

AN ORDINANCE TO ESTABLISH RULES, REGULATIONS, AND SPECIFICATIONS
FOR THE CONSTRUCTION AND/OR ACCEPTANCE OF PRIVATE ROADS
IN THE TOWN OF SENECA, CRAWFORD COUNTY, WISCONSIN

1-1998

WHEREAS, the Town Board of the Town of Seneca anticipates growth of the township to an extent that will require highways to be added to the Town road system;

WHEREAS, the Town Board has determined that the general welfare, convenience and safety of the public demand that any proposed highway meet certain minimum specifications before the Town can accept any addition to its highway system;

WHEREAS, a Town Board is empowered by Wis. Stats, secs. 60.50(1) and (2) to acquire land and make provision for construction of highways;

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF SENECA, CRAWFORD COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION 1: STATEMENT OF PURPOSE

The purpose of this ordinance is to provide a uniform system and uniform standards by and under which a person or group of persons may build an access road to land occupied by one or more dwelling units, whether the intent is to keep the road private or turn it over to the Town for ownership and/or maintenance; and to provide a system by which the Town can evaluate the feasibility of taking over a here-to-for private existing road for ownership and/or maintenance. It is the intent of the Town Board of Seneca that all new access roads serving one or more dwelling units, regardless of whether the road remains in private control, or is a public road operated by the Town, shall meet certain minimal standards to 1) Allow access of emergency vehicles to the principle structures, 2) control soil disturbance and erosion, 3) protect existing vegetation, 4) protect the aesthetic views of hillsides, and 5) protect both the Town and private property owners, and the general public, present and future, against undue risk and property loss due to poorly designed and maintained road access.

SECTION 2: DEFINITIONS

The definitions used in this ordinance for "roads" and "drives" are for the purpose of this ordinance only, and are not related to the "road" and "lane" identifications given Town roads for 911 emergency purposes.

Accessory Costs - All costs associated with the signage necessitated by construction or rehabilitation of a road, such as fire number identification signs at intersections, road identification signs, stop signs and other traffic safety signs on the subject road, as well as "road crossing" and other signage made necessary on an existing road as a result of construction of a new intersecting road.

Angle of Entry - the angle at which the subject road enters onto the public road, using the public road as the base of the angle.

Approach - that portion of road extending 100 feet on each side of culvert or bridge.

Base Course - coarse gravel laid as the first and supporting level of the roadbed.

Drainage - to make gradually dry, by trenches, channels, or other means.

Field Road - any privately owned or maintained road or drive for any purpose or any length, that intersects with a public or private road, and does not fit into the category of private road or private drive.

Grade - the rate of ascent or descent of a road.

Private drives - any road, of any length, which has been built by private interests and which serves three (3) or more residential dwelling units or a place of business intended to be open to the general public, such as a restaurant, retail store etc. or any private drive longer than one eighth mile (660 feet) in length, serving one (1) or two (2) residences, regardless of the continued private ownership and maintenance of the road, shall be subject to the terms of this ordinance.

Public Road - any road which is owned and/or maintained by the Town of Seneca or other general purpose unit of government, and is open to travel by members of the general public, regardless of length or how many residential dwellings are served by the road.

Residence - a dwelling place or residence is considered a place where people do live or may live for an extended period, usually over 30 consecutive days, for at least a part of the year. Such residency may be determined but not limited to such factors as on site mailing address, existence of drilled water well, the building being equipped with indoor plumbing, water heater, flush toilet and properly installed sanitary waste water disposal system. The Town Board may make the final determination if a building is a "permanent residence" and such designation can refer to the building itself, if not the current occupants.

Right - of - way - the land width and length owned by, or dedicated by easement to, the Town for placement of a public road, including the drainage facilities. Unless stated otherwise building setback requirements are measured from the nearest edge of the right-of-way.

Roadbed - the whole material of the roadway, laid in place and ready for travel.

Roadway - the combined width of the travelway and shoulders on each side. The same as the surface width.

Surface course - The top of the roadway.

Surface Width - the combined width of the travel way and shoulders. The same as roadway.

Travel way - the actual portion of roadway which normally carries traffic. This may be paved or gravel/crushed rock, or earth surface.

Utilities - this includes various buried or overhead wiring and piping as for electrical service, telephone, cable TV, piped gas service, water and sanitary wastewater disposal.

SECTION 3: PROCEDURE

A) Individual land or home owners whose land abuts on the part of a private road which the owner seeks to turn over to the Town for ownership and/or maintenance, shall make application in writing to the Town Board of the Town of Seneca. The application shall contain a description of the subject road, its proposed or actual location and the names of each person or person who is (are) requesting the action to make it a public road. The application shall also contain a list of names and property description of all property owners whose property abuts on the subject road.

B) The completed application may be delivered to any Town Board member or to the Town Clerk. A written application for a road construction permit must be made at least 35 days prior to approval by the Board. Approval of permits will take place at a regularly scheduled board meeting. An emergency permit may be obtained prior to a regular meeting by paying an additional fee of \$100.00.

C) Upon receipt of the application, the Town Board will examine the proposed route of the road. The individual or group making application may proceed to build the highway, under the supervision of the Town Board, only after the Town Board has approved the plan for the proposed road. Road construction for new buildings

must be done prior to building construction. No building permits will be issued until road construction is completed.

D) All private roads and private drives not taken as public roads by the Town will remain "private" and the "private road statement of understanding" adapted as part of this ordinance will be required to be recorded by the Crawford County Register of Deeds against the property deed of all properties served by the private road or drive. All private roads will be named by the individual or group making application and the name be approved by the Crawford County 911 coordinator.

SECTION 4: STANDARDS AND REQUIREMENTS

The following are minimum standards set by the Town board for the construction of any proposed roadway, and for takeover by the Town of any existing roadway.

A) Accessory costs - all accessory costs associated with private road construction will be borne by the private parties responsible for the road.

B) Base Course - the base course of any road, public or private, subject to this ordinance shall be six inches of 2 to 3 inch breaker rock.

C) Bridges - The Town Board may make the determination that a bridge should be built, rather than planned of existing culvert, prior to accepting the road as a Town Road. Costs of engineering and construction will be paid by the appropriate private interests.

D) Cul-de-sac - All dead-end public and private roads shall have a cul-de-sac with a 45 foot radius. Private drives will be provided with a cul-de-sac or a turning tee or stub to allow for the safe turn around of emergency vehicles. The Town Board will evaluate each road to determine the appropriate length, without intersecting road access out of the closed system. Generally roads with a ADT of 250 or greater should have a second access point to allow for free traffic flow if one road is blocked.

E) Culverts - Culverts will be at least 30 feet in length on public or private roads, and on private drives and field road will extend at least two feet on either side of the roadway edge. Culverts on public or private roads will be a minimum of 15 inches in diameter and made of steele. Private drive and field road culverts will be 15 inches in diameter and made of steel. Culverts will be marked at both ends by an approved marking device.

F) Curvature - the radius of curves will be determined by the Town Board but minimum in the range of 90 feet will be considered appropriate.

G) Ditch crossing - any crossing of an existing drainage ditch by a public or private road, or any private drive, regardless of length or number of residences served will present the engineering specifications and the necessary DNR permits to the Town Board for review and approval before a decision to grant permission is given. The Town may make a determination to require the plans be prepared by a registered professional engineer.

H) Ditching - the roadway must be complete and have proper elevation to provide for the removal of water. Where it becomes necessary to make a lateral trench leading from the main ditch, the additional land necessary for the removal of accumulated water must be deeded to the Town or obtained by easement.

I) Grade at intersection - The trade of the subject public or private road approaching the intersection with any public or private road shall be no greater than 4.5 percent for a distance of at least 100 feet from the edge of the intersecting roadway and a grade of no greater than 2.5 percent for distance of at least 50 feet from the edge of the intersection roadway. The grade of a private drive or field road shall be no greater than 4.5 percent for a distance of at least 30 feet from the edge of the intersecting roadway.

J) The length of the proposed road shall be the nearest tenth of a mile.

K) Overall Grade - The grade on the common run of the road shall not exceed 11% at any point.

L) Right-of-way width - The right-of-way for any public roadway shall be a minimum of 66 feet. The width will be evaluated by the Town Board.

M) Roads in the flood plain - Private roads may be permitted in the flood plain provided proper permits have been obtained by the owner from the DNR, Corps of Engineers, and other regulatory agencies as appropriate. The Town will consider requests to take over such roads on an individual basis.

N) Slope - The human altered road bank slope shall not exceed 20% until it blends into the natural lay of the land. All altered soil/slopes shall be seeded with an appropriate vegetative mixture as soon as possible.

O) Surface Course - The surface course of any road, public or private, subject to this ordinance shall be 6 inches of 3/4 inch crushed gravel or at the option of the owner, or Town Board if the road is to be turned over to the Town, an asphalt paving material at least 3 inches thick may be laid over the aforesaid gravel base and top. Any road within the Sanitary Dist. which is to be turned over to the town shall be hard surfaced.

P) Surface width - The surface of width of public and private roads shall be 24 feet and private drives, 16 feet. There is no Town standard for field road width.

Q) Utility apparatus - Utility apparatus must be placed at least 30 feet from the center of the roadway. Utility apparatus must be placed as far from the road on the right-of-way as possible and marked with an upright 8 foot fluorescent orange pole. Exceptions may be made within the Seneca Sanitary District.

SECTION 5: ACCEPTANCE OF ROAD

A) Upon receipt of notice of completion of the proposed road, the town Board will make a final inspection and will either accept or reject the road. If the road is rejected, the Board will give the applicant(s) written notice of the rejection and a list of corrections which must be made prior to further inspection. Failure to correct within sixty (60) days will be deemed a withdrawal of the application for the proposed roadway unless a time extension is requested from the Town Board and approved by it.

B) Upon final approval of the proposed road, the owner(s) shall dedicate the property to become the right-of-way and provide title by proper conveyance and proof that all construction costs have been paid. The Board will then proceed to accept the highway.

C) Construction or rehabilitation of private road to town standards described by this ordinance does not necessarily mean or imply that the road will be accepted by the Town for Town Road status.

SECTION 6: SEVERABILITY

If any section, sub section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, sub section, sentence, clause or phrase or portion thereof.

SECTION 7: PRIVATE ROAD STATEMENT OF UNDERSTANDING

If a road is to remain private, a "Private Road Statement of Understanding" shall be placed on the certified survey map signed by the developer and notarized. The following is a "Private Road Statement of Understanding" that shall appear on all certified survey maps when roads are to remain private, as well as recorded against each parcel which abuts the road, by the Crawford County Register of Deeds.

Private Road Statement of Understanding - The undersigned developer and/owner hereby acknowledges that he/she has been advised and understands that those roads denominated as "Private" on this certified survey map or which abut this property, ar subject to the following provisions pursuant to Section 64.23(A)(3) of subdivision ordinances of Crawford County, Wisconsin:(1) that the road is private and that the county, town or governing body is not responsible for construction or maintenance such road;(2) that the maintenance and care of the road is the responsibility of the subdivider or future owners of land within the subdivision or to the abutting landowners if there is not recognized subdivision, and (3) that if quality accessibility, maintenance and care of the road is not provided emergency vehicle and/or school bus service may be impeded or interrupted.

DATED _____

DEVELOPER

SECTION8: EFFECTIVE DATE

This ordinance shall take effect upon passage and posting as required by law.

Dated the 12th day Nov., 1998

TOWN OF SENECA.

Barbara Sneydes
Town Clerk

Town Chairman Al L. Mosonita

Supervisor Don Dudenbender

Supervisor William A. Rosebaum

Date passed: 11-12-98

Date posted: _____

Date published: _____