

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

3-2001

WHEREAS, the Town Board of the Town of Haney 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 WI. 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 HANEY, 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-fore private existing road for ownership and/or maintenance.

It is the intent of the Town Board of Haney 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 minimum standards to:

1. Allow access of emergency vehicles to the principal structures,
2. Control soil disturbance and erosion,
3. Protect existing vegetation,
4. Protect the aesthetic views of hillsides,
5. Protect both the Town and private property owners, and the general public, present, and future, against undo risk and property loss due to poorly designed and maintained road accesses.

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 - Course 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 Roads - 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.

Private Drives - Any drive 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 Haney 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 travel way 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.

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.

The Town Board of Haney at the Town Meeting on March 10, 2006, using Village Powers amended Town Ordinance 3-2001, to apply a filing fee for private drive permit applications and to clarify ordinance provisions regarding private roads and private drives.

5. SECTION 3: PROCEDURE

Any property that has or requires a 911 sign must meet Town of Haney Ordinance specifications.

- A.** A private drive permit is mandatory if 911 fire sign is at the driveway entrance to property with a structure valued at \$3,000 or more. A filing fee of \$50 must be paid to the Town of Haney at the time of filing the application. The Town of Haney will notify property owners of noncompliance with the private drive ordinance in writing, specifying what action will bring the property owner into compliance and within what required time period. It should also be made clear that fire department and emergency service will not be able to provide fire protection or emergency service if the actions are not taken. Please note that the town is not required to provide fire protection service if a land owner does not comply with the notice. If after the time period elapses and the landowner still has not taken the required actions, the town should again notify the landowner in writing that the fire protection service will not be provided.
- B.** Any legal entity that intends to construct a private road, whether said road shall remain private or shall be offered to the Town of Haney for ownership and/or maintenance, shall make application in writing to the Town Board of the Town of Haney. A filing fee of \$100 must be paid to the Town of Haney at the time of filing the application. The application shall contain a description of the subject road describing its location in each forty acre parcel in which it is located, its proposed or actual location and the name of each person or legal entity requesting consent of the Town Board to construct the private road or offer it to the Town for ownership and/or maintenance as 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.
- C.** The completed application, plus all appropriate fees, may be delivered to any Town Board member or to the Town Clerk. A written application for a private road construction permit must be made at least 35 days prior to approval by the Board. Consideration of all such applications will take place at a regularly scheduled board meeting, provided, however, the Town Board may consider the application at a special meeting if a true emergency exists and the applicant pay an additional fee of \$200 to cover the cost of such special meeting.
- D.** Upon receipt of the application and fee, the Town Board will examine the proposed route of the private road, or private drive. The individual or group making application may proceed to build the private road, or private drive, under the supervision of the Town Board, only after the Town Board has approved the plan for the proposed private road, or private drive. Private road, or private drive construction for the new buildings must be done prior to building construction. No building permits will be issued until private road, or private drive construction is completed. However, upon written request to the Town Board, consideration may be given to the base course being compacted before the surface course is applied. The surface course must be completed before building occupancy.
- E.** All private roads not taken as public roads by the Town will remain "Private" and the "Private Road Statement of Understanding" adopted, 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. All private roads will be named by the individual or group making application and the name be approved by the Crawford County 911 coordinator.

LaVon Lathrop Chairman

dated:

Definitions:

Private Roads - 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.

Private Drives - Any drive 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

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

SECTION 4: STANDARDS AND REQUIREMENTS

The following are minimum standards established by the Town of Haney for the construction of any private drives, and public or private roads, and for the acceptance by the Town of Haney for ownership or maintenance of any existing roads.

- A. Accessory costs - all necessary costs associated with private road or private drive construction will be the responsibility of the private parties responsible for the road.
- B. Base Course - the base course of any road or drive 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 or existing culvert) prior to the 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 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 an 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 roads will extend at least 2 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 steel. 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 completed 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 grade 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 a distance of at least 50 feet from the edge of the intersecting 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 is to be measured to 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 and drives 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 or drive, 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.
- P. Surface width - The surface 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.

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, subsection, 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, subsection, sentence, clause or phrase or portion thereof.

SECTION 7: PRIVATE ROAD STATEMENT OF UNDERSTANDING

If a Road is to remain private and a certified survey map is required by county ordinance or Wisconsin Statute, a “**Private Road Statement of Understanding**” shall be placed on the certified survey map which is approved by the Town and filed with the Register of Deeds for Crawford County, Wisconsin, after all appropriate signatures are placed thereon. If no certified survey map is required; a Private Road Statement of Understanding must be placed on any survey which is prepared by the landowner, which survey shall contain said Private Road Statement of Understanding and be recorded in the office of the Register of Deeds for Crawford County, Wisconsin. In the event there is no certified map or survey showing the location of said private road, a Private road Statement of Understanding shall be drafted and recorded in the office of the Register of Deeds for Crawford County, Wisconsin, which document shall indicate each quarter section in which the private road is located and shall be executed by the landowner. The Private Road Statement of Understanding which shall appear on all certified survey maps required by this section shall contain the following language:

Private Road Statement of Understanding - The undersigned developer and/owner hereby acknowledges that he/she has been advised and understand that those roads denominated as “Private” on this certified survey map or which abut this property, are subject to the following provisions pursuant to Section 18.08(4)(a) 2 of subdivision ordinances of Crawford County, WI:

1. That the road is private and that the county, town or governing body is not responsible for construction or maintenance of 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 no recognized subdivision;
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 _____

The following Private Road Statement of Understanding shall be used in all cases in which a private road is constructed and no certified survey map is required by the subdivision ordinances of Crawford County, Wisconsin:

Private Road Statement Of Understanding - The undersigned owner hereby acknowledges that he/she has been advised and understands that those roads denominated as "Private" on this survey map or the attached aerial photograph

1. is private and neither Crawford County nor the Town of Haney is responsible for the construction and maintenance of said road;
2. Maintenance and care of said road is the responsibility of the present and future owners of the land on which the road is constructed; and
3. if the maintenance and care of the road are not properly performed, emergency vehicle and/or school bus service may be impeded or interrupted.

Dated _____
Owner _____

SECTION 8: EFFECTIVE DATE

This ordinance shall take effect upon passage and posting as required by law. The ordinance supersedes all other ordinances establishing rules, regulations and specifications for the construction and/or acceptance of private roads in the Town of Haney, Crawford County, Wisconsin. All previous Ordinances addressing construction and/or acceptance of private roads in the Town of Haney, Crawford County, Wisconsin, are repealed and are rendered void upon the date this ordinance becomes effective.

Dated this _____ day of _____, 20__.

TOWN OF HANEY

Town Clerk

Town Chairman

Supervisor

Supervisor

Date Passed: _____

Date Posted: _____

SECTION 8: EFFECTIVE DATE

This ordinance shall take effect upon passage and posting as required by law. The ordinance supersedes all other ordinances establishing rules, regulations and specifications for the construction and/or acceptance of private roads in the Town of Haney, Crawford County, Wisconsin. All previous Ordinances addressing construction and/or acceptance of private roads in the Town of Haney, Crawford County, Wisconsin, are repealed and are rendered void upon the date this ordinance becomes effective.

Dated this 10th day of April, 2001.

TOWN OF HANEY

Cheryl Klekamp
Town Clerk

Robert Zinske
Town Chairman

Walter H. [Signature]
Supervisor

John E. Powell
Supervisor

Date Passed: 4-10-01

Date Posted: 4-10-01

Date Published: _____

Footnote of changes to ordinance

The Town Board of Haney at the Town Board Meeting February 11 2002. using Village Powers, amended Driveway Ordinance 3 – 2001 **Section 3: Procedure** by increasing fee for special meeting to consider acceptance of private road being offered to the Town from \$100 to \$200. Also added the application fee of \$100 to examine the proposed route of the road and provide supervision after plan is approved.

1. **B.** The completed application, plus all appropriate fees 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. Consideration of all such applications will take place at a regularly scheduled board meeting, provided, however, the Town Board may consider the application at a special meeting if a true emergency exists and the applicant pay an additional fee of \$100 to cover the cost of such special meeting.
2. **C.** Upon receipt of the application and fees, the Town Board will examine the proposed route of the road. The individual or group making application may proceed to build the road, under the supervision of the Town Board, only after the Town Board has approved the plan for the proposed road. Road construction for the new buildings must be done prior to building construction. No building permits will be issued until road construction is completed.

Town Board of Haney at the Town Board Meeting March 12, 2005 using Village Powers, amended Driveway Ordinance 3 – 2001 added an opening statement to **Section 3: Procedure** to read as follows:

3. Any property that has or requires a 911 sign must meet Town of Haney Ordinance specifications.

Town Board of Haney at the Town Board Meeting May 9, 2005 using Village Powers, amended Driveway Ordinance 3 - 2001 by “adding” paragraph A to Section #3 (Original paragraphs A., B. and C become B,C, and D respectively)

4. **Section 3: Procedure**
Any property that has or requires a 911 sign must meet Town of Haney Ordinance specifications.
 - A. The completed application, plus all appropriate fees may be delivered to a 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. Consideration of all such applications will take place at a regularly scheduled board meeting, provided, however, the Town Board may consider the application at a special meeting if a true emergency exists and the applicant pay an additional fee of \$100 to cover the cost of such special meeting.
 - B. Upon receipt of the application and fees, the Town Board will examine the proposed route of the road. The individual or group making application may proceed to build the road, under the supervision of the Town Board,

only after the Town Board has approved the plan for the proposed road. Road construction for the new buildings must be done prior to building construction. No building permits will be issued until road construction is completed.

- C.** All private roads not taken as public roads by the Town will remain "Private" and the "Private Road Statement of Understanding" adopted, 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. 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 3: PROCEDURE

See Resolution #5 for current procedure

3. Any property that has or requires a 911 sign must meet Town of Haney Ordinance specifications.
4.
 - A. Driveway permit is mandatory if 911 fire sign is at the driveway entrance to property with a structure valued at \$3,000 or more. The Town of Haney will notify property owners of noncompliance with the driveway ordinance in writing, specifying what action will bring the property owner into compliance and within what required time period. It should also be made clear that fire department and emergency service will not be able to provide fire protection or emergency service if the actions are not taken. Please note that the town is not required to provide fire protection service if a land owner does not comply with the notice. If after the time period elapses and the landowner still has not taken the required actions, the town should again notify the landowner in writing that the fire protection service will not be provided.
 - B. Any legal entity that intends to construct a private road, whether said road shall remain private or shall be offered to the Town of Haney for ownership and/or maintenance, shall make application in writing to the Town Board of the Town of Haney. The application shall contain a description of the subject road describing its location in each forty acre parcel in which it is located, its proposed or actual location and the name of each person or legal entity requesting consent of the Town Board to construct the private road or offer it to the Town for ownership and/or maintenance as 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.
 1. C. The completed application, plus all appropriate fees 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. Consideration of all such applications will take place at a regularly schedule board meeting, provided, however, the Town Board may consider the application at a special meeting if a true emergency exists and the applicant pay an additional fee of \$200 to cover the cost of such special meeting.
 2. D. Upon receipt of the application and fee of \$100, the Town Board will examine the proposed route of the road. The individual or group making application may proceed to build the road, under the supervision of the Town Board, only after the Town Board has approved the plan for the proposed road. Road construction for the new buildings must be done prior to building construction. No building permits will be issued until road construction is completed. However, upon written request to the Town Board, consideration may be given to the road base course being compacted before the surface course is applied. The surface course must be completed before building occupancy.
 - E. All private roads not taken as public roads by the Town will remain "Private" and the "Private Road Statement of Understanding" adopted, 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. All private roads will be named by the individual or group making application and the name be approved by the Crawford County 911 coordinator.

ROADWAY SPECIFICATIONS

Town of Haney

All classes of roads in Haney are regulated at the point of entry onto another public or private road. This is intended to protect the physical integrity of the public road system, as well as the safety of the traveling public. All the standards developed and placed upon private roads by the Town are intended to protect the long term integrity of the road system which serves residents and travelers in the Town of Haney, and to protect the Town's interest in the event of the eventual takeover of a currently private road by the Town.

1. The trend in DOT is to express all curves in radius. A Radius of 90 to 130 feet is recommended for lower volume Town roads and roads in residential subdivisions, as this permits safe speeds of 20 MPH. Curve radii of 350 to 450 feet are necessary for safe operation with heavier traffic in the 30-35 mph speed range.
2. The recommendation of maximum of 6-12.5 degree curvature becomes effective at an ADT over 250. This equivalent of a radius of 955 to 438 feet.
3. The maximum length of Cul-de-sac Street is determined by the total number of properties that would be effected if the street were blocked. A suggested number is more than 25 houses, or ADT 250.

In the Town of Haney a "Public Road" and a "Private Road" have the same standards. A private Road is defined as "any roadway, owned and maintained by parties other than the Town, Village, County, or State, which serves three (3) or more residential dwelling units, or any business serving the public.

A "Private Drive" is any road in private ownership and control which serves 1 or 2 dwelling units. A private drive which due to additional development or lengthening, subsequently serves three (3) or more units or becomes longer, becomes a Private Road and would need to have more stringent standards.

A "Field Road" is any road in the Town not covered by the previous classifications which intersects a Public or Private Road. The intention of the town is to regulate the intersection of these roads with Town Roads to protect the safety and integrity of the Town Road system.

| Road Characteristics | Haney Public road | Haney private Road | Haney Private Drive | Haney Field Road |
|--|--|--|--|--|
| Description of Road Classification | Any town road open to the public | Any road with 3 or more residences or businesses or 660 ft or more in length | Any drive with 1 or 2 residences | Any road not regulated |
| Road right of way width (ft) | 66 ft minimum | 66 ft minimum | | |
| Roadway width (ft) | 24 ft | 24 ft | 16 ft | |
| Road width (ft) travelway | Included in above | Included in above | Included in above | |
| Road width (ft) shoulders | Included in above | Included in above | Included in above | |
| Grade after 1 st 100 ft | 11% maximum grade | 11% maximum grade | 11% maximum grade | |
| Grade and length at intersection entry | 2.5% max 1 st 50 ft 4.5% max 2 nd 50 ft | 2.5% max 1 st 50 ft 4.5% max 2 nd 50 ft | 4.5% for 1 st 30 ft | |
| Drainage way grade of ditch slope | No more than 20% (1:5) | No more than 20% (1:5) | No more than 20% (1:5) | No more than 20% (1:5) |
| Base Course | 6" of 2-3" breaker | 6" of 2-3" breaker | 6" of 2-3" breaker | Description of owner |
| Surface Course | 6" of 3/4" gravel | 6" of 3/4" gravel | 6" of 3/4" gravel | Description of owner |
| Pavement | Optional 3" | Optional 3" | Optional 3" | |
| Culverts | As needed throughout length | As needed throughout length | At public road intersection | At public road intersection |
| Minimum length (ft) | 30 ft | 30 ft | Extending 2 ft to either side | Extending 2 ft to either side |
| Minimum diameter(in) | 15 inch | 15 inch | 15 inch | 15 inch |
| Material of manufacture | Steel | Steel | Steel | Steel |
| Curvature (right or left) | No less than 90 ft radius | No less than 90 ft radius | | |
| Angle of entry at intersection | Should be 90 degrees, not less than 60 degrees | Should be 90 degrees, not less than 60 degrees | Should be 90 degrees, not less than 60 degrees | Should be 90 degrees, not less than 60 degrees |
| Utilities | 30 feet from center line | 30 feet from center line | | |
| Cul-de-Sac | At a dead end road in the Town of Haney | At a dead end road in the Town of Haney | | |
| Cul-de-Sac radius | 45 foot radius | 45 foot radius | | |
| Maximum length of run | Variable | Variable | 1,320 feet maximum | |