

**TOWN OF OSCEOLA
POLK COUNTY WISCONSIN**

CODE OF ORDINANCES

Chapter 8

PUBLIC WORKS

(Adopted 03/08/99 Ammended 05/12/03, 6/11/07, 6/9/08)

8.01 DEFINITIONS

Approach. That portion of road extending one hundred (100) feet on each side of a culvert , bridge, driveway or other connecting road.

Arterial Street. A street which provides for the movement of relatively heavy traffic to, from or within the Town. It has a secondary function of providing access to abutting land.

Base Course. The supporting part of a road or bottom.

Bypass Lane. A widening of the road into an additional traffic lane near an intersecting road to allow traffic to pass on the right.

Culvert. A galvanized steel or concrete channel, of sufficient size, to allow the unobstructed flow of water under a road or driveway surface.

Collector Street. A Street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

Drainage. To make gradually dry by trenches, channels, etc.

Driveway. An access used for purposes of ingress and egress serving not more than two (2) lots.

- 1) As located on a subdivision plat.
- 2) Other individual driveways.

Grade. The rate of ascent or descent of a road.

Highway. A road or way over which the public generally has a right to pass.

Minor Street. A street used, or intended to be used, primarily for access to abutting properties; also referred to as a “local street”.

Private Road. A road built to Town Standards designated on the plan as a “Private Road”.

Road. A public or private way for vehicular traffic which includes the following:

- (1) Compliance with Town of Osceola Ordinances.
- (2) Cul-de-sac or hammerhead roads have a turn-around at one end.
- (3) Dead-end roads are closed at one end.

Roadbed. The whole of the material laid in place and ready for travel.

Roadway. The traveled portion of a road.

Surface Course. The top of a roadway or traffic course.

Turning Lane. An additional lane to assist in the deceleration of traffic prior to turning onto an intersecting road.

8.02 ACCEPTANCE OF ROADS

(1) PURPOSE

(A) To promote the public safety, general welfare and convenience, it is necessary that certain requirements be established and followed in the creation of roads in the Town so the public will not be adversely affected by the action of the Town Board in accepting such roads.

(B) It is not intended by this section to repeal, abrogate, annul or interfere with any existing highway rules or regulations issued pursuant to laws in regard to public highways.

(2) APPLICATION.

The applicant may request either a Concept Plan review or a Preliminary Plan review. If a Concept Plan review is selected, then the review of the concept is to ensure the applicant understands the issues involved and can obtain Planning Commission comments prior to formally designing a plan. The applicant may choose to bypass Concept review and instead prepare a Preliminary Plan.

A. Concept Review

In order to ensure that all applicants are informed of the procedural requirements, the minimum standards of this chapter, and the

requirements or limitations imposed by other Town regulations prior to the development of a preliminary plat, the subdivider shall meet with the planning commission to discuss a concept plan. The applicant shall provide the information identified in 18.11(3), Table 1 and follow the schedule outlined in 18.11 (4). No action of recommendation by the Planning Commission shall occur.

B. Preliminary Review

The preliminary plan shall incorporate Planning Commission comments from the concept review. Unless waived at the Concept Review, the plan shall include a the entire area owned or controlled by the subdivider even though only a portion thereof is proposed for development at the time. The plan shall be prepared in accordance with this Ordinance, Chapter 236, Wisconsin Statutes and Subdivision and Platting, Chapter 18, of the Town of Osceola Code of Ordinances.

C. Information Required

Table 1: Information To Be Shown on Plans		
Description	Concept	Preliminary
Air Photos of area	X	With lot lines shown
Subdivider contact information	X	X
Land Owner of record	X	X
Property lines (size and location)	Sketched	Surveyed
Existing and proposed road locations	X	X
Adjacent landowners and structures	X	X
Driveway locations		If required
Shared driveways		X
Entire area plan		X
Topographic contours		If required
Engineered road plans		X

(A) Scheduling Planning Commission Review

The Subdivider shall file two copies of the plan with the Clerk/Treasurer at least ten (10) working days prior to the meeting of the Town Planning Commission at which action is desired. The Planning Commission shall not be obligated to review, until a future meeting, any changes made to the plan by the subdivider after submission and before the meeting.

(B) The Clerk/Treasurer shall forward copies of the plan, on the Tuesday preceding the scheduled meeting, to the Town Planning Commission members who shall visit the site of the plan, examine the plan for conformity with all ordinances, administrative rules

and regulations and for compliance with the Town Comprehensive Plan.

(C) The Town Planning Commission shall recommend approval, conditional approval or rejection of the proposed plan to the Town Board. If approval or conditional approval is recommended, the plan shall be referred to the Town Board for consideration. The Town Board, upon receiving a timely request from the applicant, shall then approve, conditionally approve, or reject the plan. If the plan is rejected, the conditions of rejection shall be endorsed thereon or attached thereto. If the plan is resubmitted by the applicant and unless time is extended by written agreement between the applicant and the Town Board, failure of the Town Board to complete the action therein required within ninety (90) days constitutes an approval of the plan.

(D) Approval or conditional approval of a plan entitles the final plan to approval provided that the final plan conforms substantially to the original plan recommended by the Planning Commission, including any conditions of that recommendation, and conforms to any applicable Town plans and applicable ordinances. If the final plan is not submitted within six (6) months of the last approval of the plan, any approving authority may refuse to approve the final plan regardless of prior action taken on the plan.

(3) CONSTRUCTION.

(A) No land grading or site preparation, alteration of drainageways, waterways or water features, or commencing the construction of any roads, ditches, ponds, swales, drainageways or the like, shall occur prior to Town Board approval of the preliminary plat or preliminary certified survey map and a signed Developers Agreement if required by the Town Board.

(B) Before preliminary plan approval can be given, an engineered road plan for the subdivision must be submitted to the Town Board.

(C) No building permit shall be issued for any lot until all the requirements of this Chapter have been satisfied.

(4) PROCEDURES FOR TOWN BOARD REVIEW AND APPROVAL OF FINAL SUBDIVISION PLANS.

(A) The applicant shall prepare and submit two (2) copies of the final plan to the Clerk/Treasurer within six months of the Planning Commission's or the Town Board's last action and at least ten (10) working days prior to the meeting of the Town Board at which action is desired.

(B) The Clerk/Treasurer shall forward copies of the final plan to the Town Board. The Town Board shall examine it for conformity with the Planning Commission's recommendation and any conditions, with the requirements of this ordinance, and with the requirements of any other ordinances, statutes, administrative rules and regulations, or local plans which may be applicable to it.

(C) The Town Board shall approve, conditionally approve, or shall reject the plan. If rejected, the Town Board shall indicate the reasons for any rejection of the plan. One copy of the plan shall then be returned to the applicant, the surveyor, or engineer with the date and action endorsed thereon. The conditions or requirements of rejection, or conditional approval, shall be endorsed thereon or attached thereto.

(D) The final plan may, if permitted by the Town Board, include only that portion of the approved plan which the applicant proposes to record at this time.

(E) The final plan shall be approved if it conforms to the plan as recommended by the Planning Commission, including any conditions of that approval, and to any applicable Town plans and ordinances. If the final plan is not submitted within six (6) months of the last action, the Town Board may reject the final plan regardless of any prior action.

(F) Before final plan approval can be given a bond or letter of credit, in favor of the Town, amounting to \$80.00 per lineal foot for proposed Town Roads or Private Roads must be presented to the Town Board. Such bond or letter-of-credit shall remain in force until the road has passed the final inspection. The amount of the Bond or Letter of Credit may be reduced, by vote of the Town Board, as portions of the road construction are completed.

(G) The applicant shall file a certified copy of the final plan with the Clerk/Treasurer within ten days after it has been recorded.

(H) Building Permits and/or Driveway Permits shall be denied for any lots adjoining a newly constructed Town Road or Private Road that is not in compliance with the Town Road Standards and Requirements.

(5) APPEALS

(A) If the Town Planning Commission was acting at the request of the Town Board, the following recommendation of the Planning Commission may be appealed to the Town Board:

1. Requirement of a plan in connection with the road;
2. Determination that the site land is unsuitable for a road;

(B) A written Notice of Appeal must be filed with the Clerk/Treasurer within 14 calendar days of the date when notice of the action of the Planning Commission appealed from is presented to the applicant.

(C) The Notice of Appeal shall state the action of the Planning Commission appealed from, shall specify the reasons stated by the Planning Commission for taking such actions, shall specify the reasons why the applicant believes said action was inappropriate, and shall state the names and addresses of the owners of all properties adjacent to the proposed land division or subdivision.

(D) The Clerk/Treasurer shall file the Notice of Appeal with the Town Board and shall schedule the appeal for consideration by the Town Board at a meeting, open to the public, within forty-five (45) days of the filing of the Notice of Appeal. The Clerk/Treasurer shall send notice of the time scheduled for the consideration of the appeal to the applicant and to all property owners adjacent to the proposed land division or subdivision at least ten (10) days prior to the hearing of appeal.

(E) Within thirty (30) days of the appeal hearing, the Town Board shall affirm, modify, or reverse the action of the Planning Commission or shall refer the matter back to the Planning Commission for further consideration. Notice of the decision of the Town Board shall be sent to the applicant and the Planning Commission.

(F) The provisions of Chapter 68 of the Wisconsin Statutes shall not be applicable to any determination made pursuant to the provisions of this ordinance.

(G) Any person aggrieved by an objection to a plan or a failure to approve a plan may, after review by the Town Board, appeal there from, as provided in Sections §236.13(5) and 62.23(7)(e)10 to 15 of the Wisconsin Statutes.

(6) STANDARDS.

The following standards are set by the Town Board and established by licensed professional engineers for the construction of the proposed roads in compliance with good practice, general construction and safety. Current Town Road Standards will apply to all roads whether they are to be Town Roads or Private Roads.

(A) Width. The minimum width for any road right-of-way shall not be less than sixty-six (66) feet wide and shall include a class 5 gravel roadway of not less than thirty (30) feet in width of which twenty-two (22) feet shall be paved with not less than three (3) inches of compacted blacktop of quality as approved by the State

for a Town road, and with four (4) foot, compacted gravel shoulders on each side.

(B) Grade. Grades of roads shall be approved by the Town Board before construction.

(C) Ditching. Ditching of the roadway shall 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 shall be provided and deeded over to the Town along with the necessary land for the road. The additional land conveyed to the Town for drainage shall be under the supervision of the Town Board at all times.

(D) Base Course. The base course shall be of a quality and composition suitable for the location. In low or swampy areas the base course shall have a sandy composition to provide necessary drainage of the roadbed. Any muck holes encountered before and during construction of the roadbed shall be removed and filled with a sandy lift to provide a solid base of at least a twelve (12) inch sand lift.

(E) Surface Course. The surface course shall consist of Wisconsin class 2 gravel of a quality and composition suitable for traffic loads. The amount of gravel necessary for acceptance shall be at least 3,820 cubic yards per mile, which compressed will be approximately six (6) inches, then surfaced with asphalt.

(F) Top Course. The top course shall consist of three (3) inches of asphalt which can not be applied until compaction of the surface course has been tested or has rested for a twelve (12) month period.

(G) Culverts.

- (1) Any culverts necessary for proper drainage shall be provided and installed at the applicant's or developer's expense and shall not be installed until elevation and location is approved by the Town Board. The minimum length of any culvert installed in the roadbed shall be thirty-six (36) feet. However, the diameter and length of such culvert will be subject to the approval of the Town Board after the amount of flowage is determined. Any secondary culverts installed in any lateral trenches will be of a size and length as determined by the Town Board.
- (2) If at any time it is decided by the Town Board, that the construction of a culvert or bridge would be of such a size and cost that it would create a hardship to the owner of the

land required to build such culvert or bridge, the Town Board shall proceed to accept the road, complete as required by the above rules and regulations, except the approach as defined in section 8.01(1). The approach will be accepted incomplete with the reservation that the Town will bill back to the owner a portion of the cost of construction of bridge or culvert. The Town will then proceed to build such culvert or bridge and approach with the help of bridge aid, if available. The balance of cost and construction not covered by aid will be charged to the owner(s) of the land abutting the road, which cost shall be added to the tax roll if not paid within ninety (90) days with interest of one and one half (1-1/2) percent per month.

- (3) It is not the intent of this section to discriminate or favor any individual but rather to aid in construction so as to reduce the cost of construction in areas where nature has created extreme road building conditions.

(7) INSPECTION

All Town Roads and Private Roads must be inspected and certified by the Town Board, or the Town Board's designate, which may include the hiring of an engineer, before and during the construction of the road.

A road construction inspection fee of three hundred (\$300) dollars must be paid to the Town at the time of preliminary plat approval. Any additional inspections required will be charged to the developer at one hundred (\$100) dollars per inspection.

The required meeting and inspections are as follows;

(A) Preconstruction meeting

(B) An initial inspection of the site of the proposed road consisting of, but not limited to;

- Centerline staking
- Right-of-Way width
- Layout conformity with the plan
- Verification of posting of securities

(C) An inspection of the road rough-in prior to the application of gravel consisting of, but not limited to;

- Base course
- Laying of culverts
- Ditches
- Erosion measures
- Ponding and Drainage easements
- Curves
- Road continuation

- Intersections
- Visibility and Safety
- Dead-Ends, Hammerheads, and Cul-de-sacs

(C) An inspection of the compacted gravel surface prior to the application of blacktop consisting of, but not limited to;

- Gravel thickness
- Gravel quality
- Gravel width
- Ditches seeded and mulched

(D) A final inspection upon completion of the road for acceptance or rejection of the road as the case may be. If the road is rejected, corrections shall be made as recommended by the Town Board before final inspection can be made again. The final inspection shall consist of, but may not be limited to;

- Application of blacktop
- Width of blacktop
- Shouldering

(F) The Town Board will endeavor to cause requested road inspections to be performed within two (2) business week days following the business week day of request.

(8) TOWN BOARD ACCEPTANCE.

Once a proposed Town Road has passed final inspection, the Town Board may consider acceptance of the road through the following procedure.

(A) A written request must be submitted to the Town requesting the Town Board accept, by resolution, the road.

(B) Upon receipt of the written request a Title Search and request for Lien Wavers will be initiated by the Town at the cost of the requestor.

(C) Upon receipt of clear Title Search and Lien Wavers, the Town Clerk/Treasurer will draft a resolution of acceptance of the road and present the resolution to the Town Board at the next regular monthly meeting.

(D) If the Resolution for acceptance of the road is approved by a majority of the Town Board at a duly called and noticed meeting, the road will be recorded as an accepted Town Road.

(D) Written requests to change Private Roads to Town Roads will require a Road Inspection and possible engineering study.

8.03 ROAD STANDARDS

(1) GRADES.

(A) Unless necessitated by exceptional topography, subject to the approval of the Town Board, the maximum centerline grade of any street or public way shall not exceed the following:

(1) Arterial Streets. Six percent (6%)

(2) Collector Streets. Eight percent (8%)

(3) Minor Streets, Alleys and Frontage Streets. Ten percent (10%)

(4) Pedestrian Ways. Twelve percent (12%), unless steps of acceptable design are provided.

(B) The grade of any street shall not exceed twelve percent (12%) or be less than one-half of one percent (0.5%). Street grades shall be established wherever practicable so as to avoid excessive grading, removal of ground cover and tree growth and general leveling of the topography.

(2) CURVES. When a continuous street centerline deflects at any one point by more than ten percent (10%), a circular curve shall be introduced having a radius of curvature on such centerline of not less than the following:

(A) Arterial Streets and Highways. Five hundred feet (500').

(B) Collector Streets. Three hundred feet (300').

(C) Minor Streets. One hundred feet (100').

(3) CONTINUATION. Streets shall be laid out to provide for continuation wherever topographic and other physical conditions permit.

(4) NUMBER OF INTERSECTIONS. The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.

(5) FRONTAGE ROAD REQUIRED. Where a subdivision abuts or contains an existing or proposed arterial highway, the Town Board may require a frontage road, with a 66 foot right-of-way, contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.

(6) REVERSE CURVES. A tangent at least one hundred feet (100') long shall be required between reverse curves on arterial and collector streets.

(7) VISIBILITY AND SAFETY. Streets shall afford maximum visibility and safety and shall intersect at right angles.

(8) DEDICATION. Dedication of half-width streets shall be prohibited.

(9) DEAD-END ROADS, HAMMERHEADS AND CUL-DE-SACS. Dead-end streets, hammerheads or cul-de-sacs, and shall have a minimum right-of-way width of 66 feet. Cul-de-sacs shall terminate with a turnaround having an outside roadway diameter of at least eighty feet (80') and a street property line of one hundred feet (100')

(10) LOT LINES TO BE PERPENDICULAR. Wherever possible, lot lines shall be perpendicular to the street line and to the tangent at the lot corner or curved streets.

(11) LOTS. Lots shall follow, rather than cross, municipal boundary lines whenever practicable.

(12) TURNING/BYPASS LANES. Turning lanes or bypass lanes may be required depending upon traffic conditions.

8.04 DRIVEWAYS

(1) EXEMPTIONS. Driveways which enter onto a State or County road or private road are exempt from this ordinance.

(2) MINIMUM REQUIREMENTS. All new driveways proposed to be installed, or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more structures which enters an existing or proposed Town road, shall be subject to an inspection fee as established by the Town Board, to be paid to the Town of Osceola, prior to the start of any construction of a new driveway, and prior to Polk County issuing a Sewer Permit or a Land Use Permit. An approved driveway permit shall be issued by the Town of Osceola before any such permit can be issued. (A) The applicant who may be the owner, agent, or contractor shall submit a location construction plan showing specifications including grade, slope, width, and length of the driveway and erosion control procedures.

(B) Authorization for a driveway is subject to the approval of an official from the Town Board or Public Works, and when so approved, the official shall notify the Polk County Zoning office.

(C) Evidence of an existing driveway shall be either the clear indication of a driveway being in place on the 1997 aerial photo or a statement from the Town Board that an approved driveway is in place. If there is a dispute on the adequacy of

an alleged existing driveway the decision of the Town Board will be the deciding factor.

(3) NUMBER. A maximum of one (1) driveway per residential lot shall be allowed unless the lot is served by two roads in which case a second driveway may be allowed on the adjoining road at the discretion of the Town Board.

(4) SEPERATION OF DRIVEWAYS. All new driveways, on through roads, must be at least 150 feet, center to center, from any other existing or planned driveway or intersection; wherever topographic and other physical conditions permit.

(5) SPECIFICATIONS. All driveways shall be constructed in accordance with these specifications, and any other requirements as may be set forth by the Town Planning Commission and/or the Town Board. The maintenance of the driveway and culvert shall be the responsibility of the applicant and/or property owner.

- (A) The application for a culvert must be completed with the Town of Osceola Public Works or a Town Board member. If a culvert is needed;
 - The culvert must have a diameter sufficient to accommodate the ditch and water run off.
 - The culvert must be a minimum of 24 feet in length.
 - The culvert must be constructed of galvanized steel or concrete.
 - The road surface over the culvert must have a minimum width of 22 feet.
 - The top of the culvert must be at least 4 inches below the top of the driveway surface.
- (B) The driveway road surface must be a minimum of 12 feet in width.
- (C) The driveway clearance width must be a minimum of 24 feet.
- (D) The driveway height of clearance free of trees and wires must be a minimum of 18 feet.
- (E) The driveway must meet the public road at a 90 degree angle.

- (F) Wherever practicable, the driveway must slope away from the public road at an angle of not less than 1 percent or more than 6 percent to prevent erosion onto the public road.
- (G) On hillsides, the driveway must be graded, with a crown, at least 22 feet back from the public road.
- (H) The driveway bed must be of suitable material to support the projected traffic.
- (I) Driveway entrances must be kept clear of brush, shrubbery, or large boulders back at least 22 feet from the public road.
- (J) Driveway easement to have a minimum width of twenty (20) feet.

(6) APPLICATION AND APPROVAL. Every effort will be made by the Town of Osceola to assist with the application, inspection and approval of driveways within forty-eight (48) hours. The Polk County Zoning office WILL NOT issue any permits until an authorized representative of The Town of Osceola has signed the approval section of the Driveway.

8.05 WEIGHT RESTRICTIONS The Town of Osceola may impose special weight limitations on any and all roads within the Town because of weakness of the roadbed due to weather, road deterioration, or any other special conditions.

(1) Temporary Weight Restrictions Notice of the weight limitations/restrictions will be posted by erecting signs along the specific roadway(s). The following list of vehicles providing critical services are exempt from the restrictions:

- Septic
- Propane
- Utility (gas, electric, telephone, cable)
- Dairy/milk
- Local waste disposal
- Emergency services

(2) Special Weight Restrictions. Based on the need to ensure the stability and longevity of the Town's roadways, a special permit is required to operate any overweight or oversize vehicle (as defined in §348.15) on a Town of Osceola roadway. The requesting party shall comply with the requirements for WIDOT Form MV2605 and obtain a House Moving and Single Trip Permit Application from the Town of Osceola prior to operating an overweight or oversized vehicle.

(3) Violations of the Restrictions. Violations of the weight limitations will result in suspended operation of the vehicle on the roadway and shall be subject to a penalty as detailed in §348.21 and the Town of Osceola Fee Schedule. Any damage to the roadway as a result of these violations shall be the responsibility of the party causing the damage as outlined in §86.02.

8.06 PENALTY Any person, partnership, or corporation or other entity found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as detailed in the Town of Osceola Schedule of Violation Fees and Penalties.