

ORDINANCE

-PRIVATE ROAD ORDINANCE-

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

The following Ordinance, Title 7, Chapter 2, is hereby adopted by the Town Board on behalf of the Town of Cleveland to be codified in the Town Code of Ordinances:

CHAPTER 2

PRIVATE ROADS

7-2-1	Private Roads; Exceptions.
7-2-2	Conversion of Private Road to Public Road; Statement of Town Policy
7-2-3	Road Plans for Private Roads
7-2-4	Minimum Design Standards
7-2-5	Dedication Standards: Conversion of Private Roads to Public Roads
7-2-6	Requirements for Conversion of Private Roads to Public Roads; Dedication of Private Roads in Subdivisions
7-2-7	No Expectation that a Private Road will be Accepted as Public Road
7-2-8	Definitions
7-2-9	Severability

SEC. 7-2-1 PRIVATE ROADS; EXCEPTIONS.

- A. Compliance with Ordinance Required. No person shall create a private road, whether by dedication, easement or otherwise, and no person shall file a plat or certified survey map of a land division in the Town of Cleveland, Chippewa County, pursuant to Ch. 236 Wis. Stats., containing any private roads unless they have been approved pursuant to this ordinance.
- B. Exceptions from Compliance with Ordinance. The following non-public roads need not comply with this Ordinance:
 - 1. A road which serves as access to and from no more than two (2) lots of record. However, in the event that a third parcel is created or is legally accessed by such a road, any newly created portion of that road required to provide access to the third or any additional lots of

record shall be constructed only in accord with the requirements of this Ordinance.

SEC. 7-2-2 CONVERSION OF PRIVATE ROAD TO PUBLIC ROAD; STATEMENT OF TOWN POLICY

The Town Board shall refuse to consider for possible acceptance the dedication of any private road until such time as when it has been constructed pursuant to this ordinance.

SEC. 7-2-3 ROAD PLANS FOR PRIVATE ROADS

- A. The following shall be submitted to the Town Board before approval of any private road:
 - (1) A scale drawing of the location of each proposed road and the area it will serve. The drawing shall contain contours at vertical intervals of ten (10) feet showing the topography of the road and the area served, and shall indicate how runoff from the area served will be diverted from the road. However, the Town Board reserves the right to require contours at vertical intervals of less than ten (10) feet if the Town Board determines topographic considerations require contours at such vertical intervals.
 - (2) If the proposed road, in part or in whole, is not located within the area to be included within a platted subdivision or a certified survey map land division, a map of the location of the proposed road and the area served shall be filed.
- B. In addition to the foregoing, the Town Board may require the submission of either or both of the following additional documents before construction of a road is undertaken:
 - (1) A profile drawing of the centerline of the proposed road, drawn to scale, showing the grade of the road.
 - (2) A cross-section drawing of the road, drawn to scale, showing the cut and fill areas.
- C. Each road plan submitted to the Town shall be accompanied by a non-refundable fee of \$150.00.

SEC. 7-2-4 MINIMUM DESIGN STANDARDS

- A. Each private road shall conform to the minimum town road standards and specifications of ' 82.50, Wis. Stats., and applicable provisions of the Wisconsin Administrative Code, except that the Town requires a four (4) rod right-of-way.
- B. Subsequent to the completion of construction, the party or parties responsible for the construction of a road subject to this ordinance shall submit an As built@ plan to the Town Board in order to assist the Town in verifying the road has been constructed to the required specifications.
- C. The intersection of the centerline of a new private road with a public right-of-way shall be at least 200 feet from the intersection of the centerline of an existing private road with a public right-of-way

SEC. 7-2-5 DEDICATION STANDARDS: CONVERSION OF PRIVATE ROADS TO PUBLIC ROADS

The following standards shall be met or exceeded by all private roads, unless modifications are permitted upon authorization of the Town Board for good cause shown. Whenever there is a conflict between any particular standard of the Town and a corresponding standard of the State, the more strict standard shall apply.

- A. Road Right-of-Way.....66 feet (4 rods)
- B. Roadway Width (base course).....28 feet
- C. Traffic Lanes (surfaced area)..... 22 feet
- D. Maximum Grade.....10 percent
- E. Each road which lacks an exit shall terminate in a turnaround whose diameter shall not be less than 100 feet. If designed in the form of a loop, the diameter of the surface area shall not be less than 22 feet in width.
- F. Ditches.
 - (1) All Ditches shall be seeded, sodded or provided with sodded check dams at discretion of the Town Board.
 - (2) All portions of the right-of-way beyond the edge of the base course that are disturbed at the time of construction shall be properly seeded or sodded to prevent erosion.
- G. No trees or stumps may be placed or left in any fill.

H. Bridges and Culverts.

- (1) Culverts shall conform to the minimum design standards contained in the Wisconsin Statutes, and the Wisconsin Administrative Code. In addition, in every case the Town Board shall determine the size of culverts to ensure that they are large enough to drain off the anticipated service area during heavy runoff and to prevent ponding. The Board may require drainage calculations prior to the approval of culvert designs.
- (2) In the event that the Town Board requires drainage calculations for culvert placement, the costs of said collection shall be borne by the subdivider. The town reserves the right, at the expense of the subdivider, to refer the calculations to a professional engineer of its choice for review and analysis.
- (3) All bridges shall conform to those minimum design standards and specifications contained in the Wisconsin Statutes and the Wisconsin Administrative Code, but in no case shall any bridge be built which is less than 28 feet in width. All bridge designs must bear the seal of a certified civil engineer of the State of Wisconsin.

I. Road Construction Materials.

- (1) Base course shall consist of a minimum of 10" compacted in-place pit run gravel together with a top layer of 4" inches of crushed gravel. Base course shall be allowed to season for one winter before application of asphalt.
- (2) Additional Base Material. If, in the opinion of the Town Board, the soil forming the foundation for a road proposed to be accepted by the Town, is unstable as a result of water saturation or unstable composition, or otherwise precludes the construction of a sound and durable public road in accordance with the minimum specifications otherwise established by this Section, the Town Board may require that additional base material be added before such road may be considered as eligible for acceptance as a Town road.
- (3) Asphalt surfacing shall conform to WisDOT Specifications for local roads having a traffic count less than 750 vehicles per day, but shall have a finished thickness of at least two inches applied in one pass in all locations. The Town may sample paving material at the plant and also on the roadway for a period of fifteen days after application to determine acceptability.

- J. Signs. The party or parties responsible for the construction of a road subject to this ordinance shall have all required signage, including but not limited to street signs and stop signs, installed in conformance with all Wisconsin Department of Transportation requirements including said approved requirements not yet in effect.
- K. Intersection Controls. The Town Board shall specifically approve of the location of intersections between private roads and public roads under the Town's jurisdiction, taking into consideration general Town Road standards as well as safety concerns related to sight distances, hills, proximity to intersections with other public or private roads, speed limits and other factors.

SEC. 7-2-6 REQUIREMENTS FOR CONVERSION OF PRIVATE ROADS TO PUBLIC ROADS; DEDICATION OF PRIVATE ROADS IN SUBDIVISIONS

- A. The Town Board or its designee shall inspect all roads proposed to become public roads before approval. This requirement may be waived at the discretion of the Town Board subject to the following.
- B. In the event that in the process of creating a land division by means of a plat or certified survey map, the subdivider proposes to dedicate private roads, and the town is willing to authorize a private road to be constructed and operated, as a condition of such approval, in order for the plat or certified survey map to be recorded, the subdivider shall be required to place a covenant against the title of each lot sold which shall read as follows:

The grantee and his or her successors and assigns are placed on notice that the road adjoined this real estate is a private road and that the Town of Cleveland has no responsibility to operate, maintain, or repair the said road. In addition, the Town of Cleveland is not compelled to accept a dedication of said road should a petition be filed with it for this reason.
- C. The Town Board or its designee shall inspect all roads proposed to be accepted by the Town for public travel purposes. No road shall be deemed to be accepted by the Town until it has been approved as having been constructed in accord with the requirements of this Ordinance. Further, the Town Board reserves the right to retain the services of a professional engineer to perform the inspection functions called for in this section and to issue a report to the Town Board, recommending acceptance, denial of acceptance or conditional acceptance of the road. The person seeking to have a road approved for transfer to the Town

shall be responsible for all costs of plan review, inspection, and other related costs, including the fees and expenses of the Town's engineer.

SEC. 7-2-7 NO EXPECTATION THAT A PRIVATE ROAD WILL BE ACCEPTED AS PUBLIC ROAD

No person may construct a road and seek to dedicate it to the Town unless the road conforms with all of the standards set forth expressly or by reference in this Ordinance. Such performance shall be required even if the proposed road dedication is not associated with a land division by plat or Certified Survey Map. The Town Board hereby states that this Ordinance does not create any expectation of any type that the Town Board will accept a private road as a public road. Such decision by the Town Board to accept a private road as a public road is wholly within the discretion of the Town Board.

SEC. 7-2-8 DEFINITIONS

The following definitions shall control interpretation and application of words in this ordinance:

- A. Certified Survey Map has the meaning set forth at ' 236.34, Wis. Stats.
- B. Drawn to scale means at a scale of not more than 200 feet per each inch.
- C. Plat has the meaning set forth at ' 236.02(8), Wis. Stats.
- D. Private road means any road designed and used for vehicular travel which is not owned, operated, maintained or repaired by the Town, Chippewa County or State of Wisconsin.
- E. Public road means a road which is open to travel by the public and which is operated and maintained by a public highway authority.
- F. Road means a town highway as that term is defined at ' 990.01(12), Wis. Stats., unless the context dictates otherwise.
- G. Town means the Town of Cleveland, Chippewa County.

SEC. 7-2-9 SEVERABILITY.

The several sections of this Ordinance are declared to be severable. If any section, provision, phrase, word, or any portion of this Ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section, word, phrase, provisions, or portion

thereof directly specified in the decision, and not affect the validity of all other provisions, words, sections, or portions thereof of the Ordinance which shall remain in full force and effect.

This Ordinance shall take effect upon its adoption and publication as required by law.

Dated this 9th day of November, 2009

TOWN OF CLEVELAND

BY: Charles J. Carrell
Charles Carrell, Town Chairperson

BY: Linda Laird
Linda Laird, Town Clerk