

CHAPTER IX.

DEDICATION AND CONSTRUCTION OF STREETS AND ROADS

SECTION 9.00. Definitions.

9.01. Street. The term "street" means a public way for pedestrian and vehicular traffic whether designated as a street, highway, thoroughfare, parkway, thruway, road, avenue, boulevard, lane, place, or however otherwise designated.

9.02. Other Terms. All other pertinent terms shall be as defined in Chapter 236 of the Wisconsin Statutes as revised and amended, from time to time.

SECTION 9.10. Acceptance of Streets. The Town Board of the Town shall not accept any street for dedication or otherwise unless such street meets the requirements of this Chapter.

SECTION 9.20. Adoption of Wisconsin Statutes. Except as otherwise properly provided in this Chapter, the provisions of Chapter 236 of the Wisconsin Statutes, as amended from time to time, are hereby adopted by reference and made a part of this Chapter.

SECTION 9.30. Subdivisions. A subdivider shall construct and install all streets dedicated or provided for in such subdivision in accord with the standards for such streets as specified herein, in the Town Ordinances or as otherwise specified by the governmental units with jurisdiction over such streets.

SECTION 9.40. Street Design.

9.41. General. Streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas.

9.42. Minimum Requirements. The following minimum requirements shall be met by the subdivider or other person petitioning for the acceptance of a street before such street may be accepted by the Town unless the Town Board, after consultation with the Town Engineer, determines that alternative minimum requirements proposed by the subdivider or other person petitioning for the acceptance of a street are acceptable:

- a. The right-of-way allowance for all streets shall be a minimum of 66 feet.

- b. The subdivider or petitioner desiring acceptance of a street shall submit proper legal descriptions of all said streets to the Town Board together with profiles and cross-sectional drawings indicating to the approval of the Town Board that the street will be constructed in accordance with the requirements herein contained. Upon approval of the lines and grades of the proposed streets by the Town Board and the Town Engineer, the streets shall be constructed to a permanent line and grade to accommodate all future street improvements.
- c. The center of the street is to be the center of the land dedicated for highway purposes. The dimensions of proposed roadway shall conform to the Town of Wheatland's standards as shown on Exhibit 9A and 9B which are attached to this Chapter IX and incorporated herein by reference. The time for surfacing said streets as provided above shall be set at the discretion of the Town Board which may require the second course to be laid after a full winter season has past.
- d. The elevations of streets passing through flood land areas shall be at least 18 inches above the 50-year recurrence interval flood elevations.
- e. The drainage ditches on each side of the street shall have side slopes of at least 4 foot horizontal for every foot of vertical. Topsoil, sod and vegetation shall be stripped and removed from the street section to a proper depth before placing the base course. Soft, mucky soil, peaty material and similar unsuitable material shall be removed and replaced with sound fill materials. If additional base course is required before final acceptance because of improper placement, grading, compacting, or settling, the same shall be furnished and installed to the satisfaction of the Town Board and Town Engineer. When initial grading operations are completed on any proposed Town street and prior to the placement of any base, the Town Board shall be notified at least seven (7) days in advance to inspect the site and determine the type of treatment required to maintain the slopes and erosion control. All disturbed areas within the right-of-way outside of the shoulders of the street are to be re-topsoiled with a minimum of 4 inches topsoil, fertilized, grass seeded and mulched to the satisfaction of the Town Board. Culverts shall be sized to meet drainage requirements established by the Town Engineer and end walls must be included in all culvert installations.
- f. On dead-end roads, the Town Board shall have the option of requiring either:
- 1) A turnaround or cul-de-sac of 200 feet in diameter or less, at the discretion of the Town Board, which shall be graded, sloped and surfaced in the same manner as required for streets.
 - 2) A "T" with such dimensions and of such construction as required by the Town Board from time to time in consideration of the particular street and the probability that future street construction will emanate from said dead-end location; in determining the dimensions of such "T", the Town Board shall

consider as standard an additional 33-foot-square right-of-way on each side on the end of the original 66-foot right-of-way.

9.43. Street Signs and Guard Rails. Street signs shall, at the option of the Town Board, be obtained by the Town and placed by the Town, and the cost of the same shall be paid for by the subdivider or petitioner. Guard rails, where necessary or required, shall be placed along the street at such locations as are ordered by the Town Board and the cost paid by the subdivider or petitioner.

9.44. Culverts. Wherever the contours of the land make it necessary that drainage or surface waters be carried across any street or other public way, a culvert approved as to size, length and grade by the Town Board shall be installed; in no case, however, shall any culvert be less than 15 inches in diameter nor less than 40 feet in length, except that driveway culverts may be not less than 20 feet in length.

9.45. Material Specifications. Standard specifications for bituminous concrete pavement materials (Attachment No. 1) and specifications for the construction of bituminous concrete pavement (Attachment No. 2) shall be followed for all Town road construction. These specifications may be modified from time to time by resolution of the Town Board upon recommendation of the Town Engineer.

SECTION 9.50. Cost of Street Construction. All streets to be constructed or accepted in accordance with the provisions of this ordinance shall be so constructed at the sole expense of the subdivider or other person petitioning for the acceptance of such street. The Town Board, as a condition precedent to the acceptance of the subdivision and streets as aforesaid, may require the subdivider or petitioner to file a performance bond with the Town Clerk guaranteeing compliance with the terms and conditions of this ordinance.

SECTION 9.60. Final Acceptance of Street.

9.61. Time. Final inspection and approval of the completed street will not be given until at least fourteen (14) days from the completion of surfacing said street with bituminous concrete pavement as provided herein.

9.62. Requirements. No street shall be accepted by the Town Board unless the subdivider, owner, or petitioner:

- a. At his own expense, furnishes the Town Board with a plat showing such street and any drainage easements together with a deed granting title to such land to the Town or a document dedicating such land for highway purposes, or granting an easement therefor. Such deed or easement shall contain an accurate legal description of the realty affected and shall be executed in recordable form. The Town Board may also require a certified survey or plat of the subdivision or land adjoining the street.
- b. Pays and remits to the Town a sum equal to the sum of all charges incurred by the Town of engineering, attorney and planning commission fees and all costs and disbursements expended by the Town, as a direct result of and arising from the

requested acceptance of the street by the subdivider, owner, or petitioner. Any engineers or attorneys fees charged hereunder shall be billed at the same rate as is usual or customary for municipal work. As a condition to payment of the same, the Town Board shall provide the subdivider, owner, or petitioner with an itemized listing of said charges.

SECTION 9.70. Street and Sidewalk Excavations.

a.Permit. No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the Town without first obtaining a permit from the Building Inspector pursuant to Chapter VII of these Ordinances.

b.Fee. The fee for a street opening permit shall be as determined by the Town Board.

c.Bond. Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Town Treasurer or Clerk an indemnity bond, in cash or certified funds, of not less than one thousand (\$1,000.00), which bond may be increased to not more than five thousand (\$5,000.00) if, in the opinion of the Building Inspector, the location and size of the excavation shall warrant greater protection for the Town of Wheatland. The bond must provide that permittee will indemnify and save harmless the Town 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 street, and will replace and restore the pavement over any opening he may make in a neat and workmanlike manner, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Town Building Inspector for a period of one (1) year. The bond must also provide that the permittee will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street opening or drain laying adopted by the Town Board, and will repair any damage done to the existing improvements during the excavation in accordance with the ordinances, rules and regulations of the Town. Such bond 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. In the event that the Town elects to make the street repairs, in addition to the bond, the applicant shall deposit in advance, in cash or certified funds, an amount equal to one and one-half (1 1/2) times the estimated cost of such repairs.

If at any time within one (1) year from the date street repairs are completed the Town Building Inspector determines that further repairs are necessary, whether due to settling, weather conditions, poor workmanship or otherwise, then the Town may, upon five (5) days notice to applicant, proceed to apply such amounts from the bond as are necessary to complete such repairs.

An annual bond for multiple projects may be given under this Section covering all excavation work done by the principal for one (1) year beginning January 1st, which shall be conditioned as specified above and in the amount determined by the Town Board as necessary to adequately protect the public and the Town.

d.Insurance. Prior to the commencement of any excavation or street work, a permittee must furnish the Building Inspector satisfactory written evidence that he has in force and will maintain during the life of the permit and the period of excavation, insurance with the Town of Wheatland named as an additional insured as follows:

1)Worker's compensation with limits as prescribed by the State of Wisconsin.

2)Comprehensive motor vehicle liability with limits of \$250,000.00 for injuries to one (1) person and \$500,000.00 for any one (1) accident and property damage of not less than \$100,000.00 Motor vehicle liability shall cover owned, non-owned and hired vehicles.

3)Comprehensive general liability, with limits of not less than \$500,000.00 each occurrence. The insurance coverage shall include the acts or omissions of any contractor, his employees, agents or sub-contractors, and include explosion, collapse and underground liability coverage. A form of blanket contractual liability to indemnify and save harmless the Town of Wheatland, its officers, agents and employees from any and all liability for accidents or damage caused by or arising from any work covered by the permit, shall also be included in such insurance coverage.

4)Completed operations and product liability. This policy shall provide completed operations and product liability coverage for the period of time set forth in the permit and any extension thereof and for a period of one (1) year after final completion of the work. Limits of liability shall be the same as general liability.

5)Umbrella Policy. The limits of liability mentioned above can be provided through split limits or through a combination of an underlying umbrella policy. Limits mentioned are minimum to be provided under any policy or combination of policies.

e.Frozen Ground. No opening in the streets or sidewalks shall be permitted when the ground is frozen, except where determined necessary by the Building Inspector.

f.Removal of Paving. In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of, or injury to surfacing material. Excavated material from trenches shall be placed as to cause the least practicable inconvenience to the public and permit free flow of water along gutters. No excavated material may be stored temporarily or permanently within any town roadway right-of-way.

g. Protection of Public. Every person shall enclose with sufficient barriers each opening which he may make in the streets or public ways of the Town. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Flashing amber lights shall be placed at each end of the opening in the street or way and other lights as shall be sufficient in number and properly spaced to give adequate warning to the public. Except by special permission from the Building Inspector, no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public 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 actions 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.

h. Replacing Street Surface. In opening any street or sidewalk, the paving materials, sand, gravel and earth or 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 in the same relation to the remainder as before. Any excavated material which in the opinion of the Building Inspector is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one (1) year. In refilling the opening, the earth must be puddled or laid in layers not more than six inches in depth and each layer rammed, tamped or flushed 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. The Town may elect to make the pavement repair for any street or sidewalk opening, 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.

i. Excavation In New Streets. Whenever the Town Board determines to provide for the permanent improvement or repaving any street, such determination shall be made at least thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the Town Board, the Building Inspector 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 the street or any real property abutting the street, that all such excavation work in such streets must be completed within thirty (30) days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate the street for a period of five (5) years after the date of improvement or repaving unless in the opinion of the Building Inspector an emergency exists which makes it absolutely essential that the permit be issued.

j.Emergency Excavation. In the event of an emergency, any person, his agents or employees, owning or controlling any sewer, water main, conduit or utility in or under any street may take proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without first obtaining an excavation permit. Such person, however, shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit.

k.Town Work Excluded. The provisions of this Section shall not apply to excavation work under the direction of the Building Inspector or by Town employees or contractors performing work under contract with the Town necessitating openings or excavations in Town streets.

Attachment 1

STANDARD SPECIFICATIONS
FOR
BITUMINOUS CONCRETE PAVEMENT

Plant Mix Bituminous Concrete Pavement shall in all respects conform to the State of Wisconsin Department of Transportation, Standard Specifications for Highway and Structure Construction (current editions), and supplementary specifications.

EXHIBIT 9A

TOWN OF WHEATLAND
 KENOSHA COUNTY, WISCONSIN
 TYPICAL TOWN ROAD SECTION

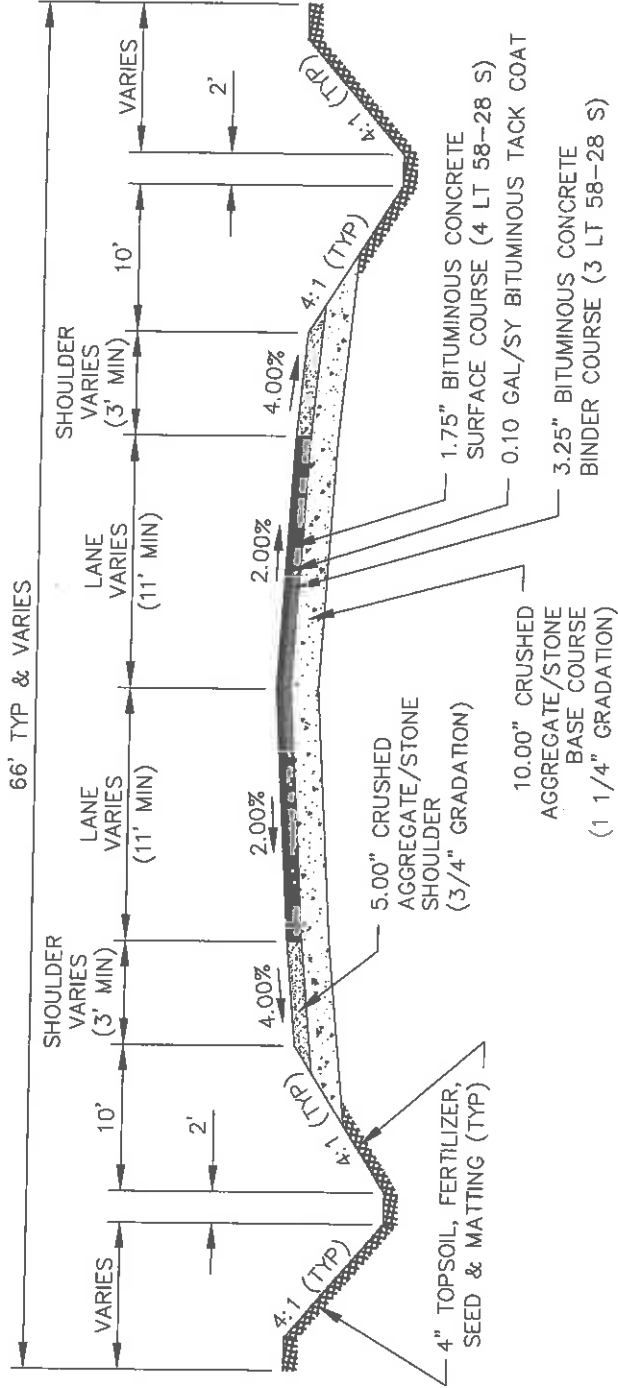


EXHIBIT 9B

TOWN OF WHEATLAND
KENOSHA COUNTY, WISCONSIN

**MINIMUM TOWN ROAD
STANDARDS**

RURAL CROSS SECTION					
Street Classification	Right-of-Way Width	Asphalt Pavement Width	Shoulder Width	Ditch Slopes	Ditch Depth
Arterial	90 Ft.	24 Ft. (2-12 Ft. Lanes)	10 Feet (3 Ft. paved/7 Ft. gravel)	4:1	2.5 Ft.
Local (Through Street)	66 Ft.	22 Ft. (2-11 Ft. Lanes)	5 Feet	4:1	2.5 Ft.
Local (Dead End Street Less than 750 feet in length)	66 Ft.	22 Ft. (2-11 Ft. Lanes)	3 Feet	4:1	2.5 Ft.
				Adopted – <u>3/13/06</u>	
				Revised – _____	