

CHAPTER 8
PUBLIC WORKS

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8.01 TOWN HIGHWAYS. (1) APPLICATION. Town property owners desiring to construct a Town highway or to upgrade a private road to Town road standards shall first apply to the Town Board. The application shall be filed with the Highway Superintendent and shall generally describe the route of the proposed Town highway.

(2) **TOWN BOARD APPROVAL REQUIRED.** Upon receipt of the application, the Town Board shall review the proposed route and, in the event the application is approved by the Board, the applicant may proceed, at his expense, under the supervision and directives of the Town Board, to construct the highway pursuant to Town standards. All proposed Town highways to be dedicated shall connect with an existing Town, County, State or Federal highway.

8.02 DRIVEWAYS AND CULVERTS. (1) PERMIT REQUIRED. No person shall construct, install or replace any culvert or driveway without first obtaining a culvert and/or driveway permit from the Town Chairperson or his designee at least 7 days before work is proposed to be undertaken. The applicant for a culvert or driveway permit shall file the application with the Highway Superintendent and furnish a dimensioned drawing designating his property lines, the location and width of the proposed driveway and the location of any driveway within 20 feet and any intersection within 150 feet of the proposed driveway.

(2) **FEE.** The fee for a culvert replacement or culvert and driveway permit is listed on the Town Fee Schedule.

(3) **SPECIFICATIONS AND STANDARDS.** Driveways and culverts shall be constructed and installed in accordance with the following specifications and standards:

(a) *Driveways.* 1. No driveway shall be less than 4 feet nor more than 30 feet in width unless a modification is approved by the Town Board in writing.

2. Except where curb and gutter have been constructed, no concrete driveway shall be constructed within 5 feet of the paved surface of the highway. Asphalt, stone, paver block, pea gravel, 1/4" chips or reclaimed black top may be used as construction material within said 5 foot area.

3. The location of the driveway is subject to the approval of the Highway Superintendent. No driveway shall be located so as to interfere with an intersection.

4. No more than one driveway entrance shall be permitted for any lot or premises unless the Highway Superintendent determines a second driveway is necessary and feasible and will not unduly impair highway safety.

5. In the event curb and gutter is cut for a driveway approach, the curb return shall be constructed in a workmanlike manner.

(b) *Culverts.* When required by the Highway Superintendent, the property owner shall install culvert pipe at the owner's expense and in accordance with the conditions set forth in the permit. All culverts shall be 16 gauge minimum galvanized metal construction and shall be at least 30 feet long and 15 inches in diameter unless a different size culvert is required by the Highway Superintendent.

(4) **DRIVEWAY AND CULVERT CONSTRUCTION PROCEDURE.** Upon receiving an application for a new or replacement driveway and/or culvert, the Highway Superintendent shall cause the project to be staked out for grade within 7 days. After completion of the

project, the owner shall request the Highway Superintendent to inspect it. If the Inspector determines that a construction is not in accordance with the specifications, the owner shall have 30 days to make the required corrections and, if not so made, the Town Board shall cause the same to be made and cause the cost thereof to be placed on the tax roll as a special charge pursuant to §66.0627, Wis. Stats.

(5) **EXISTING CULVERTS.** The Highway Superintendent may investigate and approve or disapprove existing culverts or other drain pipes placed in the Town rights of way. The Superintendent may require the owner of an abutting property to remove, or cause to be removed or replaced with adequate facilities, any culverts or drain pipes which do not conform to the requirements as provided herein when, in his judgment, it is necessary to do so, either for the orderly construction, maintenance or repair of any such Town road or in providing for a proper drainage system thereon.

(6) **CONDITIONS FOR BUILDING PERMITS.** No building permit for the lot or parcel shall be issued by the Building Inspector until he is satisfied that the driveway, culvert and ditch grading have been properly placed and that sufficient gravel has been placed on the driveway to afford ingress and egress.

8.03 OBSTRUCTIONS AND ENCROACHMENTS PROHIBITED. (1) GENERAL. No person shall encroach upon or in any way obstruct or encumber any road, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subs. (3) and (4) below.

(2) **TREES AND SHRUBBERY.** No trees or shrubbery shall be planted in the right of way. All trees or shrubbery planted in violation of this subsection shall be removed by the Town and the cost of such removal shall be charged to the property owner. Trees on private property overhanging a right of way shall be trimmed 15 feet above the right of way.

(3) **MAILBOX AND NEWSPAPER BOX PLACEMENT.** Mailboxes and newspaper boxes shall be placed no closer than the farthest edge of the road shoulder and should be exposed 15 feet on each side of the mailbox or newspaper box during the snow season.

(4) **EXCEPTIONS.** The prohibition of sub. (1) above shall not apply to the following:

(a) Public utility encroachments duly authorized by State law or the Town Board.

(b) Temporary encroachments or obstructions authorized by permit granted pursuant to §66.0425(3), Wis. Stats.

8.04 DEPOSITING SNOW ON TOWN HIGHWAYS. (1) PROHIBITED. It shall be unlawful for any person to plow, shovel or otherwise deposit or place snow on the maintained portion of any public road within the Town, or to permit such depositing of snow from property occupied by him.

(2) **ENFORCEMENT.** Violations of this section may be enforced against either or both the owner and occupant of the property from which the snow was removed or the property adjacent to the highway where the snow is found.

(3) **PENALTY.** Any person found guilty of violating this section shall be subject to a forfeiture, upon conviction thereof, of not less than \$25 nor more than \$200 together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed 30 days.

8.05 PRIVATE DRIVE PLOWING. The Town shall not provide snow plowing services to private driveways except for fire and ambulance emergencies.

8.06 SIDEWALK MAINTENANCE. It shall be the duty of every owner or person in charge of any premises, improved or vacant, within this Town that abuts upon any sidewalk to keep the same free from rubbish, dirt or filth of any kind and from snow and ice. Any owner or person in charge of such premises who neglects for the period of 20 hours after any rubbish, dirt, filth of any kind or snow or ice has been deposited or formed upon the sidewalk which such premises abuts, to remove the same shall be subject to a forfeiture as provided in sec. 20.04 of this Code.

8.07 GRANT OF HIGHWAY EASEMENT. The Town does hereby grant a perpetual easement to the Ashippun Sanitary District, Inc., water and/or sewage utility for the use of streets and alleys for the purpose of construction, operating and maintaining the lines, pumping stations and appurtenances of the water and/or sewage system. A lagoon-type treatment plant shall be located on a 10 acre parcel located in the SW1/4 of Sec. 30, T9N, 17E, all within the Town.

8.08 MOVING BUILDINGS. See ch. 14 of this Code.

8.09 ALTERNATE SPECIAL ASSESSMENT PROCEDURE. (1) **AUTHORITY.** As provided in §66.0701, Wis. Stats., the procedure set forth in this section may, in addition to other methods provided by law, be used to levy special assessments for any public work or improvement.

(2) **PRELIMINARY RESOLUTION.** Whenever the Town Board shall determine that any public work or improvement shall be financed in whole or in part by special assessments levied under this section, it shall adopt a preliminary resolution setting forth the following:

(a) Its intent to exercise its police powers for the purpose of levying special assessments for the stated municipal purpose.

(b) The limits of the proposed assessment district.

(c) The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied.

(d) The number of installments in which the special assessments may be paid, or that the number of installments will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.

(e) The rate of interest to be charged on the unpaid installments or that the rate of interest will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.

(f) The terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property or that such terms will be determined after the public hearing by sub. (4) below, and will be included in the final resolution.

(g) The Town Engineer shall prepare a report as required by sub. (3) below.

(3) **REPORT OF TOWN ENGINEER.** Whenever the Town Board, by preliminary resolution, directs the Town Engineer to prepare a report, the Town Engineer shall prepare a report consisting of the following:

(a) Preliminary or final plans and specifications for the public works.

(b) An estimate of the entire cost of the proposed work or improvements, except that when the Town Board determined by preliminary resolution that the hearing on such assessments shall be held subsequent to the completion of the work or improvements, the report shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of such costs.

(c) A schedule of the proposed assessments.

(d) A statement that each property against which the assessments are proposed has been inspected and is benefited, setting forth the basis of such benefit.

(e) Upon completion of the report, the Town Engineer shall file a copy of the report with the Clerk-Treasurer.

(4) **INCORPORATION OF STATUTORY PROVISIONS.** The provisions of §66.0703, Wis. Stats., including those related to notice, hearing and the adoption of a final resolution, shall, to the extent not inconsistent with this section, apply to special assessments levied under this section.

(5) **LIEN.** Every special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the Town Board determining the amount of such levy.

8.10 TITLE COMPANY RESEARCH FEE. The Town Treasurer shall issue real estate special assessment certificates. The certificate fee is included in the Town Fee Schedule.

8.15 PENALTY. Any person who shall violate any provision of this chapter or any rule, regulation or order made hereunder shall be subject to a penalty as provided in sec. 20.04 of this Code.