

ORDINANCE

TOWN OF CLEVELAND TOWN ROAD ORDINANCE

THE TOWN BOARD OF THE TOWN OF CLEVELAND, CHIPPEWA COUNTY, DOES HEREBY ORDAIN AS FOLLOWS:

The following Ordinance, Title 5, Chapter 1, is hereby adopted by the Town Board of the Town of Cleveland to be codified in the Town Code of Ordinances:

CHAPTER 1

TOWN ROAD ORDINANCE

5-1-1 Title

This ordinance shall officially be known, cited and referred to as the Town of Cleveland Town Road Ordinance.

5-1-2 Purpose

- (1) To set forth standards and procedures for the layout and construction of Town Roads by independent contractors.
- (2) To set forth standards and procedures to be used for the layout and construction of private roads to Town road standards

5-1-3 Definitions

- (1) 'Parcel of Land:' A unit of land identified with a tax number
- (2) 'Private Road:' A designated physical area on a parcel of land, owned by one or more individuals, that serves to connect the following to another private or a public road:
 - (a) three (3) or more parcels of land;
 - (b) three (3) or more units in a condominium plat,
 - (c) a multiplex residential facility,
 - (d) a commercial activity with an expected traffic volume of ten (10) or more vehicles per day
- (3) 'Town Road' A road owned and maintained by the Town of Cleveland.

5-1-4 Standards and Procedures for the construction of Town Roads

(1) General Requirements

(a) Road Design and Construction Plan (hereafter referred to as the "Construction Plan")

A site-specific road design and construction Plan, based on a site and soil evaluation, shall be developed by the contractor, reviewed on site by the inspector, and approved by the Town Board prior to the beginning of construction. The plan shall contain a description of methods, specifications, and materials to be used, as well as the road design, including profiles and cross sections. All road construction and material used shall be in accordance with the construction methods as set forth in this ordinance and listed in the appropriate current sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, except as these may be modified by the Town in the construction of private roads. No construction shall be

commenced until the Construction Plan has been approved by the Town Board. The Town Board reserves the right to modify the approved Construction Plan, on its own or on the recommendation of the inspector, in order to address unanticipated problems that may arise in the course of construction. Any deviation or change of the road design or construction plan shall require a change order issued by the Town Board.

(b) Inspection

(i) The Role of the Inspector

An inspector for a project shall be appointed by the Town. For the construction of a private road, the inspector shall be appointed and hired by the Town with costs of inspection reimbursed by the owner according to a schedule of payment specified by the Town when the permit is granted. Final approval of the road will not be granted and costs of inspection have been paid in full.

The inspector shall conduct an inspection according to a schedule of inspection approved by the Town Board at the time of Construction Plan approval. The inspector shall maintain a log of each inspection, noting the date and time of the inspection, the date and time of an approval, any deficiencies found upon inspection that need correction before approval can be granted, and a description of potential problems that may need to be addressed at some future time, or other observations as may be appropriately placed on the record. It is the responsibility of the inspector to make prompt and thorough inspections, documenting all findings in an Inspection Log and communicating these findings both to the contractor and the Town Board. The inspector shall make approvals of stage completion in writing to the contractor and the Town Board Chair. All parties should maintain close and clear communication throughout the process of construction, so that misunderstandings are avoided, construction problems can be addressed early on, delays avoided, and the complete installation of the road expedited.

(ii) The Schedule of Inspection

Inspections shall be conducted at the completion of each of the following stages of construction, unless an inspection at a specific stage is expressly waived by the Town at the time of Construction Plan approval.

- (i) Topsoil removal
- (ii) Sub-grading, including ditching and back-sloping.
- (iii) Sub-base aggregate
- (iv) Base-course material installation
- (v) Bituminous surface course
- (vi) Shouldering

(iii) Erosion Control

Erosion control measures, such as soil stabilization, runoff and sediment control, and storm water retention/detention measures, shall be taken as appropriate at all stages of construction. Installing and maintaining the continued effectiveness of all erosion control shall be the responsibility of the contractor during the entire process of construction and until final approval of the road.

(c) The Construction Process

The contractor shall notify the inspector at least 48 hours prior to the start of construction and when each stage of construction is ready for inspection. Written approval of the completed stage by the inspector shall be required before continuation of construction may continue. Any deficiencies found upon inspection shall be corrected and the correction re-inspected and approved by the inspector before proceeding to the next stage of construction.

If erosion occurs because of a failure to install an erosion control measure or because an installed control fails for whatever reason, the erosion control measure shall be promptly installed, or repaired, or replaced and the damage resulting from the failure corrected as much as possible. The construction process shall not proceed to the next stage until the failure has been corrected, re-inspected and approved.

If the contractor does not promptly correct the failure and the Town determines that the continued failure poses a threat to public health or safety, the Town may install the necessary control, or repair or replace a failed control, and assign the cost to the contractor, together with a forfeiture per day from the date of failure as set forth in the Town's Schedule of Forfeitures.

- (d) **Material Slips.** Copies of material slips for all materials furnished for the road construction project shall, upon request of the Town Board, be delivered to the Town before the Town approves the final construction.
 - (e) **Test 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.
 - (f) **Pavement Samples.** The Town may require samples of material be taken during pavement construction at the contractor's expense, or at the expense of the owner a private road.
 - (g) **Town Board Approval.** The finished road must meet the approval of the Town Board, after consultation with the inspector of the road. Final approval shall not be granted until the Town has received proof of payment of all costs incurred.
- (2) **Construction Standards.** All streets, private roads and highways constructed in the Town shall fully comply with the following construction standards, with construction and inspection at each stage of construction at the applicant's expense, if it is a private road
- (a) **Topsoil Removal.** All topsoil shall be first removed. In addition, all sub-soils which have a high shrink-swell potential, low-bearing capacity when wet or are highly elastic shall be removed and used outside of the road bed. Where both subsoil and substratum have a high shrink-swell potential and low-bearing capacity when wet (as when seasonal high groundwater is encountered), the installation of an under-drain system shall be considered in order to keep the water level as far below the pavement surface as possible.
 - (b) **Right-of-Way Width.** A minimum road right-of-way width of sixty-six (66) feet is required, except that if the road ends in a cul-de-sac or dead end a one hundred twenty (120) foot turnaround radius is required. If a private road will have limited traffic, a thirty-three (33) foot right way may be considered.
 - (c) **Roadway Alignment Details.** Roadway alignment shall be in the center of the road right-of-way.
 - (d) **Roadway Grading: Ditches.** Roads shall be graded to their full width in accordance with the approved plans, plus an additional distance, if feasible, to establish a four-to-one back-slope. The roadway shall be compacted and graded to sub-grade using, where necessary, approved fill material 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 (3) to one (1) ditch from the edge of the shoulder to the bottom of the ditch and two (2) to one (1) on the back slope, or specified in the approved Construction Plan.
 - (e) **Roadway Grades.** Roadways shall have a maximum grade of eight percent (8%).
 - (f) **Roadway Width.** Roadways shall either have a base width a minimum of twenty-six (26) feet or wider of full gravel, or follow the requirements of the "Town Road Standards" noted in Section

86.26, Wis. Stats., or by the Town Land Division Ordinance, the more restrictive of which shall apply. A designated grade of base gravel shall be used but not less than the standards provided by the Wisconsin Statutes for a road handling one hundred (100) vehicles per day. Other provisions of graveling may be imposed by the Town officials in low, wet or sandy places where additional gravel or fill would be required for public health, safety and maintenance reasons.

- (g) **Roadway Base Thickness.**
- i. Residential and rural roads and streets shall have a minimum roadway base thickness of ten (10) inches of compacted in-place pit run gravel and a top layer of four (4) inches of crushed gravel.
 - ii. On commercial, arterial or other heavy-use roads, as determined by the Town Board, a top surface of ten (10) inches of compacted base coarse shall be constructed upon an inspected and approved sub-grade, either well-graded crushed gravel with a maximum stone of one and one-half (1-1/2) inches and no greater than ten percent (10%) by weight passing a No. 200 sieve or No. 3 crushed rock approximately six (6) inches in depth and one (1) or more layers of fine aggregate, either three-fourths (3/4) inch crushed gravel, well-graded with no greater than ten percent (10%) passing a No. 200 sieve, or three-fourths (3/4) inch traffic-bond crushed rock. A minimum 15% silt loam fine must be used as the binder.
 - iii. Subsections a. and b. above are minimum requirements and where applicable, pavement design in accordance with the Wisconsin State Design Manual shall govern.
 - iv. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line grades and shape shown on the approved plans, profiles and cross sections.
- (h) **Pavement Width.** Roads shall have a minimum pavement width of twenty (20) feet or wider when required by the "Town Road Standards" as noted in Sec. 82.50, Wis. Stats., or by other Town of Cleveland ordinances. If applicable, the more restrictive of which shall apply.
- (i) **Pavement Thickness.** Residential and rural roads shall have a minimum of two (2) inches thick compacted hot or cold mix bituminous pavement. On commercial, arterial or other heavy-use roads, there shall be a minimum of three and one-half (3-1/2) inches of bituminous concrete pavement, placed in two (2) layers--a binder course of two (2) inches thick and a surface course of one and one-half (1-1/2) inches thick. In the case of commercial, arterial or other heavy-use roads, the Town Board may, in the alternative to the above standards, have the Town Board provide specifications for paving such roads with a greater thickness after researching the site(s) and conducting a soil analysis. In any case, the Town Board shall have the sole discretion in determining the use and construction classification to be adhered to. Pavement shall not be installed until after a minimum of one winter of use.
- (j) **Shoulder Width.** A shoulder a minimum of three (3) feet wide on each side of the road is required and wider when required by the "Town Road Standards" as noted in Sec. 82.50, Wis. Stats.
- (k) **Shoulder Thickness.** Road shoulders shall have a minimum thickness of two and one-half (2-1/2) inches of compacted in-place crushed state-approved aggregate base course, over a minimum six (6) inches of compacted in-place crushed state-approved aggregate base course, except that shoulder thickness shall match the thickness of the pavement, provided that there is a minimum shoulder thickness of six (6) inches.
- (l) **Roadway Culverts and Bridges: Surface Drainage.** Roadway culverts and bridges shall be constructed as directed by the Town Board and sized utilizing the TR 55 Standards listed in Chapter 13 of the manual entitled "Drainage" of the "Facilities Development Manual" of the Wisconsin Department of Transportation. The developer shall provide adequate facilities to provide surface water drainage as well as free flow outlets for subsurface drain tile where they are required. Where drainage facilities will aid in road construction and the stabilization of the road's sub-grade, drainage facilities shall be installed before road construction is started, existing condition status shall be based on a maximum of a Curve 70.
- (m) **Driveway Culverts.** Driveway culverts shall be installed as determined by the Town Board.

- (n) **Topsoil, Grass, Seed, Fertilizer, and Mulch.** All disturbed areas (ditches, back-slopes) within the road right-of-way not provided with pavement and quality seed, fertilizer, and mulch, in accordance with seeding requirements prescribed in Wisconsin Department of Transportation standards. Ditches along the roadway shall be protected by necessary erosion control materials such as hay bales, sod, erosion control mats, rip-rap, etc., as prescribed by the engineering design for the ditches as approved by the Town Board.
 - (o) **Signs.** All roads constructed in the Town of Cleveland which an applicant intends to request Town ownership and maintenance shall have signs paid for by the applicant and installed by the Town at the applicant's cost, and as determined by the Town Board or its designee, prior to dedication of the road.
 - (p) **Extra Turn Surface.** The radius required shall be twenty-five (25) feet for minor/local roads; heavy traffic/collector street radius shall follow the Department of Transportation Manual.
 - (q) **Curvatures.** Curvatures shall be between a six percent (6%) degree minimum and maximum curve of a road curve rated at thirty-five (35) miles per hour, excluding cul-de-sacs, except as provided for in the Town of Cleveland Land Division Ordinance.
 - (r) **Road Cross Slopes.** A minimum cross slope of two percent (2%) shall be required.
- (3) **Statutory Requirements.** The laying out of highways and roads shall be provided in Chapters 82 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.
- (4) **Proximity to Other Roads.** No road applied for running parallel with existing public road can be closer than three hundred (300) feet measured from the road right-of-way of the major road.
- (5) **Easements.** The landowner shall furnish to the Town any special deed or easement for lands outside of the right-of-way if the installation of the road requires the use of private lands outside of the road right-of-way for use such as, but not limited to, vegetative control to provide for line of sight, sloping or other means of erosion control outside of the right-of-way, drainage ways or other means of managing storm-water run-off.

5-1-5 Final Inspections

A final inspection by the Town Board Chair, or his or her designee, shall be made prior to final approval of the road. If road fails in some respect, correction shall be made pursuant to the instructions of the Town and the road shall be re-inspected for purposes of ascertaining compliance with Town road standards. Final approval shall be issued by the Town Board.

Signed this 10th day of July, 2006


 Charles Carrell, Town Chairman


 Linda Laird, Town Clerk