

CHAPTER 11

TOWN ROADS

11.01 INTRODUCTION

(1) Purpose. The purpose of these regulations is to establish minimum standards for public roads in the Town of Freedom, Outagamie County, and to establish procedures for the acceptance of public roads by the Town of Freedom.

(2) Applicability. These regulations shall apply to all public roads and streets in the unincorporated area of the Town of Freedom.

11.02 PUBLIC ROAD CONSTRUCTION SPECIFICATIONS

(1) Right-of-Way and Roadway Widths.

(a) The minimum right-of-way width for public roads shall be 66 feet.

(b) Except as provided by Section 82.50, Wisconsin Statutes, the minimum roadway width for public roads shall be as follows:

1. Local/Commercial Rural (without curb/gutter): 28 feet from back of road shoulder to back of road shoulder.
2. Local Urban (with curb/gutter): 33 feet from back of curb to back of curb.
3. Commercial Urban (with curb/gutter): 37 feet from back of curb to back of curb.
4. Industrial Urban (with curb/gutter): 41 feet from back of curb to back of curb.

(Amended: 26 May 2021)

(2) Roadway Depth. Roadway depth shall not be less than 18 inches of dense base course composed of one or more courses or layers of coarse aggregate, either crushed gravel or crushed stone, fine aggregate and binder or filler of natural sand, stone sand or other finely divided mineral matter substantially free from organic matter or clay. Base courses shall have 9 inches of Gradation No. 2 in the bottom layers and 9 inches of Gradation No. 3 in the top layer. Base material shall not be deposited on a foundation that is soft or spongy, dry or dusty or covered with ice or snow. Base course materials shall be placed according to methods and procedures specified and approved by the Town Engineer.

(3) Roadway Surface.

(a) Except as provided in Section 82.50, Wisconsin Statutes, the minimum roadway surface width for public roads shall be as follows:

1. Local/Commercial Rural: 22 feet.
2. Local Urban: 28 feet.
3. Commercial Urban: 32 feet.
4. Industrial Urban: 36 feet.

(Amended: 26 May 2021)

(b) Minimum roadway surface depth for Local/Commercial Rural, Local Urban, and Commercial Urban public roads shall be 3½ inches of asphaltic pavement. Minimum roadway surface depth for Industrial Urban public roads shall be 4½ inches of asphaltic pavement. Roadway surface materials shall be placed according to methods and procedures specified and approved by the Town Engineer and in accordance with the Town of Freedom Specifications for Street and Road Construction. (Amended: 26 May 2021)

(4) Increased Standards. The Town Board may determine that a road be constructed to specifications beyond minimum standards for reason of volume of traffic, type of traffic or soil conditions. Cost of construction beyond minimum standards shall be borne by the developer/owner where higher standards are necessitated by the owner/developer's project. In other cases, cost of construction beyond minimum standards shall be borne by the Town.

(5) Existing Public Roads. The Town Board may determine that an existing road be reconstructed to specifications below minimum standards outlined in Section 11.02 (1) through (3) above for reason of volume of traffic, type of traffic, or soil conditions; provided the road is reconstructed, at minimum, in kind. (Added: 26 May 2021)

11.03 EARTHWORK

(1) Clearing and Grading. Unless otherwise approved because of difficult or unique natural features, the entire right-of-way width shall be cleared of all vegetation and all obstructions shall be removed. Any existing culverts that the Town Board indicates shall be salvaged shall be carefully removed and shall be the property of the Town. All survey monuments shall be protected and replaced, if necessary, by a registered surveyor at the expense of the developer/ owner.

(2) Roadway Excavation. Prior to roadway excavation, the topsoil shall be removed to its entire depth from the limits of the right-of-way. Roadway excavation shall consist of the excavation and disposal of all materials taken from within the right-of-way for the construction of the roadway, roadbed, entrances, side ditches and drainage ways in accordance with and in conformity with lines and grades and cross-sections of approved plans.

(3) Embankments. Embankments shall be made from approve materials and shall contain no logs, stumps, brush or other organic material. Materials in the top 12 inches of the embankment shall be free of large stones, concrete or other materials which would effect scarifying, compacting and finishing the subgrade. All ice and snow shall be removed from the surface on which an embankment is to be placed. The material placed in an embankment shall be placed in layers starting at the lowest elevation. All layers shall be spread evenly to a uniform thickness. All fill shall be

compacted to at least 95 percent for the top six feet and to 90 percent for portions beyond six feet.

(4) Geotextile Fabric. Approved geotextile fabric shall be installed for subgrade separation and stabilization, drainage filtration, subgrade reinforcement and under culverts and riprap as required by the Town Engineer.

(5) Erosion and Sedimentation Control. Erosion and sedimentation control shall consist of diverting flow, managing overland flow, trapping sediment in channelized flow, establishing permanent drainageways, and protecting inlets in conformance with the "Wisconsin Construction Site Best Management Practice Handbook." Topsoil shall be replaced to a depth of at least 3 inches in all ditches and exposed areas which shall then be seeded and mulched.

11.04 DRAINAGE IMPROVEMENTS

(1) Curb and Gutter. Curb and gutter, where required, shall be installed with materials and by methods and practices specified and approved by the Town Engineer and in accordance with the Town of Freedom Specifications for Street and Road Construction.

(2) Pipe Culverts. Pipe culverts shall be installed with materials and by methods and practices specified and approved by the Town Engineer and in accordance with the Town of Freedom Specifications for Street and Road Construction.

(3) Storm Sewers. Storm sewers, where required, shall be installed with materials and by methods and practices specified and approved by the Town Engineer and in accordance with the Town of Freedom Specifications for Street and Road Construction.

11.05 ADMINISTRATION

(1) Plans and Specifications. Prior to any construction the developer/owner shall submit finished plans and specifications to the Town Clerk for review and approved by the Town Board and/or the Town Engineer. Plans and specifications shall be reviewed within 45 days of submittal and be approved, approved with modifications or denied by the Town Board.

(2) Authority of Town Engineer. The Town Engineer shall have the authority to make determinations as to the suitability and acceptability of materials and construction methods and practices as set forth in "Specifications for Street and Road Construction for the Town of Freedom." The developer/owner may appeal any determination of the Town Engineer to the Town Board.

(3) Bonds and Insurance. Prior to any construction activity, the developer/owner may be required to furnish a performance bond, letter of credit or other financial guarantee to insure that work is completed in a satisfactory manner and that all obligations to subcontractors and material men have been satisfied. The developer/owner or his agents or subcontractors may be required to show adequate insurance coverage for injury to persons or damage to property in connection with the improvements to be constructed or installed.

(4) Inspection. During the course of construction, all materials, each part of the work and the methods and procedures of the work shall be subject at all times to inspection by the Town Board or the Town Engineer. The inspector shall be allowed access to all parts and all areas of the work and shall be furnished with such information and assistance as is required to complete a detailed inspection and insure conformity with the standards of this ordinance.

(5) Acceptance. At such time the developer/owner notifies the Town Clerk that in his/her opinion the work has been completed, the Town Board or Town Engineer shall make a final inspection. The Town Engineer shall make a written recommendation to the Town Board as to the acceptability of the improvement. Final acceptance shall require formal action by the Town Board.

11.06 SNOW, ICE AND DEBRIS

(1) Sidewalks to be Kept Clean: The owner or occupant of any lot or parcel shall remove all snow, ice, or debris which may have fallen or accumulated upon the sidewalk bordering such lot or parcel within twenty-four (24) hours after such snow, ice, or debris has fallen or accumulated; provided when ice has so formed that it cannot be removed, the owner or occupant shall keep the sidewalk surface sprinkled with a material which will prevent the sidewalk from being dangerous to pedestrians.

(2) If the owner or occupant fails to comply with this subsection, the Town Board or its designee shall cause the snow, ice, or debris to be removed or swept as required in this section and the cost thereof assessed against the property as a special charge pursuant to Wis. Stats. 66.60(16).

(3) In addition to any other charges under 11.06(2), the failure to comply with this sub-section shall subject the property owner or occupant or both to a forfeiture not less than \$5.00 nor more than \$500.00. Every calendar day a violation exists shall be deemed to be a separate offense.

11.065 DEPOSITING SNOW ON PUBLIC RIGHT OF WAYS.

(1) No person shall remove or cause to be removed any snow or ice from a premises owned or occupied by that person or from any residence, parking lot, parking area, filling station, business property or other property owned by occupied by said person by placing the said snow onto the traveled portion of any public right-of-way,

including ditches, paths and walkways. Snow removed from public walks shall not be stored in any manner which shall obstruct or limit vehicular or pedestrian vision, movement or access.

(2) No person shall deposit any snow or ice upon the traveled portion of any sidewalk, alley or road or street of the Town of Freedom. Such action is declared a nuisance and the Police Department shall be empowered to issue citations for this violation, the penalty for which shall be amounts set forth in Town Fee Schedule, reference this code section. In addition to the penalties provided for the violation of this section, the town of Freedom may summarily remove any snow or ice so deposited and cause the cost of said removal to be charged to the owner of the property from which the said snow or ice has been removed and upon failure to pay the same said may be charged as a special charge upon the tax bill to the owner of the property from which the snow or ice removal was necessitated.

(3) No person shall interfere with the accessibility to a fire hydrant by piling or dumping materials (including snow or ice) near it without first obtaining permission from the appropriate municipal authority. The material piled or dumped near the hydrant includes snow and ice removed from private property. Every day which such interference continues constitutes a separate offense.

11.07 REGULATION OF TOWN RIGHT-OF-WAYS.

(1) Driveways and Culverts.

(a) Approval Required. No person or other entity shall construct or maintain any driveway across any ditch, sidewalk, or curbing, or enter any road without first obtaining a Driveway/Culvert Permit from the Town Engineer or a designated representative thereof.

(b) Commencement of Work. No building permits shall be issued, nor excavation begun, where a culvert shall be installed, unless prior thereto a permit for the proper size and type of culvert is first obtained from the Town and the permit fees required by this Ordinance have been paid to the Town. The actual placing and covering of the installed culvert shall be accomplished in accordance with the specifications set forth on the Driveway/Culvert Permit.

(2) Permit Fee.

A permit fee shall be charged for the issuance of each permit designated for the installation of a driveway or culvert as set forth in subsection (1). The fee shall be established annually by the Town Board.

(3) Side Slopes.

Any person or entity constructing or maintaining a driveway or installing a culvert on a Town road, may pave the side slopes of the driveway provided that, only asphalt with a uniform thickness of one and one-half inches from top to bottom, can be used as a paving material and further provided that the slope shall match the slope of the endwall on the patented, manufactured endwall of the culvert. If the general topography of a property, or other factors unique to a specific property, make maintenance of the above ratios unreasonable, then, upon written request of the property owners, or the owners, contractor or agents, the Town Board may grant a special exception to the slope requirements.

(a) Driveway Materials.

Any person or entity constructing or maintaining a driveway on any Town Road, with a maximum speed limit of 25 miles per hour, and without curb and gutter, may use concrete as a paving material, and may extend the driveway into the Town right-of-way to meet the existing road pavement; provided that the concrete edges of the driveway must be sloped to the ditch. The Town shall not be responsible for any damage to cement driveways extended into the right-of-way caused by Town equipment, or the Town exercising its rights within the right-of-way. Any such damage shall be replaced or repaired by the Property owner, at the owner's expense.

(4) Excavations, Alterations, or Obstructions within Town Right-of-Way.

(a) No individual, partnership, or corporation shall cause any excavation, alteration or obstruction within Right-of-Ways or Easements without first obtaining a Permit to Excavate in Public Right-of-Way. No rock gardens, boulders, benches, fences, walls, planters, or structures of any kind shall be built or maintained in any public Right-of-Way.

(b) Any contractor installing a utility service or utility mainline extension shall provide a detailed drawing showing all existing utilities, structures, and improvements in the proposed installation area, including the proposed location of the new work and erosion control, which shall accompany the permit application. Contractors must apply for and get approved a Permit to Excavate in Public Right-of-Way prior to any utility construction. There shall be no permit fees for the installation of utilities requested by the Town.

(c) Street light installation - there shall be no permit fee for the installation of street lights requested by the Town, and the above-described fees shall be waived for installation of street lights.

(d) Any applicant who receives a Permit to Excavate in Public Right-of-Way for the installation of utility service connections or utility mainline extensions, or for

the installation of street lights or other utilities shall notify the Town 48 hours prior to commencing work within the Town Right-of-Way.

(e) Before a Permit to Excavate in Public Right-of-Way may be issued for a utility excavation, alteration, or improvement within a Town Right-of-Way, the applicant must furnish the Town Clerk with written evidence that he has in force and shall maintain during the course of the work, public liability insurance of not less than \$100,000.00 for one person, \$300,000.00 for one accident, and property damage insurance of not less than \$100,000.00. In addition, the applicant shall provide the Town Clerk's office with written evidence that the applicant is bonded for the work defined in the approved permit to insure the proper performance, installation, and restoration of the work.

(f) In the event of the failure of the applicant to properly perform the conditions of the approved permit, the Public Works Supervisor or Town Engineer shall give to the applicant a thirty (30) day notice in writing, to repair, modify, or restore said conditions according to the specifications of the Town. At the expiration of the thirty (30) days, the Town, or its contractor shall perform the necessary repair, modification, or restoration, as determined by the Public Works Supervisor or Town Engineer, and shall draw on the bond for the cost of said repair, modification or restoration for the construction/excavation.

(5) Violation and Penalty.

(a) Notice of Violation. In the event of the failure of the permit holder to properly install the driveway, culvert, or side slopes, or properly excavate and install any utility connections, upon a finding of the Town Engineer or the Public Works Supervisor of said improper installation, the permit holder shall be given thirty (30) days notice, in writing, to repair, modify, or reinstall the driveway, culvert, or side slopes or excavation or utility connections, according to the specifications of the Town. At the expiration of the thirty (30) days, the Town shall cause the installation to be reinspected and the charges for the re-inspection shall be borne by the permit holder.

(b) Abatement. In the event that the permit holder continues to fail to follow the specifications and has not repaired the improper excavation or installation within the period of thirty (30) days, following the written notice, the Town will move to make the repairs in the appropriate manner. The determination of the defective installation shall be made by the Town Engineer, in writing to the Town Board. The permit holder will be responsible for all costs of additional engineering, expenditures for work by the Town and the costs of hiring the repairing and replacement of the driveway, culvert, side slope installation, utility, or other work.

(c) Forfeiture. Any person or entity who fails to comply with the provisions of this Section 11.07 shall, upon conviction thereof, forfeit not more than \$500.00 and not less than \$50.00, along with the costs of prosecution for each violation. Each calendar day of violation shall be considered a separate offense.

11.08 PLACEMENT AND MAINTENANCE OF STREET ADDRESS SIGNS.

(1) Requirements for the Provision, Placement and Maintenance of Street Address Signs. All buildings/structures for residential, commercial, industrial or other uses in the Town of Freedom shall be assigned a 911 street name and number.

(2) Assignments of Numbers. The 911 numbers shall be assigned by the Outagamie County Planning and zoning Department pursuant to the ordinances of the Outagamie County Board of Supervisors. Notification from the County shall be sent to the Town at W2004 County Road S, P. O. Box 1007, Freedom, Wisconsin 54131, for the newly assigned 911 street addresses.

(3) Costs. The fees associated with the sign containing the 911 street address and the associated post shall be collected from the applicant at the time any building permit is issued for a building/structure within the Town of Freedom. The fee shall be established annually by the Town Board.

(4) Installation.

(a) It will be the responsibility of the town of Freedom to obtain and install the sign containing the 911 street address after notification is received from the Outagamie County Planning and Zoning Department.

(b) Installation of the post and sign containing the 911 street address shall be completed by Town authorized personnel.

(c) Each property is required to display the Town adopted, standardized sign containing the 911 street address, provided by the Town of Freedom.

(d) The sign posts shall be located as follows: (1) within ten (10) feet of either side of the main driveway serving a property; (2) on a separate sign post located behind the mailbox if the mailbox is located on the same side of the road, and in front of, the residence on the property; and (3) at an alternate location selected by the Town, where topography, road maintenance requirements, or other circumstances require.

(5) Maintenance.

(a) Property owners are responsible for maintaining their sign in a fashion that meets the requirements of this Chapter and subsequent amendments. Failure to maintain their sign containing the 911 street address and/or the post, after notification, will cause property owners to be subject to the penalty provision identified under Section 11.07(6).

(b) Every owner shall be responsible for maintaining the area around the sign free from obstructions, including but not limited to, structures, trees, bushes, shrubs and accumulations of ice or snow.

(c) Every owner shall be responsible for maintaining the integrity and function of the sign. Any damaged, missing or worn sign shall be reported to the Town and a new sign shall be ordered within thirty (30) days.

(6) Penalties. Any property owner who refuses to post, removes, destroys, obstructs or alters a sign containing a 911 street address that was erected pursuant to this chapter, shall be subject to punishment according to the general penalties and forfeitures described in the Town Fee and Forfeiture Schedule.

11.09 MAILBOXES. [Amended 02-25-2015 by Ord. No. 15-05]

(1) Mailboxes. Mailboxes shall be installed in accordance with United States Postal Service regulations but as far from the Town roadway pavement as those regulations allow. While curbside mailboxes are allowed on streets, avenues or other roadways, the mailbox owner must comply with the following installation and maintenance requirements:

(a) The bottom of the mail box shall be no greater than forty-eight (48) inches nor less than forty-two (42) inches above the traveled pavement surface of the road. Lateral placement of the mailbox shall be six inches to eight inches from the face of the curb, as defined by USPS installation requirements. Mailbox supports and attachments shall be strong enough to withstand the pressure and thrust of plowed, wet snow but shall not be so formidable and massive as to damage vehicles and cause serious injury to people who may accidentally strike them.

(b) The mailbox support post shall be of a breakaway support design, as defined by ASHTO. The support post shall be no larger than a four-inch-by-four-inch wood post or a metal post with a strength no greater than a two-inch diameter Schedule 40 steel pipe and which is buried no more than 24 inches deep. Such a support post shall not be set in concrete unless specifically designed as a breakaway support system as defined in "A Guide for Erecting Mailboxes on Highways" published by the American Association of State Highway and Transportation Officials, May 24, 1984 (ASHTO). The use of supports such as heavy gauged metal posts, concrete posts, miscellaneous items of farm equipment, and milk cans filled with concrete, is prohibited and considered a detriment to public safety.

(c) Mail boxes should be located, where practical, on the far side of the driveway and should be placed to avoid blind spots or the creation of poor sight distances. Mail boxes shall be placed away from any location where,

by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic control device.

- (d) The post-to-box attachment shall be of sufficient strength to prevent the box from separating from the post if a vehicle strikes the post.
- (e) Property owner shall be responsible for the maintenance of the curbside mailbox. If any type of mailbox located in the Town right-of-way is subject to damage or destruction, at any time, as a result of the Town or a person with a utility easement entering upon the Town right-of-way to construct, repair or maintain the utilities located in the Town right-of-way, the Town or the utility that damaged the mailbox shall replace said mailbox, if it has been approved for installation by the USPS with the proper markings inscribed "U.S. MAIL" and APPROVED BY THE POSTMASTER GENERAL." The Town will replace the damaged mailbox with a comparable mail box with a value not to exceed \$50. The property owner may also elect to accept a \$50 payment from the Town towards the purchase of a replacement mailbox in lieu of the Town selecting and re-installing a replacement mailbox.
- (f) Existing mail boxes on roads with posted speed limits of 25 MPH or less prior to the adoption of this ordinance are exempt from these standards.