

**ORDINANCE NO. 31**

**ROAD ORDINANCE**

This Ordinance is adopted under the authority of Section 60.29(26), 60.18(12), 61.34(5), and 86.26 of the Wisconsin Statutes as amended and is an Ordinance establishing specifications, rules, and regulations of construction, alteration, improvement, and acceptance of roads in the Town of Geneva. The Town Board for the Town of Geneva, Walworth County, State of Wisconsin, does ordain Ordinance No. 31 as follows:

Section 1. Title.

This Ordinance shall be known as the "ROAD ORDINANCE, TOWN OF GENEVA, WALWORTH COUNTY, STATE OF WISCONSIN", and hereinafter referred to as the "ORDINANCE".

Section 2. Purpose and Intent.

The purpose of this Ordinance is to promote the health, safety, general welfare of the Town of Geneva, and it is the general intent of this Ordinance to regulate and restrict the construction, reconstruction, alteration, and upgrading of roads prior to acceptance by the Town Board; to enhance the general safety of the roads and promote efficiency; to lessen congestion, to facilitate proper drainage; to promote sound road construction standards and to provide for the administration and enforcement of this Ordinance, including provision for penalties for its violation.

Section 3. Abrogation and Greater Restrictions.

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

Section 4. Interpretation.

In its interpretation and applications, the provisions of this Ordinance shall be liberally construed in favor of the Town, and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes.

Section 5. Town Datum.

The Town Datum used to establish grades shall be the Mean Sea Level Datum 1929 Adjustment as established by the U.S. Coast and Geodetic Survey.

Section 6. Definitions.

- A. "Approach" is that portion of road extending 100 feet on each side of a culvert or bridge.
- B. "Base Course" is the layer or layers of specified or selected material of designated thickness placed on a subbase or subgrade to support a surface course.

- C. "Cul-De-Sac" is a road or way with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- D. "Drainage" is to make gradually dry, by trenches, channels, ditches, and tiles or other means.
- E. "Gradient" is the rate of rise or fall of the surface of the roadway measured along the centerline expressed as a percentage. Thus a one percent (1%) grade will rise or fall one foot in 100 feet. The slope of a road or other public way, specified in percent.
- F. "Highway" is a road or way over which the public generally has the right to pass.
- G. "Right-Of-Way" is a general term denoting land, in a strip, acquired for or devoted to a road.
- H. "Roadbed" is the graded portion of a road within top and side slopes prepared as a foundation for the pavement structure and shoulders.
- I. "Roadway" is that portion of a road within limits of construction.
- J. "Roadway Width" is the portion of a road, including shoulders, for vehicular use.
- K. "Subbase" is the layer or layers of specified or selected material of designated thickness placed on a subgrade to support a base course.
- L. "Subgrade" is the top surface of a roadbed upon which the pavement structure and shoulders are constructed.
- M. "Surface Course" is the final course of material put down over which traffic passes, exclusive of shoulders.
- N. "Surface Width" is the portion of the roadway, exclusive of shoulders, for the movement of vehicles.
- O. "Town Road" is a road or way over which the public generally has the right to pass, over which the Town Board has the direct authority and supervision.
- P. "Driveway" is any private way, that connects to any public road which provides vehicular access from the road to a residence, structure, or area intended for parking of any vehicle, trailer or other personal property.

#### Section 7. Application.

Individual or corporate owners of land wishing to create or alter a Town road, shall make application, in writing, to the Town Board of Supervisors, and shall submit to said Board of Supervisors a detailed drawing indicating exact location and description of the proposed Town road. Upon receipt of application and drawing, the Town Board will proceed to examine all aspects of the proposed Town road, or alterations applied for, and if approved by the Town Board, the individual or corporate land owner shall be given the permit or a conditional permit to proceed under the supervision of the Town Board.

Section 8. Standards.

The following are minimum standards for proposed construction or alterations of Town roads.

- A. Standard Specifications. Standard specifications for road and bridge construction, as published by the Department of Transportation of the State of Wisconsin, shall apply to all Town roads within the Town of Geneva except where specifically modified by this Ordinance.
- B. Roadway Preparation. After clearing all areas of soft, yielding, or spongy subgrade shall be excavated and backfilled with pit run gravel, so as to ensure a stable foundation. The foundation (earth subgrade, subbase course, or base course, as the case may be) shall be so prepared and constructed that it will have as nearly as practicable, uniform density throughout.
- C. Gradient. The minimum grade of any Town road shall not be less than one-half percent (1/2%), nor in excess of ten percent (10%), except as otherwise approved by the Town Board.
- D. Drainage. The roadway must be complete with proper drainage provisions to provide for adequate removal of water. When it becomes necessary to make a lateral trench, leading from the main drainage course, then the additional land necessary for the removal of accumulated water must be provided and deeded to the Town, along with the necessary land for the right-of-way. The additional land so conveyed to the Town for drainage purposes will be under the supervision of the Town Board at all times. Erosion controls shall be provided and the Town Board may require additional measures to be taken when it is deemed necessary.
- E. Base Course. Shall consist of no less than ten inches (10') of compacted road gravel and shall be no less than twenty-eight feet (28') wide. The base course shall be applied in two courses of a minimum of six inches (6") and four inches (4") of compacted gravel meeting at a minimum State Specification Gradation 2.
- F. Surface Course. Shall be of bituminous blacktop or other suitable material, not less than three inches (3") thick and not less than twenty-two feet (22') wide. The surface course shall be applied in two courses of a minimum of one and three-quarter inches (1-3/4") binder grade and one and one-quarter inches (1-1/4") Course Grade No. 3. No surface course shall be applied for one year after completion of the base course without special written approval from the Town Board.
- G. Shoulders. Shoulders shall be a minimum of three feet (3') wide and finished flush with the surface course, using State specification shoulder gravel.

- H. Culverts. Culverts necessary for proper drainage shall be installed after elevation and location is obtained from the Town Board. The minimum length of any culvert installed in any roadbed shall be forty feet (40') in length. However, the diameter and length of such culvert shall be subject to approval of the Town Board, after the amount of flowage is determined. Secondary culverts installed in any lateral trenches will be of a size and length determined by the Town Board. The Town Board may require end sections upon all culverts, and any additional erosion controls deemed necessary by the Town Board.
- I. Official Cross Section of a Town Board. All roads shall be in compliance with the requirements as set forth on the Typical Cross Section in addition to any that may be required by the Subsections of this Ordinance.
- J. Intersections. Intersections shall be as near as possible at a right angle, and all proposed Town roads that intersect an existing Town road shall be so located that there is a minimum of six hundred feet (600') of sight distance along the existing Town road, at each direction from the intersection unless otherwise approved by the Town Board.
- K. Erosion Control. The project engineer, surveyor, contractor, individual, or corporate owner shall show in the road plans all erosion control measures, including provision for the installation or construction of temporary retention ponds, diversions, or other means to ensure the control of erosion, both during and after construction. All such erosion control measures shown shall be approved by the Town Board and the Town Board may require additional control measures when deemed necessary.
- L. Road Plan. The individual or corporate owner shall cause to be submitted to the Town Board a set of road plans, indicating a typical cross section, existing center line grade, proposed center line grade, and a plan of the proposed road.
- M. Curves. The minimum center line radius for any curve shall be not less than one hundred feet (100').
- N. Cul-De-Sac. Shall have a minimum right-of-way radius of sixty feet (60') and a minimum surface course radius of forty feet (40').

Section 9. Final Inspection.

Upon completion of a proposed Town road, the Town Board of Supervisors, or their designate, will proceed to make a final inspection, accepting or rejecting the road, as the case may be. If the road is rejected, then corrections must be made as recommended by the Town Board before final inspection can be made again. If final acceptance is made, the owner or owners will convey to the Town Board, by deed, all land necessary for the roads in accordance with the provisions of this Ordinance.

Section 10. Performance Bonds.

The Town Board may require a deposit of cash equal to the total cost of the project as determined by the Town Engineer or an engineer designated by the Town Board. As an alternative to the deposit of cash, the owner or owners may, in lieu thereof, submit a performance bond, and the penal sum of twice the engineer's estimate, and shall make payment to the Town upon demand, as construction progresses.

Section 11. Driveway Construction.

- A. Approval required. No person shall construct or maintain any driveway leading into a public highway or Town road without first entering into a waiver agreement with the Town prior to construction of the drive area and paying therefor the fee of Seventy-Five and no/100 (\$75.00) Dollars.
- B. Specifications for Driveway Construction.
1. Width. No driveway shall exceed thirty-six feet (36') in width at the road or edge.
  2. Interference with Intersections Prohibited. At road intersections, a driveway shall not provide direct ingress or egress to or from the road intersection area and shall not occupy areas of the roadway deemed necessary by the Town Board for effective traffic control or for highway signs or signals.
  3. Interference with Road. No driveway shall extend out into the right-of-way farther than the improved roadway, shall not be more than thirty-five (35') feet in width at any joint within the Town right-of-way, and under no circumstances shall a driveway apron extend into the improved roadway surface area. No driveway entrance shall be constructed of concrete, brick, block or other surface material other than gravel or asphaltic blacktop without first entering into a waiver agreement with the Town prior to construction of the drive area. All driveway entrances shall be so constructed that they shall not interfere with the drainage of roads, side ditches, or roadside areas, or with any existing structure on the right-of-way. No driveway shall be constructed so as to allow surface waters to flow from the driveway onto the improved surface of the roadway or prohibit surface waters from draining from the improved surface of the roadway onto the driveway. No driveway entrance shall have any curb or other object that is elevated above the surface grade of the driveway within the Town right-of-way. When required by the Town Building Inspector or Town Engineer to provide for adequate surface water drainage or other concern along the road, the property owner shall provide any necessary culvert, pipe, drains or other apparatus at the owner's expense.

At the time of application for a driveway permit, the owner shall provide driveway plans including dimensions, materials to be used, elevations from the roadway surface to a point twelve (12') feet perpendicular from the roadway surface toward the owner's property, and such other information as the Town Building Inspector or Town Engineer may require for review prior to issuance of the driveway permit.

4. Number of Access Points Limited. The permittee shall be limited to the access point as designated by the Town Board after inspection of site and written approval of said site location and limitation of size, construction and maintenance. The driveway shall be as near as possible at a right angle to the roadway and shall be so located that there is a minimum of four hundred feet (400') of sight distance along the road in each direction unless otherwise approved by the Town Board. The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway entrances. Side ditches and roadside areas shall be restored in a neat, workmanlike manner. Driveway surfaces shall connect with the road pavement in a neat, workmanlike manner.

Section 12. Penalty.

Any person, firm, or corporation who fails to comply with the provisions of the Ordinance, or any order of the Town Board issued in accordance with this Ordinance, shall, upon conviction thereof, forfeit not less than Ten (\$10.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and the costs of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

Section 13. Effective Date. The passage of this Revised Ordinance shall take effect from and after its adoption by the Town Board and upon posting or publication thereof as provided by the Statutes of the State of Wisconsin.

Adopted this 9th day of March, 2015.

\_\_\_\_\_  Absent  Aye  Nay  Abstain  Preside  
Merle Loomer – Supervisor No. 1

\_\_\_\_\_  Absent  Aye  Nay  Abstain  Preside  
Keith Millard – Supervisor No. 2

\_\_\_\_\_  Absent  Aye  Nay  Abstain  Preside  
Gene Decker – Supervisor No. 3

\_\_\_\_\_  Absent  Aye  Nay  Abstain  Preside  
Mike Mumford– Supervisor No. 4

\_\_\_\_\_  Absent  Aye  Nay  Abstain  Preside  
Joseph F. Kopecky – Chairperson

\_\_\_\_\_  Attest  
Debra L. Kirch – Clerk/Treasurer