The Town Board shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved.
- (7) Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of the final grade by the sub-divider, prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.
- (c) **Street Construction.** After necessary utilities have been installed, where required by the Town, the sub divider shall construct and dedicate, as part of the subdivision, streets. Construction shall be to Town standard specifications for street improvements.
- (d) **Completion of Street Construction.**
 - (1) Prior to any building permits being issued on lands adjacent to streets, all street construction shall be financed by the sub divider, approved by the Public Works Director and accepted by the Town Board.
 - (2) The Town Board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the Town Board.
 - (3) The subdivider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Town Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

Sec. 6-2-5 Storm Water Drainage Facilities.

Pursuant to Section 14-1-74, the subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. Storm sewers are to be of adequate size and grade to hydraulically accommodate the ten (10) year storm; culverts shall be designed to accommodate the ten (10) year storm and shall be sized so that the twenty-five (25) year frequency storms do not cause flooding of the adjacent roadway. Upon the approval of Marinette County, storm water swales and ditches may be sized for from twenty-five (25) to one hundred (100) year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Board. Storm sewers oversized to handle runoff from offsite properties will be installed by the subdivider; however, the cost of oversizing above a twenty-four (24) inch diameter storm sewer shall be paid by other users connecting to the system.

Sec. 6-2-6 Other Utilities.

The subdivider shall cause gas, electric power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified surveyor land division. All new television cables and telephone lines from which lots are individually served shall be underground unless the Town Board specifically allows overhead poles for the following reasons:

- (a) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
- (b) The lots to be served by said facilities can be served directly from existing overhead facilities .

Sec. 6-2-7 Street Signs.

The sub-divider shall bear the cost to purchase and install at the intersections of all streets proposed to be dedicated a street name sign of a design and installation specified by the Public Works Director.

Sec. 6-2-8 Erosion Control.

Pursuant to the County's or Town's Construction Site Erosion Control Ordinance, whichever is more restrictive, the sub-divider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented.

The sub-divider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems. All applicable state, county and Town requirements regarding stormwater management shall be complied with and paid for by the subdivider.

Sec. 6-2-9 Easements.

- (a) **Developments Accessed from Easements.** No property shall be developed off of an easement as a means to access the property, or from an easement that was not accepted as a public Town road; development access from a forest road may be permitted by the Town Board.
- (b) **Utility Easements.** The Town Board, on the recommendation of appropriate agencies serving the Town, shall require utility easements for poles, wire, conduits, storm sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (c) **Easement Locations.** Such easements shall be at least fifteen (15) feet wide, or wider where requested by the Town Board, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Town Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.
- (d) **Drainage Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
 - (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
 - (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.

Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet. If, in the opinion of the Town Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a one hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement

Sec. 6-2-10 Maintenance of Shared Community Private Septic Systems.

- (a) A maintenance agreement shall be required between the Town of Stephenson and the subdivider when a shared community private septic system, as permitted by the Wisconsin Administrative Code, is to be utilized. The agreement shall be recorded as a property deed restriction by the subdivider with the County Register of Deeds in a form which shall be binding upon all subsequent owners of land covered by the agreement. Such agreement shall assign on-going responsibility for maintenance and repair of the shared community private septic system to a homeowners, property owners or condominium association per Section 14-1-23. Prior to Final Plat approval, the subdivider shall submit to the Town for its approval an on-going maintenance plan for such facilities, which shall be incorporated by reference into all approvals and development agreements. In the alternative, if unique circumstances or a special benefit to the public can be demonstrated, such ownership and maintenance responsibility may be assumed by the Town.
- (b) **If** the Town at any time finds that the facility management and maintenance measures constructed in accordance with the system plan are not being properly followed or maintained, or if altered in any way from the location, configuration and capacity of the measures specified in the approved plan, the Town shall have the right to undertake the needed maintenance or repair. This right shall include the right to enter onto private property as necessary to carry out the needed maintenance or repair. The cost of such maintenance or repair shall be levied as a special assessment or special charge against the properties concerned. The special charge or assessment shall be collectible in the same manner as all other special assessments/charges levied by the Town.

Sec. 6-2-11 General Street Design Standards.

- (a) **Compliance with Statutes.** In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable Town regulations. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.
- (b) **Dedication.** The subdivider shall dedicate land and improve streets as provided in this Chapter. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the Town Board. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.
- (c) **Compliance with Comprehensive Plan.** The arrangement, character, extent, width, grade and location of all streets shall conform to any Town Comprehensive Development Plan or Official Map and to this Chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.
- (d) **Areas Not Covered by Plan.** In areas not covered by a Town Comprehensive Plan, or Official Map, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
- (e) **Street Classifications.** Streets/roads shall be classified as indicated below.
- (1) **Arterial Streets.** Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.
 - (2) **Collector Streets.** Collector streets shall be arranged so as to provide ready collection of traffic from commercial and residential areas and conveyance of this traffic to the major street and highway system

and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.

- (3) **Minor Streets.** Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (4) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
- (f) **Alleys.** Alleys may be provided in commercial and industrial districts for off-street loading and service access, but shall not be approved in residential districts. Dead-end alleys shall not be approved and alleys shall not connect to a major thoroughfare or federal, state or county trunk highway.
- (g) **Continuation.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town Board, upon the recommendation of the Land Division Committee, such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over five hundred (500) feet in length will be approved when necessitated by the topography.
- (h) **Minor Streets.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (i) **Number of Intersections.** The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements, preferably not more than two (2). Wherever practicable the distance between such intersections should not be less than six hundred (600) feet.
- ij i **Frontage Roads.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Town Board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (k) **Private Streets.** Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.
- (l) **Development From Access Easements and Fire Lanes.** No property shall be developed off an easement intended as a means to access property, an easement that was not accepted as a public Town road, or a Wisconsin Department of Natural Resources fire lane.
- (m) **Visibility.** Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the Town Engineer, sufficient vision clearance triangles shall be provided at intersections.
- (n) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets. Whenever there is a deflection angle of more than ten degrees (10°) in the alignment of a street, a curve shall be introduced with the required radius.
- (0) **Street Grades.**
 - (1) Unless necessitated by exceptional topography subject to the approval of the Town Board, the maximum centerline grade of any street or public way shall not exceed the following:

Arterial streets: six percent (6%). Collector streets: eight percent (8%).

Minor streets, alleys and frontage streets: ten percent (10%). Pedestrian ways: twelve percent (12%) unless steps of acceptable design are provided.

The grade of any street shall in no case exceed twelve percent (12%) or be less than one-half (1/2) of one percent (1 %).

- (2) Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.
- (p) **Radii of Curvature.** When a continuous street centerline deflects at anyone (1) point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
- Arterial streets and highways: three hundred fifty (350) feet. Collector streets: two hundred (200) feet. Minor streets: one hundred fifty (150) feet.
- (q) **Half Streets.** Where an existing dedicated or platted half-street is adjacent to the subdivision, the other half-street shall be dedicated by the subdivider. The platting of half-streets should be avoided where possible.
- (r) **Intersections.**
- (1) Property lines at street intersections of major thoroughfares shall be rounded with a radius of fifteen (15) feet or of a greater radius where the Town Engineer considers it necessary.
 - (2) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. Intersecting roads shall be designed and constructed to a minimum of five hundred (500) foot visibility from either direction.
 - (3) Number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2).
- (s) **Street Names.** New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Town Board and Marinette County.
- (t) **Cul-de-sacs; Dead-Ends.** All dead-end roads of any length shall have a cul-de-sac or a "T" turnaround:

- (1) **cul-de-sacs.** Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed one thousand (1,000) feet in length. All cul-de-sac streets designed to have one (1) end closed shall terminate in a circular turnaround having a minimum seventy-five (75) foot radius, with twenty-five (25) foot paved radius. No more than three (3) private driveways shall have their access on a cul-de-sac; if a parcel located behind a cul-de-sac will, in the opinion of the Town Board, likely be developed in the future, an outlot of sufficient size to provide a future sixty-six (66) foot access shall be provided from the bulb to such parcel.
 - (2) **Temporary Cul-de-sacs.** All temporary dead-ends shall have a maximum length of eight hundred (800) feet and a temporary cul-de-sac shall have a minimum right-of-way radius sufficient to accommodate a minimum road surface diameter of seventy-five (75) feet or a temporary fifty (50) foot "T"-intersection temporary dead-end.
 - (3) **"T" Turnaround Standards.** The "T" turnaround shall be at right angles to the centerline of the highway, have a sixty-six (66) foot wide right-of-way, a minimum base width of not less than thirty-four (34) feet, a minimum paved surface of not less than twenty (20) feet, and be not less than fifty (50) feet long on both sides of the highway centerline.
- (u) **Limited Access Highway and Railroad Right-of-way Treatment.** Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:

- (1) **Subdivision Lots.** When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited. "
- (2) **Commercial and Industrial Districts.** Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.
- (3) **Streets Parallel to a Limited Access Highway.** Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) **Minor Streets.** Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

Sec. 6-2-12 Specifications for Preparation, Construction and Dedication of Streets and Roads.

(a) General Requirements.

- (1) **Construction Standards.** All roadway and street construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Chapter, whichever is more restrictive. The design requirements of this Section and Section 6-2-11 shall be applicable to all streets and roads that are to be dedicated to the Town, regardless of whether such streets or roads are part of a new subdivision or land division.
- (2) **Project Costs.** All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants, unless otherwise specified. This includes any expense incurred by the Town in the preparation of plans and review and inspection of plans and construction. Even when road construction is done in phases, adequate security for all remaining phases shall be provided per Section 6-2-2(b).
- (3) **Preliminary Consultation.** Prior to the design, preparation and construction of any roadway to be dedicated to the Town of Stephenson, the applicant shall notify the Town Clerk. An on-site meeting will then be arranged to be attended by the Town Engineer or Town Board and the applicant. Plans must be provided in order for the Town Engineer or Town Board to check the design and the drainage.
- (4) **Required Inspections.** Although the Public Works Director or Town Board may conduct inspections as necessary at any state of construction, the Public Works Director or Town Board shall be contacted for required inspections after the following phases of construction:
 - a. Subbase grading;
 - b. Crushed aggregate base courses;
 - c. Bituminous surface course; and
 - d. Shouldering.
 - e. Placement of erosion control measures (soil stabilization and stormwater retention/detention measures).

Any deficiencies found by the Public Works Director or Town Board shall be corrected before proceeding to the next phase of construction.

- (5) **Tests of Materials.** The Town reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.
- (6) **Pavement Samples.** Samples of bituminous concrete may be required to be taken by the Town at the developer's expense during pavement construction operations for purposes of determining that the material meets specifications.
- (7) **Town Board Approval.** The finished roadway shall meet with the approval of the Town Board since the Town will include this road work in their annual request for highway aid.

(b) **Construction Standards.** The minimum construction specifications prescribed by this Section shall pertain to all new roads and streets, including roads set out in plats and private driveways for public use, and these standards shall be met before such roads will be accepted by the Town of Stephenson as public roads. After completion of the underground utilities and approval thereof, the streets shall be constructed. Unless phasing of construction of improvements is approved by the Town Board or its designee, certified survey maps shall not be signed prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site grading plan, as determined by the Town Board or designee. All streets and highways constructed in the Town or to be dedicated to the Town shall fully comply with the following minimum construction standards; the Town Board reserves the right to modify these standards as needed:

Note: Due to unusual or unique circumstances (anticipated light use, need to preserve special scenic beauty, etc.), the Town Board may approve the use of a fifty (50) foot right-of-way.

- (1) **Roadway Alignment Details.** As specified in the Marinette County Code of Ordinances.
- (2) **Roadway Grading; Ditches.** Roads shall be graded to their full width in accordance with approved plans, plus an additional distance necessary to establish a four to one (4: 1) backslope. The roadway shall be compacted and graded to subgrade using, where necessary, approved fill material which is in accordance with Wisconsin Department of Transportation standards. Roadside ditches shall be a minimum of twenty-six (26) inches below the finished roadway centerline elevation, or as approved by the Town Board. Debris may not be buried in the designated road right-of-way. Roadway ditches shall have a normal slope ratio of three to one (3: 1) ditch from the edge of the shoulder to the bottom of the ditch slope of one percent (1 %) and 2 to 1 (2: 1) on the back slope.
- (3) **Road Right-of-Way.** The standard Town road shall have a right-of-way width of sixty-six (66) feet.
- (4) **Preparation of Road Base.** The road right-of-way shall be graded and drained to include sufficient ditches and culvert pipes for adequate drainage of the area considering the highway and adjacent land development, including proposed development. The road shall be graded with a twenty-six (26) foot top and the back slope of ditches shall end not less than two (2) feet from the right-of-way line. That part of the road right-of-way not occupied by the road shall be graded with gradual sloping ditches having a minimum depth of eighteen (18) inches from the grade level of abutting property. Materials excavated from the construction of ditches shall be used as necessary for raising and leveling the road bed.
- (5) **Culverts.**
 - a. Following issuance of a permit pursuant to Section 6-4-1, private entrance culvert pipes shall be placed in ditches so as to provide adequate drainage of standing and running water. Private entrance culvert pipes shall be of such dimensions as to meet the requirements of the Town's Director of Public Works and shall be of sufficient size to carry the surface water drainage of the area considering the highway and adjacent land development, including proposed development, as determined by the Director of Public Works.

- b. The diameter and length of public culverts, including culverts at the entrance to any connecting public road, shall be as determined by the Director of Public Works.
- (6) **Minimum Base Course Specifications.** The base course shall consist of six (6) inches of one and one-half (1-1/2) inch crusher run or maximum four (4) inch stone. The top course shall consist of six (6) inches of compacted three-fourths (3/4) inch crusher run stone. The applicant shall furnish a written certificate of the supplier of stone, certifying the road proposed for acceptance by the Town of Stephenson, upon request by the Town Board.
- (7) **Additional Base Material.** If, in the opinion of the Town Board, soil forming the foundation for a road proposed to be accepted by the Town of Stephenson, is unstable as a result of water saturation or unstable composition of soils, or is otherwise so unstable as to preclude the construction of a sound and durable public road in accordance with the minimum specifications otherwise established by this Chapter, the Town Board of the Town of Stephenson may require construction of additional base materials before such road shall be accepted as a public road.
- (8) **Surface Course Standards.** Surfacing must consist of bituminous concrete composition suitable for anticipated traffic loads. The minimum amount of pavement necessary for acceptance must be two (2) inches minimum compacted in thickness. Such material shall be laid down at a width of not less than twenty (20) feet with its centerline corresponding to the centerline of the right-of-way.
- (9) **Shouldering.** Shouldering shall be placed on each side of the pavement. Shouldering must correspond with the height of the pavement. It shall be three-fourths (3/4) inch crusher run gravel with a width of three (3) feet from said pavement on each side.
- (10) **Authority for Higher Standards.** The road design standards herein as stated above are intended to be minimum design standards. The Town Board shall have the discretion to impose higher design standards where in the opinion of the Town Board local conditions require higher standards or anticipated traffic which in quantity or quality will require higher standards.
- (11) **Topsoil, Grass, Seed, Fertilizer and Mulch.** All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway shall be protected by necessary erosion control materials such as hay bales, sod, erosion control mats, etc., as prescribed by the engineering design for the ditches as approved according to the storm drainage plan required by the Wisconsin Department of Natural Resources.
- (12) **Extra Turn Surface.** The radius required shall be twenty-five (25) feet for minor/local streets; heavy traffic/collector street radius shall follow Manual standards.
- (13) **Drainage Improvements.** In the case of all new roads and streets, the Town Board may require that stormwater retention areas and storm sewers be constructed in order to provide for proper drainage. Stormwater maintenance projects involving more than one (1) acre shall meet state requirements.
- (14) **Post-Construction Traffic Limited.** No vehicular traffic shall be permitted on the pavement for a minimum period of between twenty-four (24) and seventy-two (72) hours following paving, as determined necessary by the Town road supervisor or Town Board to protect the new pavement.
- (c) **Statutory Requirements.** The laying out of highways and roads shall be as provided in Chapters 80 and 86, Wis. Stats., except that in the case of subdivisions and certified surveys, the provisions of Sec. 236.29(2), Wis. Stats., shall apply.
- (d) **Final Inspection.** Upon completion of the proposed highway, the Town Board or Town road supervisor will proceed to make final inspection, accepting or rejecting the road as the case may be. After all of the provisions of this Chapter have been complied with, the roadway or easement will be inspected by the Town officials and, at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for or arrangements have been made for the payment through written instrument by the subdivider. If the road is rejected, corrections shall be made as recommended by

the Town Board, before final inspection can then be made again. **If** final acceptance is then made, the owner or owners shall turn over to the Town the deed of all land necessary for the road as previously mentioned.

Title 6 ► Chapter 3

Road Excavations; Trees

6-3-1	Excavations of Streets, Alleys, Public Ways and Roads
6-3-2	Regulations Governing Excavations and Openings
6-3-3	Trees and Shrubbery Obstructing View at Intersection or View of Traffic Signs; Tree Removal; Fences
6-3-4	Injury to Trees and Shrubs Prohibited
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6-3-6	Placement of Mailboxes
6-3-7	Mailbox Replacement

Sec. 6-3-1 **Excavations of Streets, Alleys, Public Ways and Roads.**

(a) **Permit Required.**

- (1) No person, partnership, utility or corporation, or their agents or employees or contractors shall make or cause to be made any opening, excavation or boring, or place/relocate/replace any utility structure or pole, in or under any public street, public road, public alley, public right-of-way, public ground, public sidewalk or Town-owned easement or fill or alter any culvert or construct or install additions or extensions to its existing facilities within the Town of Stephenson without a permit therefor from the Town Chairperson or Town Clerk, or their designee.
- (2) The utility or contractor shall submit to the Town a written request for a utility construction/street excavation permit and a plan of the proposed alteration, boring, extension or addition, showing its location and details of construction, including specified depth, method of excavation, open out or auguring, provisions of restoration and whatever the Town would deem necessary for review and consideration. In being issued a permit the utility or contractor agrees to be bound by the regulations of this Section and Section 6-3-2.

(b) **Fee.** The fee for an excavation or opening permit shall be in accordance with the Town Board's current fee schedule. The fee shall be paid to the Town Clerk, who shall issue a receipt therefor.

(c) **Insurance Required.** 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 Million Dollars (\$1,000,000.00) per one (1) person, One Million Dollars (\$1,000,000.00) for one (1) accident and property damage coverage of not less than One Million Dollars (\$1,000,000.00).

(d) **Bond.**

- (1) Before a permit for excavating, boring or opening any street or public way may be issued, the applicant must sign a statement in that he/she will indemnify and save harmless the Town of Stephenson and its officers from all liability for accidents and damage caused by any of the work covered by his/her permit, and that he/she will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he/she may make as near as can be to the state and condition in which he/she 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 one (1) year, and that he/she will pay all fines imposed upon him/her for any violation of any rule, regulation or ordinance governing street openings or drainlaying 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 street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one (1) year.
- (2) Whenever the Town Board shall find that any such work has become defective within one (1) year of the date of completion, it shall give written notice thereof to the contractor stating the defect, the work to be done, the cost thereof and the period of time deemed by the Town Board 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.

Sec. 6-3-2 Regulations Governing Excavations and Openings.

- (a) **Frozen Ground.** No openings in the streets, alleys, sidewalks or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Town Chairperson or Town Clerk, or their designee.
- (b) **Removal of Paving.** In any opening or excavation, all paving 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 along gutters.
- (c) **Protection of Public.**
 - (1) 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 of 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 laying nor left unfilled more than five hundred (500) feet where pipe or conduit has been laid. (2) 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/her employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

- (d) **Replacing Street Surface.** In opening any public street, public alley, public sidewalk, public way, public easement or public ground, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. 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 laid in layers not more than six (6) inches in depth and each layer mechanically rammed or tamped to prevent after-settling. 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. Trenches shall be compacted to ninety-five percent (95%) Modified Procter, with test results from a certified soil tester filed with the Town Engineer. The Town may elect to have the opening for any street or sidewalk 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 street opening.
- (e) **Notice.** It shall be the duty of the permittee to notify the Town Chairperson and/or Town Clerk, or the Town Engineer when requested by the Town, 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 and/or Chairperson, or the Town Engineer when requested by the Town, shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.
- (f) **Validity of Permit.** Unless the work shall be commenced within thirty (30) days of the issuance of the permit, the permit shall be void, and a new permit must be obtained and an additional fee charged. The Town may extend the time limitation for good cause. The utility or contractor shall have present at the site of construction and during the restoration period a copy of the construction plans and Town permit.
- (g) **Backfilling.** Reconstruction shall be in accordance with the current cross-section of Town road construction ordinances, or according to Town Standards, whichever is stricter. If the

surface is not restored as required, the Town may restore the surface and bill the permittee therefor; the Town shall perform such work and bill the cost thereof to the permittee.

- (h) **Emergency Excavation.** In the event of an emergency, any person, firm or corporation, owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and his/her agents and employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person, firm or corporation shall apply for an excavation permit not later than the next business day.
- (i) **Excavation in New Streets Limited.** Whenever the Town Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the Town Board, the Town Engineer shall notify in writing each person, utility, Town department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within ninety (90) days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five (5) years after the date of improvement or repaving unless, in the opinion of the Town Board, an emergency exists which makes it absolutely essential that the permit be issued.

Exception. The provisions of this Section shall not apply to excavation work done by Town employees or contractors performing work under contract with the Town except that the safety precautions under Subsection (c) hereof shall be complied with.

Sec. 6-3-3 **Trees and Shrubbery Obstructing View at Intersection or View of Traffic Signs; Tree Removal; Fences.**

(a) **Obstruction of Intersections.**

- (1) **Purpose.** No person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two (2) or more roads, streets or alleys in the Town of Stephenson any hedge, tree, shrub, sign, or other growth **which** may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- (2) **Traffic Visibility.** On a corner parcel, no fence, wall, hedge, planting, sign, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner parcels and a line joining the points along said street lines twenty-five (25) feet from the point of intersection. **In** the case of arterial streets

intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

- (b) **Obstruction of Traffic Signs.** It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the Town. **It** shall be the duty of every owner of such tree, brush, shrubbery or vegetation to remove such obstruction.
- (c) **Abatement Procedure.** Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel, and the Town Clerk shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specified, it shall be lawful for the Town to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof shall be assessed to the owner.
- (d) **Trees on and Adjacent to Highway.**
 - (1) **Removal of Fallen Trees.** **If** any tree falls from adjacent land into any highway, the owner or occupant of the land shall immediately remove the tree from the highway. If the tree is not removed by the property owner following notice from the Town, the Town may remove from any highway any fallen tree or trees therein and charge the cost thereof to the property owner pursuant to Sec. 66.0627, Wis. Stats. Under emergency situations when public safety is endangered, the Town may dispense with this procedure and immediately remove the tree.
 - (2) **Planting Trees and Shrubs in Highway.** Any person owning or occupying land adjoining any highway may, with the approval of the Town Board, plant, cultivate and maintain trees, shrubs or hedges on the side of the highway continuous to and within ten (10) feet of his/her land. Such trees, shrubs or hedges shall be cut or removed only by the owner or occupant of the abutting land or by the public authority having control of the highway.
- (e) **Cutting or Injuring Trees on Highway.** No person shall cut down, break, girdle, bruise the bark or in any other manner injure any public or private trees, shrubs or hedges growing within the highway, except as the owner thereof or the public authority maintaining the highway may cut down, trim and remove trees, shrubs and hedges for the purpose of and conducting to the benefit and improvement of the owner's land or the highway facility. When it is necessary for trees in a road right-of-way to be removed, the adjacent property owner shall have a right of first refusal to have the wood.
- (f) **Fences.** No person shall build or reconstruct any fence within the public road right-of-way.

State Law Reference: Sec. 86.03, Wis. Stats.

Sec. 6-3-4 Injury to Trees and Shrubs Prohibited.

- (a) No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Town Board in the case of a public tree or shrub, do or cause to be done by others any of the following acts:
 - (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
 - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
 - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same.
 - (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
 - (5) Attach any sign, poster, notice and other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the Town may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
 - (6) Cause or encourage any fire or burning near or around any tree.
- (b) All trees on any parkway or other publicly owned property near any excavation or construction of any building, structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees.

State Law Reference: Sec. 86.03, Wis. Stats.

Sec. 6-3-5 Deposit of Rubbish and Stones on Highway Right-of-Way.

It shall be unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, machinery, garbage or other waste or rubbish in or on the right-of-way of any highway located in the Town of Stephenson, without written permission of the Town Board for temporary use.

Sec. 6-3-6 Placement of Mailboxes.

Mailboxes and/or newspaper tubes are prohibited on the right-of-way of all highways within the Town of Stephenson except as hereinafter provided, and no person shall cause, allow or permit any person to install a mailbox and/or newspaper tube in the Town which may create a safety hazard and/or which is in violation of this Section:

(a) **Purpose and Authority.**

- (1) **Purpose and Intent.** The purpose of this Section is to establish standards for safe mailbox installation and to promote the public safety of persons who travel the roads in the Town of Stephenson by reducing and/or eliminating potential hazards which may be created by mailboxes with improper support systems in the Town.
- (2) **Authority.** The Stephenson Town Board has the specific statutory authority, powers and duties, pursuant to Section 60.10(2)(c), Wis. Stats., and by the granting of village powers, by the people of the Town of Stephenson to the Stephenson Town Board at the Annual Town Meeting held on April 6, 1976, to establish standards for safe mailbox installation and enforce against improper support systems in the Town.

(b) **Mailbox Installation; Design.**

(1) **Design.**

- a. Mailboxes are approved only if they are of a design approved by the United States Postal Service.
- b. A nameplate bearing the name and address number of the mailbox owner shall be permitted on each box.

(2) **Support.** The support for the mailbox and newspaper tube shall adhere to the standards governing construction of mailbox supports as established by the Wisconsin Department of Transportation and shall not constitute a hazard to the public use of the right-of-way. Generally, support systems shall comply with the following standards:

- a. The support system shall be a wood post, steel pipe or steel channel installed no more than twenty-four (24) inches in the ground and extending to a vertical height such that the bottom of the mailbox is forty-two (42) inches above the ground surface.
- b. The support shall be the following dimensions:
 1. Square wood post: 4" x 4".
 2. Round wood post: 4" diameter.
 3. Steel pipe: 1 1/2" inside diameter.
 4. Steel channel: 2 lbs/ft.
 5. Dimensions exceeding those prescribed in this Subsection shall be deemed unacceptable and in violation of this Section.
- c. The support shall not be set in concrete nor be attached to a base plate. Anti-twist flanges may be installed on the base pipe or channel supports but shall not be imbedded more than ten (10) inches into the ground.

(3) **Multiple Mailboxes.** No more than two (2) mailboxes shall be mounted on one support post. For multiple installations, support post shall be spaced a minimum longitudinal distance apart which is equal to three-quarters (3/4) of the height of the posts in the installation. Example: In an installation where posts are forty-two (42) inches above ground, they shall be spaced no less than thirty-one and one-half (31.5) inches apart.

- (4) **Newspaper Tubes.** Newspaper tubes are permitted only if provided by the newspaper and are of a construction or design that will not present a hazard to the proper use of the right-of-way.
- (c) **Location.** Mailbox and newspaper tubes shall be located on the right side of the road or on the side of the road required by the United States Postal Service; if the mailbox/ newspaper tube in erected next to a driveway, it shall be on the far side. The door to the mailbox or protruding end of the newspaper tube is at least one (1) foot from the driving surface portion of the highway; the face of the mailbox/newspaper tube shall not extend in any way over the edge of the traveled way or of a paved shoulder. Whenever possible, the location of mailboxes and/or newspaper tubes should avoid blind spots or poor sight distance location.
- (d) **Snow Removal.** The owner of each mailbox and/or newspaper tube shall, within twenty-four (24) hours after the end of each snowfall, remove all snow and ice which has fallen or accumulated in front of said mailbox and/or said newspaper tube and shall remove the snow for a distance of fifteen (15) feet to each side of said mailbox and/or newspaper tube.
- (e) **Improper Attachments.** No other object of any kind shall be attached to the mailbox, newspaper tube or their supports. No other objects, including, but not limited to, barrels, landscaping boulders or fences may be placed on the right-of-way.
- (f) **Enforcement.**
- (1) **Generally.** This Section is not intended to and shall not be construed to create any affirmative duty on the part of the Town of Stephenson to locate and remove all obstructing or violating mailboxes and/or newspaper tubes. Enforcement will occur on an as-reported or complaint basis. This Section also does not remove any notification/enforcement authority of the United States Postal Service or other authorities.
- (2) **Compliance Procedures.**
- a. Any person who is notified of a nonconforming mailbox and/or newspaper tube shall remove/relocate or otherwise bring into compliance with this Section within sixty (60) days after receiving said notification unless, upon said notice, correction is not possible because of ground frost. In the event of frost in the ground, the owner of the mailbox/newspaper tube shall then have sixty (60) days after the following April 1st to comply.
- b. If correction of a nonconforming mailbox and/or newspaper tube is not made within the required time period, said person shall be deemed to be in violation of this Section and shall be subject to the penalties prescribe in Sec. 1-1-6. In addition or in the alternative to a forfeiture, if the owner of the mailbox/newspaper tube fails to comply by remedying the nonconforming installation within the required time period after notification, the Town of Stephenson may remove said mailbox/newspaper tube and charge the owner for expenses involved in its removal. Any unpaid removal cost may result in a special charge being placed against the property on the next tax statement.

Sec. 6-3-7 Mailbox Replacement.

- (a) The Town of Stephenson may replace mailboxes damaged on the Town road system where it has been determined that:
 - (1) Physical damage, which can be proven and documented by the owner or the Town, was caused by actual Town equipment contact.
 - (2) The mailbox is of standard design and placed in conformance with U.S. Post Office standards.
 - (3) The existing installation, mailbox and mailbox post were in good repair.
- (b) The Town of Stephenson will not replace mailboxes damaged on the Town road system where it has been determined that:
 - (1) The mailbox was not of standard design, or not placed in conformance with U.S. Post Office standards, even though it may have been damaged by Town equipment.
 - (2) The mailbox, post and installation were not in good repair.
 - (3) Evidence indicates that the weight of plowed snow resulted in the damage to the mailbox and/or post.
- (c) The replacement of mailboxes by the Town of Stephenson shall be limited to a payment per Sec. 1-3-1 . Special decorative mailboxes and/or posts will not be provided. If the owner wishes to install a decorative mailbox and/or post that meets standards, it shall be at the owner's expense.

Title 6 ► Chapter 4

Driveways; Culverts

6-4-1 Construction of Driveways; Placement of Culverts

Sec. 6-4-1 Construction of Driveways; Placement of Culverts.

- (a) **Purpose.** The purpose of this Section is to promote the safety and general welfare of the citizens of the Town of Stephenson through Town authorization of driveway locations and minimum standards which allow proper drainage of surface waters within Town ditches. **Definition.** A "driveway" is
- (b) defined as a private point of access which serves no more than one (1) parcel of land owned by the same individual(s). **Driveway Culvert Construction Permit Required.**
- (c) (1) **Application Requirement.** No person, partnership, company or corporation shall locate, establish or construct any new driveway or install or replace any culvert without having first obtained a Driveway/Culvert Permit Application from the Town and payment of the fee as determined by the Town Board per Section 1-3-1. Application for such permit shall include a drawing which accurately portrays the location, dimension and grade of the driveway on the subject property, as well as a statement of the proposed materials to be used.
- (2) **Authorization Required Before Property Use Change.** Prior to the time the use of a property to be served by a driveway changes, the owner and/or his/her agent shall obtain a Construction Permit Application from the Town and approval before the new use of the property can commence.
- (3) **Temporary Driveways; Exception.** An exception to the permit and design requirements of this Section is for temporary, special use driveways, such as for logging or construction site access, and which are removed after one (1) year of use.

Driveway Location Approval; Other Agency Approvals.

- (1) **Location Approval.**
- (d) a. The Town Building Inspector or Director of Public Works shall make a recommendation on the location of any driveway which will intersect with any private road or Town highway located within the Town of Stephenson. The Town Building Inspector or Director of Public Works shall make a recommendation on the need for culverts on all driveways. No more than three (3) driveways shall be permitted along the arc of a cul-de-sac; if a parcel located behind a cul- de-sac will, in the opinion of the Town Board, likely be developed in the future, an out lot of sufficient size to provide a future sixty-six (66) foot access shall be provided from the bulb to such parcel. Easements for driveways shall conform to the requirements of this Chapter.

- b. The Director of Public Works shall approve applications for single-lane driveways if the proposed drive and culvert complies with this and any other Town regulation. The Town Board shall approve applications for shared driveways or driveways of more than a single lane.
- c. Due to traffic conditions, the Town may require construction of a road or use of a shared driveway instead of permitting use of an individual driveway.
- d. Any person who believes he/she was wrongfully denied a driveway permit may appeal such denial to the Town Board within twenty (20) days after such denial is issued.

(2) **Other Agency Approvals.** The property owner/developer shall obtain permission from the State of Wisconsin Department of Transportation for access to state and federal highways, and from the Marinette County Highway Department for access to any county highway.

(1) Culverts

- a. Where deemed necessary by the Director of Public Works, each driveway shall have a culvert of a diameter, as determined by the Director of Public Works, at the ditch line where the driveway meets the public road, unless waived or modified on showing of hardship or difficulty by the Town Board and, in the case of County or State highways, approved by the County Highway Commission or District engineer of the Wisconsin Dept. of Transportation. The Town Building Inspector or Director of Public Works may make a recommendation on the need for culverts for all drive ways. Used culverts are not permitted without Director of Public Works authorization. Culverts shall be constructed galvanized steel or reinforced concrete; the size and gauge shall be approved by the Director of Public Works or the Town Engineer prior to installation. The property owner shall install the culvert and shall keep such culvert unobstructed and clean. In no case shall the culvert diameter be less than ten(10) inches (or its elliptical or capacity equivalent) nor shall the culvert length be less than two (2) feet greater than the width of the driveway. End walls need not be constructed unless so directed by the Director of Public Works.
- b. Culverts shall be placed in the ditch line at elevations that will assure proper drainage.
- c. Material used for backfill shall be of a quality acceptable to the Town and shall be free from frozen lumps, wood stumps, or other extraneous or perishable/bio-de-grade-able materials.
- d. The minimum cover, measured from the top of the culvert pipe to the top of the sub-grade, shall be six (6) inches.
- e. Erosion control measures shall be implemented as necessary to control erosion when culvert and/or driveways are installed, as directed by the Town.
- f. The property owner shall install the culvert and be responsible for the cost. Illegal culverts shall be removed at the owner's expense following notice and a prior opportunity to correct. Maintenance of culverts and /or driveways & repair of defective culverts shall be the responsibility of property owners, except when the Town does a re-ditching project & culverts are replaced, the Town will

Replace the culvert and pay the cost thereof.

- (2)**Drainage; Apron Interference With Pavement Prohibited.** The surface of the driveway connecting with the highway cross sections, shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage from flowing onto the highway roadbed. Under no circumstances shall such driveway apron extend above any highway pavement surface.
- (a)**Final Inspection/Approval.** The final inspection and approval for approaches, will be made by the Director of Public Works, or designee, upon completion of construction.
- (b) **Prohibited Driveways and /or Approvals.** No Person, Firm or Corporation, shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the right-of-way limits of any highway in the Town of Stephenson except as permitted by this Section. As used herein, the term “structure” includes private driveways, a portion of which extends into any highway, and which is in non-conformance with the requirements of this Section. Filling of ditches and /or culverts located within a public right-of-way is prohibited without written approval from the Town Board.
- (c)**Applicability.** This Section shall apply to all approaches constructed or reconstructed within the Town of Stephenson after the original effective date of this Section.
- (d) **Enforcement.** No fire/address, number, or building permit for construction of any kind, will be issued until such time as the Driveway/Culvert Construction Application has been approved.
- (e) **Penalties.** Any person, partnership, Company or Corporation who violates any provision of this Section shall pay, when a permit fee is required, double the required fee and shall remove, alter or correct the installation as ordered by the Town of Stephenson. If the owner or occupant does not correct the installation as ordered by the Town within the allotted time, the expense and work of correcting the installation shall be done by the Town and the expenses thereof shall be charged against the property as a special charge pursuant to Sec. 66.0301. Wis. Stats., after notice and hearing. In addition, a forfeiture penalty may also be applicable per Section 1-1-6, with each day of non-compliance being a separate violation.

Building Inspector or Director of Public Works may make a recommendation on the need for culverts for all driveways. Used culverts are not permitted without Director of Public Works authorization. Culverts shall be constructed of galvanized steel or reinforced concrete; the size and gauge shall be approved by the Director of Public Works or the Town Engineer prior to installation. The property owner shall install the culvert and shall keep such culvert unobstructed and clean. In no case shall the culvert diameter be less than ten (10) inches (or its elliptical or capacity equivalent) nor shall the culvert length be less two (2) feet greater than the width of the driveway. Endwalls need not be constructed unless so directed by the Director of Public Works.

- b. Culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- c. Material used for backfill shall be of a quality acceptable to the Town and shall be free from frozen lumps, wood, stumps, or other extraneous or perishable/bio-de-grade-able materials.
- d. The minimum cover, measured from the top of the culvert pipe to the top of the sub-grade, shall be six (6) inches.
- e. Erosion control measures shall be implemented as necessary to control erosion when culvert and/or driveways are installed, as directed by the Town.
- f. The property owner shall install the culvert and be responsible for the cost thereof. Illegal culverts shall be removed at the owner's expense following notice and a prior opportunity to correct. Maintenance of culverts and/or driveways and repair of defective culverts shall be the responsibility of property owners, except when the Town does a re-ditching project and culverts are replaced, the Town will replace the culvert and pay the cost thereof.

(4) **Drainage; Apron Interference With Pavement Prohibited.** The surface of the driveway connecting with the highway cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage from flowing onto the highway roadbed. Under no circumstances shall such driveway apron extend above any highway pavement surface.

- (f) **Final Inspection/Approval.** The final inspection and approval for driveways will be made by the Director of Public Works, or designee, upon completion of construction.
- (g) **Prohibited Driveways and/or Approvals.** No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the right-of-way limits of any highway in the Town of Stephenson except as permitted by this Section. As used herein, the term "structure" includes private driveways, a portion of which extends into any highway, and which is in non-conformance with the requirements of this Section. Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town Board.
- (h) **Applicability.** This Section shall apply to all driveways constructed or reconstructed within the Town of Stephenson after the original effective date of this Section.

- (i) **Enforcement.** No fire/address number or building permit for construction of any kind will be issued until such time as the Driveway/Culvert Construction Application has been approved.
- (j) **Penalties.** Any person, partnership, company or corporation who violates any provision of this Section shall pay, when a permit fee is required, double the required fee and shall remove, alter or correct the installation as ordered by the Town of Stephenson. If the owner or occupant does not correct the installation as ordered by the Town within the allotted time, the expense and work of correcting the installation shall be done by the Town and the expenses thereof shall be charged against the property as a special charge pursuant to Sec. 66.0301, Wis. Stats., after notice and hearing. In addition, a forfeiture penalty may also be applicable per Section 1-1-6, with each day of non-compliance being a separate violation.