

**TOWN OF LAFAYETTE**  
**TOWN HIGHWAY DESIGN AND CONSTRUCTION**  
**ORDINANCE 6 - 01**

The Town Board of the Town of LaFayette, Walworth County, Wisconsin, does hereby ordain as follows:

**SECTION 1.0            PURPOSE**

The purpose of this ordinance is to promote the safety and general welfare of the citizens of the Town of LaFayette and others who travel the Town's highways by providing for the orderly layout and construction of Town highways.

**SECTION 2.0            AUTHORITY**

This ordinance is enacted pursuant to the authority granted to the Town under § 82.03, WI Statutes, which grants the Town the obligation for the care and supervision of all of the highways under the Town jurisdiction.

**SECTION 3.0            DEFINITION**

Per Chapter 82, Wisconsin State Statutes, all Town roads shall be termed Town highways. A Town highway is any highway that the Town of LaFayette holds fee simple title to or has prescriptive rights in. Generally, the Town of LaFayette considers a highway to be a Town highway if it appears on the Wisconsin Department of Transportation Highway Aids Map, which is reviewed and approved by the Town.

**SECTION 4.0            PRE-DESIGN CONFERENCE**

It is recommended that after preliminary plat approval and prior to the development of detailed drawings, the subdivision and the design engineer meet with the Town engineer to review Town requirements and any other proposed projects or existing conditions that may affect the final project design. The request for this preliminary meeting, if desired, shall be initiated by the design engineer.

**SECTION 5.0            DRAWING PREPARATION REQUIREMENTS**

All drawings submitted for approval shall bear the name of the design engineer, his/her signature, the imprint of the professional engineer seal, and his/her address and telephone number. Where feasible, drawings shall consist of twenty four inch (24") x thirty six inch (36") sheets. Drawings shall be clear and legible, and shall be drawn to a conventional, even scale which will permit all necessary information to be plainly shown. All elevations shall be referenced to National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level) where available and benchmarks shall be noted. All improvements proposed for use on the project shall be indicated on the drawings. All proposed improvements and all existing municipal and privately owned utilities shall be shown on both plan and profile.

**SECTION 6.0            HIGHWAY NAME**

Prior to submission of any preliminary plan to the Town Board, proposed highway names shall be submitted to the Walworth County Property Listing Department for preliminary approval on the prescribed form. Highway names shall be assigned as set forth in Chapter 82.03(7), WI Statutes, and shall be subject to approval by the Town Board.

## **SECTION 7.0 RIGHT-OF-WAY**

Per Chapter 82.18, WI Statutes, all Town highways shall have a right-of-way width of sixty six (66) feet or greater unless, in the Town Board's discretion, that width is impractical. If the Town Board determines that a sixty six foot (66') width is impractical, the width shall be determined by the Town Board but shall be at least forty-nine point five feet (49.5') in width.

## **SECTION 8.0 CLEAR ZONE**

A minimum clear-cut width of thirty-three feet (33') from the centerline of the highway is desired. Said clear-cut width shall be determined by the Town engineer at the time of the permit application and site inspection.

## **SECTION 9.0 LENGTH**

No Town highway right-of-way shall be less than five hundred feet (500') in length, unless a variance is granted by the Town Board.

## **SECTION 10.0 DEAD-END HIGHWAYS**

All dead-end highways regardless of length shall have a cul-de-sac or a "T" turnaround.

The cul-de-sac right-of-way radius shall be a minimum of seventy five feet (75'), with a base course radius of sixty two feet (62'), and a pavement radius of sixty feet (60').

The "T" shall be at right angles to the centerline of the highway, have a minimum sixty-six foot (66') wide right-of-way, a minimum base width of not less than thirty four feet (34'), a minimum paved surface of not less than twenty feet (20'), a minimum corner radius of not less than twenty feet (20'), and be not less than sixty feet (60') long on both sides of the highway centerline.

The cul-de-sac or "T" turnaround shall comply with any current standards of the American Association of State Highway and Transportation Officials (AASHTO).

Construction standards for a "T" and a cul-de-sac shall be the same as those delineated under Section 9.0 of this Town Highway Ordinance. All Town highway requirements for shoulders, clearance and ditching shall apply to the entire length of the "T" and the cul-de-sac.

## **SECTION 11.0 HIGHWAY WIDTH**

- A. Town highways with an estimated average daily traffic count of under one hundred (100) vehicles shall have twenty feet (20') minimum driving surface, shoulders two feet (2') minimum and a surface crown of two point two percent (2.2%) slope at the centerline of the highway. The Town Board may approve a narrower pavement width if it is deemed that a twenty foot (20') width is impractical.
- B. Town highways with an estimated average daily traffic count of one hundred (100) to two hundred fifty (250) vehicles or more shall have twenty two feet (22') minimum driving surface, shoulders three feet (3') minimum and surface crown of two percent (2%) slope at centerline of the highway.
- C. Commercial/Industrial highways may require greater structural requirements than those residential requirements specified in this ordinance. Any additional construction requirements and final approval shall be determined by the Town Board.

## **SECTION 12.0 CONSTRUCTION STANDARDS**

All highways constructed in the Town shall fully comply with the following construction standards:

- A. Topsoil Removal. All topsoil shall be removed first. In order to ensure a stable foundation for the roadway fill, all stumps, marsh, swamp, muck, large rocks, old culverts and other foreign material shall be removed from under the area of the roadway and replaced with sand, pit run or other approved materials and brought up to grade before the sub-base shall be applied.
- B. Sub-base. The width (see Section 10 above) of all highways shall have a sub-base of eight inches (8") of crushed compacted three quarters of an inch (3/4") crushed aggregate, limestone or other approved material and shall be put down in one and one quarter inch (1 1/4") intervals and compacted at each interval. Additional material may be needed to create stability in problem areas. The need for additional sub-base materials will be determined by the Town engineer.
- C. Shoulder. Crushed limestone shall be applied to the shoulder compacted flush with the paved area at a width of three feet (3').
- D. Surfacing. Surfacing shall be a minimum two and one quarter inch (2 1/4") base course and one and three quarters of an inch (1 3/4") surface compacted Type E-0.3 hot mix asphalt. The Town Board may require greater pavement thickness where traffic volumes and composition dictate the need.
- E. Cleanup. All unearthed rubbish or other similar materials shall be removed from the site.

## **SECTION 13.0 DITCHES**

If needed, the ditching of the roadway must be complete and have proper elevation to provide adequate drainage. Ditch standards:

- A. Slope: 1% minimum
- B. Side slopes: Fore slope - 6:1 minimum; 4:1 maximum  
Back slope - 4:1
- C. Depth: 24" minimum  
48" maximum \*
- D. Bottom: 1' wide flat bottom;
- E. Restoration: per section 21.h. of this ordinance

\* Deeper ditch sections shall require the approval of the Town engineer.

## **SECTION 14.0 BACK AND SIDE SLOPES**

All highways shall have a six to one (6:1) foot fore slope and back slope with a four to one (4:1) pitch, except where geographic features or terrain would not allow for same, but in no case shall the slope be greater than two and one half to one (2 1/2:1) foot. All slopes within the clear zone must be traversable.

## **SECTION 15.0 TOWN HIGHWAY CULVERTS**

Any Town highway culvert necessary for proper drainage shall be installed after elevation and location is obtained through the Town engineer. The minimum length of any culvert installed in a road bed shall be

a minimum of two feet (2') greater than the base course width. Apron end walls shall be installed as dictated by the Town engineer.

The culvert diameter and length will be subject to the approval of the Town engineer after the amount of flowage is determined. In no case shall the culvert be less than eighteen inches (18") in diameter. All culverts in the Town owned right-of-way shall be reinforced concrete pipe.

#### **SECTION 16.0 PRIVATE DRIVEWAY CULVERTS**

Private driveway culverts shall be installed as prescribed in the Requirements for Driveway Construction Ordinance.

#### **SECTION 17.0 CURVES AND INCLINES**

All curves and inclines shall be constructed in accordance with the standards set forth in § 82.50, WI Statutes, which standards are incorporated herein by reference.

#### **SECTION 18.0 VISION CORNERS**

In each quadrant of every Town highway intersection there shall be a visual clearance triangle bounded by the highway centerline and a line connecting points on them three hundred feet (300') from a Class "A" (State and Federal) highway intersection, two hundred feet (200') from a Class "B" (County Trunk) highway intersection and one hundred and fifty feet (150') from a Class "C" (Town) highway intersection. Sight distance shall meet current AASHTO guidelines.

Traffic signs, telephone poles and power transmission poles are permitted. All permanently mounted ground level equipment must receive approval of the Town engineer prior to installation. Location of said equipment shall be designated by the Town engineer and all locations will have visible orange markers. Trees in the vision triangle must not obstruct the view to a height of thirteen feet (13'), six inches (6").

All Town highways intersecting with state or county highways must meet the requirements of the State or County if their vision corner requirements are greater than those of the Town.

The property owner/developer shall furnish to the Town of LaFayette an easement to trim vegetation within the vision corners based on the specifications listed within this section.

#### **SECTION 19.0 ACCESS**

Wherever possible, for each one quarter (1/4) mile of an existing Town road not more than one (1) road may be constructed to adjoin the existing road.

The property owner/developer must obtain a permit from the State of Wisconsin Department of Transportation for access to state and federal highways and from the Walworth County Public Works Department, Highway Division for access to any county highway.

#### **SECTION 20.0 BRIDGES**

The Town will not accept a bridge until it has been 100% completed, including any and all restorations of any existing bridges.

## **SECTION 21.0 TOPSOIL, GRASS, SEEDING**

All disturbed areas (ditches, back slopes and fills) within the highway right-of-way not provided with surfacing and shouldering material shall be restored, seeded for permanent cover and protected by erosion control materials.

## **SECTION 22.0 RESTORATION OF EXISTING IMPROVED SURFACES**

- A. General. The contractor shall restore all permanent type pavements, sidewalks, driveways, curbs, gutters, trees, shrubbery, lawns, fences, poles and other property and surface structures removed or disturbed during or as a result of construction operations to the condition which existed before the work began. The surface of all improvements shall be constructed of the same material and match in appearance the surface of the improvements which were removed.
- B. Saw Cutting. When necessary to remove sections of existing pavement, sidewalk, or curb and gutter, and prior to removal of existing pavement, the edges of the section to be removed shall be cleanly cut to full depth with a pavement saw. Prior to any pavement restoration, any un-sawed edges shall be cleanly cut to a full depth with a pavement saw. Saw cutting should be performed with cuts that are parallel to or perpendicular to the longitudinal edge or centerline of the pavement, sidewalk, driveway or curb and gutter.
- C. Removal of Roadway Pavements, Sidewalks, Driveway and Curb. Where concrete pavement, sidewalk, driveway or curbing is cut, the width of the cut shall exceed the actual width of the top of the trench at subgrade by twelve inches (12") on each side. Exposed surface of the Portland Cement or asphaltic concrete shall be cut with a pavement saw to full depth before removal.
- D. Concrete Pavement Surface. Any existing Portland Cement concrete pavement shall be replaced with a minimum of eight inch (8") depth of Portland Cement concrete pavement. If the existing concrete pavement is thicker than eight inches (8"), the thickness of the new concrete pavement shall match the thickness of the existing concrete pavement using #4 steel reinforcing tie bars spaced two feet (2') on center. All existing traverse contraction joints shall perpetuate through the new concrete pavement section using dowel bars instead of #4 steel reinforcing bars in accordance with WDOT Standard Specifications. All Portland Cement concrete and construction methods for Portland Cement concrete pavement shall conform to the current requirements of the (WDOT) Standard Specifications. All pavement joints and reinforcing in the replacement pavement shall conform to and match that in the adjacent pavement area.
- E. Asphaltic Concrete Pavement Surface.
  - 1. Where the existing pavement surface is asphaltic concrete and the base consists of rigid material such as brick or Portland Cement concrete, the base replacement shall consist of eight inch (8") Portland Cement concrete base course. Portland Cement concrete shall be as noted in Section 22.0 D above.
  - 2. Asphalt pavement replacement shall consist of a minimum four inch (4") thick asphaltic concrete pavement placed in two (2) layers. The lower layer shall be a minimum of two and one quarter inches (2¼") thick. The upper layer shall be a minimum of one and three quarter inches (1¾") thick. If the existing asphaltic concrete pavement is thicker than four inches (4"), the thickness of new asphalt pavement shall match the thickness of the existing asphalt pavement. Lower layer thicknesses shall not exceed four inches (4") in depth and upper layer thicknesses shall not exceed three inches (3"). All asphaltic concrete pavements shall comply with Wisconsin Department of Transportation Specifications.

- F. Base Course. All base courses shall be replaced with dense graded base aggregate conforming to Wisconsin Department of Transportation Specifications. The minimum depth of dense grade base placed under roadways shall be a minimum of ten inches (10") when placed under asphaltic concrete pavement and a minimum of six inches (6") when placed under concrete pavement. If the existing base course is thicker than as stated above, the base course thickness shall be that of the existing base course.
- G. Concrete Sidewalks, Driveways, Curb, Curb and Gutter.
1. Where necessary to remove and replace concrete sidewalk, driveways, curb, or curb and gutter, replacements shall be made according to the Town ordinance regulating the construction of driveways, approaches and sidewalks.
  2. Curb or curb and gutter dimensions and cross sections shall be replaced to meet "Americans with Disabilities Act" specifications. Preformed expansion joints in sidewalks shall be one half inch (1/2") thick and shall be spaced at intervals not exceeding ninety six inches (96"). All expansion joints in concrete curb and gutter shall be placed to match any existing expansion joints, at radii ends, and three feet (3') either side of storm water structures. All concrete curb and gutter expansion joints shall be three quarters of an inch (3/4") preformed joints. All contraction joints shall be saw cut a minimum two inches (2") deep and spaced to match preformed joints. All contraction joints shall be saw-cut a minimum two inches (2") deep and spaced at intervals of twenty feet (20'). All contraction joints in concrete sidewalk shall be saw cut a minimum of one inch (1") deep and spaced at intervals of a minimum of four feet (4') and a maximum of ten feet (10'). All sidewalks shall be finished in accordance with Wisconsin Department of Transportation Specifications.
- H. Cultivated Lawns. The Contractor shall provide topsoil, seeding, sodding and care of grass during the establishment period for a complete surface restoration of lawns, parkways and other areas disturbed as a result of the construction.
1. Topsoil
    - a) Topsoil shall be furnished and properly placed, raked and rolled to a minimum depth of four inches (4"). The topsoil furnished shall consist of loose, friable, loamy, non-acid soil, free of large roots, brush, sticks, weeds, stones larger than three quarters of an inch (3/4") in diameter and any other debris.
    - b) Before topsoil is placed, the area to be covered shall be brought to the proper grade. If the existing surface has become hardened or crusted, it shall be raked or otherwise loosened to provide suitable bond with the topsoil.
    - c) All commercial grade fertilizer shall be applied uniformly at a rate of seven (7) pounds per one thousand (1,000) square feet. Work fertilizer into soil prior to seeding or sodding.
  2. Sodding
    - a) The contractor shall provide sod in developed areas that were established lawns prior to construction and as indicated on the drawings. Sodding shall also be used in ditches and drainage swales and on all embankment slopes steeper than four to one (4:1) unless protection is provided against erosion of seeding. At the contractor's option, sodding may be substituted for seeding.

- b) The cut sod shall be not less than two inches (2") thick. Sod which has been cut more than forty eight (48) hours prior to installation shall not be used without the approval of the Town engineer.
- c) All sod shall be placed according to Section 631 of the Wisconsin Department of Transportation Standard Specifications. Sod shall be placed with edges in close contact and alternate courses staggered. On slopes two to one (2:1) or steeper, sod shall be staked with at least one (1) stake for each piece of sod. Sod shall not be placed when the ground surface is frozen or when air temperatures may exceed ninety degrees Fahrenheit (90° F).
- d) New sod shall be watered daily at the rate specified in Section 631 of the Wisconsin Department of Transportation Standard Specifications for a minimum of ten (10) days after the specified initial watering. Any defective, dead or dying sod shall be removed and replaced up to one year after completion of the sodding.
- e) In ditches, the sod shall be placed with the longer dimension perpendicular to the flow of water in the ditch. On slopes, starting at the bottom of the slope, the sod shall be placed with the longer dimensions parallel to the contours of the ground.

### 3. Seeding

- a) All disturbed grassed areas shall be seeded in accordance with Wisconsin Department of Transportation Specifications. Seed may be sowed by broadcasting at a uniform rate. Seed may be sown at any time during the growing season and as weather permits. Seeding shall not be performed during windy conditions or on frozen soil.
- b) Apply mulch in accordance with Section 627 of the Wisconsin Department of Transportation Specifications. Place erosion control mats on slopes steeper than four to one (4:1). Unless otherwise indicated, also place erosion control material at sides and bottoms of ditches, swales and all areas within ten feet (10') of catch basins in seeded areas.
- c) Immediately after placing erosion control matting or mulch, water seeded areas thoroughly. Keep soil thoroughly moist until seeds have sprouted and achieved a growth of one inch (1").

## **SECTION 23.0 UNDERGROUND IMPROVEMENTS**

### A. Interruption to Utilities and Damage to Surface Improvements.

1. A minimum of forty-eight (48) hours prior to commencement of work, the Town and Diggers Hotline (1-800-242-8511) must be notified for location of any existing utilities. All reasonable precautions shall be taken against damage to existing utilities. No work shall commence until all known underground utilities are located and marked in the field.
2. In the event of a break in an existing gas main, sewer or underground cable, the contractor shall immediately notify a responsible official from the organization operating the interrupted utility. The contractor shall lend all possible assistance in restoring services and shall assume all costs, charges or claims connected with the interruption and repair of such services unless it is determined that the utility has not been properly located.
3. In the case of the Town utilities, the cost of such work will be billed to the contractor.

B. Traffic Control.

1. All work within public rights-of-way shall conform to the requirements of the latest edition of the Wisconsin Department of Transportation "Standard Specifications for Highway and Structure Construction". The provisions of these standards will be enforced:
  - a) When an opening is made into the existing pavement
  - b) When construction takes place adjacent to the edge of the existing pavement
  - c) When a utility crossing is made beneath the existing pavement
  - d) When it is necessary to close a lane of traffic due to construction operations
2. Permission for land or road closure must be obtained from the Town Board Chair prior to commencing construction. Signing will be required in strict conformance with the "Manual on Uniform Traffic Control Devices", published by the Federal Highway Administration. No construction operation is to commence until such time that all required signs and barricades have been erected.

C. Pavement Crossing.

1. Unless otherwise specifically approved by the Town engineer, all conduits crossing existing pavements shall be installed by tunneling, jacking or auguring. When the carrier pipe is a conduit intended to operate under internal pressure, a casing pipe of adequate strength for all applied loads shall be used. The nearest face of pits or other open excavations on each side of a traveled pavement shall be at least ten feet (10') from the edge of the pavement.
2. When open cutting is allowed or other pavement opening required, they shall be backfilled prior to the end of the working day unless otherwise authorized by the Town. All excavations shall be backfilled with three quarters of an inch (3/4") crushed stone chips and a temporary bituminous patch of at least two inches (2") in thickness shall be constructed. It is understood that such backfilling and patching is only temporary and that permanent pavement repair will be required as specified in Section 3 of this Standard. In lieu of bituminous patch, a temporary steel plate, minimum depth of one inch (1") of thickness, over the excavation may be approved upon request by the contractor.

D. Utility Locations.

1. All sanitary sewers in proposed streets shall be located in the centerline of the right-of-way or as approved by the Sanitary District. All sanitary sewers in existing pavements shall, where possible, be located in the gravel shoulder four feet (4') from the edge of the pavement. The shoulder portion within three feet (3') of manhole covers shall be paved with the same material used in construction of the roadway.
2. All utility lines, conduits or cable for electric, telephone, cable television and other communication services should generally be placed along the rear lot lines of the subdivision and shall be placed a minimum of twenty-four inches (24") underground within easements, or within ten feet (10') of the right-of-way line of dedicated public ways as recommended by the Town engineer and as approved by the Town Plan Commission in conjunction with the approval of any final plan of subdivision, condominium or planned unit development. All transformer boxes shall be located so as not to be hazardous to the public.



3. All gas lines and facilities shall be, where possible, installed parallel to and within ten feet (10') of the inside of the right-of-way.

E. Trenching.

1. All trenches shall be excavated to the depths and grades necessary for pipelines including allowances for bedding material.
2. As determined by the Town engineer, all unsuitable soils found at or below the bottom of the trench shall be excavated and replaced with crushed stone per Section 3.2.2 of the *Standard Specifications for Sewer and Water Construction in Wisconsin*.
3. All trench widths shall be in conformance with the *Standard Specifications for Sewer and Water Construction in Wisconsin*.

F. Bracing and Sheeting. All open-cut trenches shall be sheeted and braced as required by the *Standard Specifications for Sewer and Water Construction in Wisconsin*, and governing federal and state laws including all OSHA Safety and Health Standards (29CFR 1926/1910) and as may be necessary to protect life, property and the work.

G. Bedding and Backfill Requirements.

1. Bedding. All bedding shall be provided for all underground pipelines, except where concrete encasement, concrete cradles, boring or jacking are indicated. Bedding requirements shall conform to the *Standard Specifications for Sewer and Water Construction in Wisconsin*.
2. Backfill. All backfilling of utility trenches shall conform to the requirements specified in the *Standard Specifications for Sewer and Water Construction in Wisconsin*.

**SECTION 24.0 APPLICATION FOR APPROVAL**

No person, partnership, company nor corporation shall commence construction of any Town highway which is intended to provide public access to more than one (1) landowner without first obtaining a copy of this ordinance from the town clerk, and approval for the Town highway from the Town Board and Town engineer.

The following must be submitted to the Plan Commission and Town engineer: a preliminary plan view showing the extent of the development, the point(s) of access to an existing public highway(s), the location, profile and length of the new Town highway centerline, and preliminary lot layout for all lots which will be provided access by the Town highway.

The Plan Commission will review the above listed items as prepared by the applicant. After a satisfactory review, a Construction Permit shall be provided and completed by the developer/owner and the Town engineer.

**SECTION 25.0 AUTHORITY FOR HIGHER STANDARDS**

The road design standards as stated above are intended to be minimum design standards. The Town Board shall have the discretion to impose higher design standards where in the opinion of the Town Board local conditions require higher standards or anticipated traffic in quantity or quality will require higher standards.

## **SECTION 26.0 HIGHWAY SURVEY**

All survey of said highway delineating public utility placement and a corresponding legal description for said highway shall be submitted to the Town Board and Town engineer. Said survey shall be performed by a land surveyor licensed by the State of Wisconsin. The cost of said survey shall be the responsibility of the private land owner and/or developer.

## **SECTION 27.0 REVIEW AND APPROVAL**

The completed plan sets, condominium declarations, preliminary lot layouts and a copy of the survey map of the proposed highway completed by a registered land surveyor must be submitted to the Town Board and Town engineer. The Town Board and Town engineer will review and approve or deny the plan sets, condominium declarations, preliminary lot layouts and survey map and, in addition, may inspect the site.

Prior to the Town Board approval, decisions regarding clear-cut widths, turnaround types, additional grading and sub-base requirements, seeding, culverts and ditching shall be made.

The Town engineer shall review the plan sets, survey map and site. The cost of the Town engineer and all costs incurred in the development and construction of said Town highway shall be assumed by the property owner/developer.

## **SECTION 28.0 PERFORMANCE BOND**

At the option of the Town Board, the applicant(s) shall prepare the highway (grade, ditch and gravel, etc) one (1) year and surface it the next year in order to further compact the roadbed. If so, the applicant(s) shall provide a bond or irrevocable letter of credit which would enable the Town to finish the road, in case of default by the applicant(s). The performance bond, irrevocable letter of credit, or cash escrow agreement shall be equal to one and one quarter (1¼) times the estimated cost of the required improvements. If the required improvements are not completed within the twenty four (24) month period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Town and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the property owner or developer. The Town Board, at its option, may extend the bond period for any additional period not to exceed one (1) year; however, the initial bond shall be required to run one (1) year beyond the initial date of acceptance of improvements.

## **SECTION 29.0 REQUIRED INSPECTIONS**

The contractor shall notify the Town engineer prior to the start of construction and when each stage of construction is ready for inspection. A minimum of four (4) inspections shall take place at the following phases of construction:

- A. Stripping of top soil and stump removal,
- B. Shaping of road bed grade and proof rolling the subgrade and sloping of ditches,
- C. Application of base course, proof rolling of base course and seeding,
- D. Asphalt surface course and cleanup.

Any deficiencies found by the Town engineer shall be corrected before proceeding the next phase of construction.

**SECTION 30.0 TEST OF MATERIALS**

The Town reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets the gradation and soundness requirements.

**SECTION 31.0 PAVEMENT SAMPLES**

Samples of material may be required to be taken by the Town at the contractor's expense during pavement construction operations for purposes of determining that the material meets specifications.

**SECTION 32.0 FINAL INSPECTION**

Upon completion of the proposed highway, the Town engineer and building inspector will proceed to make final inspection, accepting or rejecting the road as the case may be. After all of the provisions of this ordinance have been complied with, the highway will be inspected by the Town engineer, and at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for or arrangements have been made for the payment through written instrument by the developer. If the road is rejected, corrections shall be made as recommended by the Town engineer before final inspection can be then made again.

If final inspection is made by the Town Board, the property owner(s) shall turn over a Warranty Deed conveying title of the entire right-of-way to the Town of LaFayette, or through plat dedication per Chapter 236, WI Statutes. Easement documents authorizing the Town to cut vegetation within vision corners must also be provided. All Town highways conveyed to the Town of LaFayette shall be free and clear of all lien encumbrances and restrictions, except utility easements. The cost of recordation shall be the responsibility of the property owner/developer.

**SECTION 33.0 APPEAL**

The owner/developer has the right to appeal to the Town Board any decision/recommendation made by the Town engineer or Town building inspector.

**SECTION 34.0 APPLICABILITY**

This ordinance shall apply to all highways the construction of which is completed after the effective date of this ordinance and all existing highways which may in the future become dedicated for public use or submitted to the Town as a Town highway.

This ordinance shall not require the Town of LaFayette to construct or reconstruct any existing Town highway to the standards set forth in this ordinance.

**SECTION 35.0 PRIVATE ROADS**

After the enactment of this ordinance, it is the policy of the Town of LaFayette to favor public roads. Private roads may be granted with approval of the Town Board due to exceptional and unique circumstances.

If the Town Board grants approval for a private road, said private road shall comply with the layout specifications, construction standards (except asphalt surface requirements) and the road name approval procedure delineated within the Town Highway Design and Construction Ordinance in effect at the time the application for the private road was filed. Specific exceptions to the Town Highway Design and

Construction Ordinance shall be determined by the Town Board and stated within the meeting minutes of the Board meeting at which such determination was made.

### **SECTION 36.0 ACCEPTANCE OF PRIVATE ROADS TO TOWN HIGHWAYS**

Under the provisions of § 82.10, WI Statutes, application for acceptance of a private road to become a public Town highway may be submitted to the Town Board for review and action by petition of a majority of property owners having frontage on said road. The application shall contain all of the following:

- A. A legal description of the road to be altered.
- B. A scale map of the land that would be affected by the application.

The Town Board will establish the standards which existing private roads must meet to be accepted on a road by road basis. However, the decision to accept a private road by the Town Board is discretionary with the Town Board. All estimated costs for bringing the road up to the established standards, including asphalt surfacing, shall be prorated to all existing property owners having frontage on said private road or to those property owners which have consented, in writing, to pay for said improvements. Any improvements made to the road shall be at no expense to the Town of LaFayette. If desired, the cost of said road improvements will be applied as a Special Assessment, per § 66.0703, WI Statutes, in an agreed upon time frame.

Prior to Town Board acceptance, owner(s) must provide a Certified Survey Map of said road right-of-way and proof of ownership to the Town Board. The Town Board shall comply with the provisions in § 82.10 82.12, WI Statutes. If final acceptance is made by the Town Board, the property owner(s) shall turn over a Warranty Deed conveying title of the entire right-of-way to the Town of LaFayette. Easement documents authorizing the Town to cut vegetation within vision corners must also be provided. All Town highways conveyed to the Town of LaFayette shall be free and clear of all lien encumbrances and restrictions, except utility easements. The cost of recordation shall be the responsibility of the property owner/developer. Improvements to the road will be completed within one (1) year of Town Board acceptance.

### **SECTION 37.0 VARIANCE**

Where, in the judgment of the Town Board, it would be inappropriate to literally apply the provisions of this ordinance, the Town Board may waive or modify any requirement in accordance with this section.

- A. Conditions. The Town Board may consider the following in exercising its judgment to waive or modify the requirements of the ordinance.
  - 1. The division of land involves the transfer of property within the immediate family.
  - 2. Exceptional and undue hardship would result.
- B. Restrictions on Issuance. The Town Board may waive or modify any requirements under this ordinance to the extent deemed just and proper provided:
  - 1. Such relief is granted without impairing the intent and purpose of this ordinance or the desirable general development of the Town of LaFayette.
  - 2. No variance or waiver may be granted that would be contrary to any Wisconsin State Statutes, Wisconsin Administrative Code, or county ordinance.

**SECTION 38.0 VIOLATIONS AND PENALTY**

The Town Board shall authorize issuance of a citation to any person, firm or corporation who violates this ordinance. If found guilty of said violation, and needed correction is not completed within ninety (90) days of written notice from the Town, the Town shall hire a contractor to make the needed corrections and the cost of bringing the highway to compliance with this ordinance shall be paid by the developer/property owner either directly or through the Special Assessment procedure in § 66.0701, WI Statutes, at the developer's expense.

**SECTION 39.0 SIGNAGE**

On all highways constructed within the Town of LaFayette, the Town shall determine what signs are needed, including highway name, regulatory and traffic signs, order them, and have them installed at the expense of the developer.

This ordinance shall be effective upon passage by the Town Board of the Town of LaFayette and publication as provided by law.

This Ordinance adopted by the Town Board of the Town of LaFayette on this 8<sup>th</sup> day of April 2009.

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Bruno Schiffler, Chair

Passed this day: 04.08.2009

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Barbara A Fischer, Town Clerk-Treasurer

Filed this day: 04.08.2009