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### **Chapter 8 Board Action**

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Adopted December 20, 2011 as part of Village Incorporation

Revised November 10, 2014, Ordinance No. 2014-O-18

## **8.01 PURPOSE.**

The Village Board of the Village of Bloomfield, Walworth County, Wisconsin, do hereby find, determine and ordain that in order to promote the public safety, general welfare and convenience, it is necessary that certain requirement be established and followed in the creation of new highways in the Village of Bloomfield; so that in the opinion of the Village Board, the public will not be negatively affected by the action of the Village Board accepting said road.

## **8.02 WORDS AND PHRASES DEFINED.**

1) **DEFINITIONS.** In Chapter 8 of the Municipal Code of the Village of Bloomfield, Walworth County, Wisconsin, the following words and phrases have the designated meanings unless a different meaning is expressly provided, or the content clearly indicates a different meaning:

- a) Approach – that portion of road extending 100 feet on each side of culvert or bridge.
- b) Base Course – the supporting part of a road or bottom.
- c) Drainage – to make gradually dry, by trenches, channels, culverts, or etc.
- d) Grade – the rate of ascent or descent of a road.
- e) Highway – as defined in Sec. 340.01, Wisconsin Statutes.
- f) Private Road or Driveway – as defined in Sec. 340.01, Wisconsin Statutes.
- g) Reservoirs – Detention areas created by dikes, floodwalls, berms, etc.
- h) Road Bed – the whole material laid in place and ready for travel.
- i) Roadway – as defined in Sec. 340.01, Wisconsin Statutes.
- j) Surface Cover – the top of roadway or traffic course.

## **8.03 APPLICATION REQUIRED.**

Individual homeowners or owners of land abutting on that part of a highway sought to be created or altered, shall make application in writing to the Village Board, giving location and description of proposed highway. In the event of multiple ownership, 51% of the abutting owners' signatures shall be required. Said application may be delivered to any Board member or to the Village Clerk. Upon receipt of the application, the Village Board will proceed to examine proposed route of highway. If approval is received, then the individual or group of individual homeowners may proceed to build highway, under the supervision of the Village Board or duly appointed representative.

#### **8.04 MINIMUM STANDARDS.**

The following are the standards set by the Village Board for the construction of any proposed highway, in compliance with good practice, general construction, and safety, as follows:

- 1) **HIGHWAY.** The minimum width for any highway shall be not less than 66 feet.
- 2) **GRADE.** The establishment of a grade will be provided by the Village Board or duly appointed representative.
- 3) **DITCHING.** Ditching of roadway is required and must have appropriate elevation to provide for the removal of accumulated water. Where it becomes necessary to make a lateral trench or create a reservoir leading from a main ditch, then the additional land necessary for the removal of accumulated water must be provided and may be required to be conveyed to the Village, along with the necessary land for the highway. The additional land conveyed to the Village for drainage will be under the supervision of the Village Board at all times.
- 4) **BASE COURSE.** The base course must be of a quality and composition deemed appropriate and suitable by the Village for the location. At a minimum, the base course shall be nine inches of crushed packing gravel.
- 5) **SURFACE COURSE.** The surface course shall consist of three inches of bituminous concrete pavement consisting of a 1 <sup>3</sup>/<sub>4</sub>" base course and a 1 <sup>1</sup>/<sub>4</sub>" surface course.
- 6) **SEEDING.** In addition to the above requirements, the subdivider or developer shall seed the roadsides according to good engineering practices.
- 7) **SURVEY.** The applicant shall furnish the Village with a survey by a licensed surveyor, showing the centerline, right-of-way lines, section lines, section corner monuments and any encroachments within the right-of-way for any proposed highway.
- 8) **EROSION PREVENTION.** When the permanent rural highway sections have been approved by the Village Board, the subdivider or petitioner shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and if required surface ditch inverts to prevent erosion and sedimentation in accordance with plans and specifications approved by the Village Board. The subdivider or petitioner shall construct storm water drainage facilities adequate to serve the subdivision, which may include culverts crossing the proposed highway, catch basins and inlets, road ditches, open channels, water retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. Unpaved road ditches shall be shaped and seeded or sodded as grassed waterways. Erosion prevention shall comply with Chapter 32 Erosion Control.
- 9) **CUL-DE-SACS.** On dead end roads, a turnaround, cul-de-sac or special "T" or "Y" design of sufficient size to accommodate school buses shall be provided which shall be graded, sloped and surfaced in the same manner as required for roadways. All cul-de-sac highways designed to have one end permanently closed shall terminate in a minimum right-of-way radius of 120 feet with a center island.

10) **STREET INTERSECTION.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. Should the angle unavoidable be made less than a right angle, it should never be less than 75 degrees. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two. Minor streets shall not be necessarily continue across arterial or collector streets; but if the center lines of such minor streets approach the major streets from opposite side within 300 feet of each other, measured along the centerline of the arterial or collector street, the location shall be so adjusted that the alignment across the major or collector street is continuous and a jog in the street alignment is avoided.

#### **8.05 VARIANCES FROM DESIGN STANDARDS AND SPECIAL CIRCUMSTANCES.**

Where, in the judgment of the Village Board, it would be inappropriate to apply literally the provisions of Section 8.04 because of exceptional or undue hardship would result, the Village Board may waive or modify any requirements to the extent deemed just and proper and the reasons for such modification shall be entered in the minutes of the Village Board. In those instances, the following shall apply unless determined to be inappropriate:

- 1) **DEVIATIONS REGULATED.** Any deviation from the requirements of Section 8.04 shall be guided by the design attached hereto.
- 2) **SPECIAL ASSESSMENT AUTHORITY.** If the Village deems it is necessary to construct a culvert or bridge, the Village may, in its discretion, construct same and specially asses the owner(s) of the property benefitted, pursuant to Sec. 66.60, Wis. Stats.

#### **8.06 FINAL INSPECTION.**

Upon completion of a proposed highway, the Village shall make a final inspection to determine whether said highway shall be accepted. If the highway is rejected, all alterations required by the Village shall be made prior to acceptance. If a highway is accepted by the Village, the owner(s) shall convey such land to the Village as may be necessary to effect the terms of acceptance.

#### **8.07 INSPECTION AND COSTS.**

The Village, in its discretion, may employ engineering, legal, or other technical assistance it deems necessary to determine whether the requirements of this Chapter have been satisfied. Any costs incurred by the Village shall be paid by the owner(s) prior to acceptance.

#### **8.08 OTHER COSTS.**

All costs incurred by the owner(s) of any highway shall be paid by said owner(s). Said owner(s) shall provide proof of payment, including lien waivers where appropriate, for all contractors and materials, prior to final acceptance by the Village.

## **8.09 HIGHWAY OPENINGS REGULATED.**

Any construction, maintenance, or repair of facilities located within a public highway or roadway located in the Village of Bloomfield shall not be commenced without the issuance of a construction permit from the Town.

- 1) **PERMIT REQUIREMENTS.** Construction permits shall be issued as stated herein:
  - a) Completion of an application for a construction permit along with the submission of the applicable fee of \$200.00; and
  - b) Posting with the Village Clerk, a bond or other surety in an amount not to exceed one and one-half times the amount of the cost of the actual construction, maintenance, or repair, as that construction, maintenance or repair relates to highways, roadways, private roads and driveways; and
  - c) Approval of the construction permit application by the Village Board. No permit shall be issued sooner than one working day from the receipt of the application. The Village Board may, in its discretion, fully review projects prior to approving an application.
  - d) The Village Board may, in its discretion, deny any permit herein, or restrict the size, nature, extent, placement, location or any other particular details of any permit, as appropriate to better preserve or protect Village roads.
- 2) **EXCEPTIONS TO PERMIT REQUIREMENTS.** No open cutting, trenching or boring of any highway, roadway, private road or driveway in the Village of Bloomfield shall be allowed unless a construction permit has been approved, except that emergency repairs of utilities and the like may be made as needed. However, a permit must be obtained within five working days from the commencement of said emergency repairs.
- 3) **EXCAVATIONS.** In the opening of any public highway or roadway, all paving and excavated material shall be removed with the least possible damage to the surrounding area and so placed as not to interfere with traffic or drainage. Such openings shall be closed with barricades and appropriate warning signs, and lanterns or flares shall be maintained upon the location during hours of darkness. In the case of highways paved with black top or concrete, all excavated materials shall be removed from the site and holes or trenches shall be backfilled with approved sand or gravel fill material to within 12" of the surface grade of the highway. The remaining hole shall then be backfilled with clay, solidly packed into place. As soon as practicable, the opening shall then be repaved in conformity with surrounding pavement. All holes or trenches made in gravel highways shall be backfilled with the same or comparable material and thoroughly compacted.
- 4) **RETURN OF BOND UPON COMPLETION OF PROJECT.** Upon completion of any project requiring a construction permit, the bond posted with the Village Clerk shall be returned forthwith upon the following:
  - a) Notice to the Village Clerk from the permittee that the project has been completed; and
  - b) Inspection by an official designated by the Village Board; and

c) Approval of the Village Board.

5) DAMAGES AND LOSS OF BOND. Any damage which results from any repair, maintenance or construction on highways, roadways or roads in the Village of Bloomfield shall be the responsibility of the party causing said damage. That party shall pay the costs of repairing the same, which amount shall be forfeited from the bond posted by the permittee with the Village Clerk.

a) All repairs, maintenance or construction shall conform to Federal, State and County regulations, as well as specifications as adopted by the Village Board of the Village of Bloomfield.

b) Any damage to highways, roadways, private roads or driveways or any repair, maintenance, or construction not in conformity with the foregoing shall be repaired by the Village of Bloomfield with the costs for the same exacted from the bond posted by the permittee.

6) PROCEDURE FOR FORFEITURE OF BOND. In the event the Village Board elects under Sub.4 of this Section to repair damages and proceed against the bond of the permittee, the Village may do so only upon the following:

a) Notice in writing to the permittee from the Village Clerk which shall contain substantially the following:

i. The nature of the damage or non-conformity which has led to the Village's claim.

ii. The amount claimed by the Village.

iii. The permittee has the right to request in writing, a hearing before the Village Board to show cause, if any, why the Village should not forfeit any or all of the amount of the bond, which, if requested, said hearing shall be within thirty (30) days from the date of receipt of the written request.

b) The Village shall not forfeit any part of a bond until and unless no hearing has been requested within thirty (30) days or after a hearing, the Village Board finds that the permittee has failed to properly show cause why his or her bond should not be forfeited.

7) OTHER REMEDIES. Nothing in this Section shall be deemed to preclude other inspections or remedies provided for in the Municipal Code of the Village of Bloomfield, or as otherwise permitted by law.

8) PENALTIES. Any persons commencing construction, repairs or maintenance as defined herein, without obtaining a construction permit, shall be ordered by the Village of Bloomfield to terminate its project forthwith and make proper application for a construction permit as defined herein, except that the party shall be required to remit an amount equal to two times the established application fee or may be subject to penalties as provided in Sec. 25.04 of the Municipal Code of the Village of Bloomfield.

## **8.10 ADOPTION OF STATE STATUTES.**

Chapters 80, 81 and 86, Wis. Stats., are hereby adopted and incorporated by reference as though set forth fully herein, as permitted by law. To the extent that the provisions of this Chapter are more restrictive than the aforesated statutes, the Village requirements shall pre-empt those standards established herein.

## **8.11 DRIVEWAYS.**

All references to this Section must comply with Section 22.30 of the Village of Bloomfield Municipal Code, Driveways.

## **8.12 UNIFORM SYSTEM FOR NUMBERING PROPERTIES AND PRINCIPAL BUILDINGS.**

A uniform system of numbering properties and principal buildings as shown on the map identified by the title "Street and House Numbering System - Village of Bloomfield" which is filed in the office of the Village Clerk is adopted for use in the Village. This map and all explanatory matter thereon are adopted and made part of this Municipal Code.

### **1) ASSIGNMENT OF NUMBERS.**

- a) All properties or parcels of land within the boundaries of the Town shall be identified by reference to the uniform numbering system adopted herein.
- b) All properties on the east side of north-south streets and all properties on the south side of east-west streets shall be assigned odd numbers. All properties on the west side of north-south streets and all properties on the north side of east-west streets shall be assigned even numbers.
- c) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.
- d) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. Such numerals may be obtained at cost from the Highway Department as provided in Sub. (3).

### **2) ADMINISTRATION.**

- a) The Road Foreman shall be responsible for maintaining the numbering system. In the performance of this responsibility, the Road Foreman shall be guided by the provisions of Sub. (2) of this section.

- b) The Village Clerk shall keep a record of all numbers assigned under this chapter.
- c) The Road Foreman shall issue to any property owner in the Village upon request a set of numerals for each principal building or separate front entrance to such building. In doing so, the Road Foreman shall issue only numerals for the number assigned to such building under the provisions of this chapter. Provided, however, that the Road Foreman may issue additional numerals in accord with the official numbering system whenever a property has been subdivided or a new front entrance opened on any property.

### **8.13 REVISION OF STREET NAMES.**

- 1) **MARINETTE ROAD RENAMED PELL LAKE DRIVE.** Marinette Road is renamed Pell Lake Drive and all references to Marinette Road in this Code of Ordinances of the Village of Bloomfield are hereby amended to read Pell Lake Drive.

### **8.14 PENALTY.**

Any person who shall violate any provision of this chapter or permit shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.