CHAPTER 8

PUBLIC WORKS

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8.01 TOWN HIGHWAYS. (1) APPLICATION. Town property owners desiring to con- struct a Town highway or to upgrade a private road to Town road standards shall first apply to the Plan Commission. The application shall be filed with the Town Clerk and shall generally describe the route of the proposed Town highway.

(2) TOWN BOARD APPROVAL REQUIRED. Upon receipt of the application, the Town Board shall review the proposed route and the recommendation of the Plan Commission and, in the event the application is approved by the Board, the applicant may proceed, at his expense, under the supervision and directives of the Town Board, to construct the highway pursuant to Town standards. All proposed Town highways to be dedicated shall connect with an existing Town, County, State or Federal highway.

(3) TOWN HIGHWAY SPECIFICATIONS AND STANDARDS. The applicant shall grade and construct the highway in accordance with Town road specifications and standards established by the Town Board which are on file in the office of the Town Clerk. After each stage of construction is completed, the applicant shall notify the Town Chairperson and shall not proceed to the next stage until the Chairperson or his designee has inspected and approved the completed stage. When the project has been completed, the applicant shall deed the right of way to the Town for highway purposes and the Town Board shall accept the dedication. The applicant shall install road signs on galvanized posts and anchor plates, as required by the Town Board.

8.02 PRIVATE ROADS. All private roads serving 2 residences or more are required to submit 3 proposed road names, excluding surnames, to the Town Board. The Board shall submit the proposed names to the County, which shall approve one of the names. The Town shall erect the name sign and provide fire numbers for each residence. The fire number fee is designated on the Town Fee Schedule on file in the office of the Town Clerk.

8.03 DRIVEWAYS AND CULVERTS. (1) PERMIT REQUIRED. No person shall construct, install or replace any culvert or driveway on any Town road without first obtaining a culvert or driveway permit from the Town Chairperson or his designee at least 7 days before work is proposed to be undertaken. The applicant for a culvert or driveway permit shall file the application with the Town Clerk and furnish a dimensioned drawing designating his property lines, the location and width of the proposed driveway and the location of any driveway within 50 feet and any intersection within 150 feet of the proposed driveway.

(2) FEE. The fee for a culvert replacement or culvert and driveway permit is designated on the Town Fee Schedule on file in the office of the Town Clerk.

(3) SPECIFICATIONS AND STANDARDS. Driveways and culverts shall be constructed and installed in accordance with the specifications and standards established by the Town Board and said specifications and standards are on file in the office of the Town Clerk and a copy shall be provided to the applicant.

(4) DRIVEWAY AND CULVERT CONSTRUCTION PROCEDURE. Upon receiving an application for a new or replacement driveway and/or culvert, the Town Chairperson or his designee shall cause the project to be staked out for grade within 7 days. After completion of the project, the owner shall request the Town Chairperson to inspect it. If the Chairperson or his designee determines that the construction is not in accordance with the specifications, the owner shall have 30 days to make the required corrections and, if not so made, the Town Board shall cause the same to be made and cause the cost thereof to be placed on the tax roll as a special charge pursuant to §66.0627, Wis. Stats. All new driveways and culverts shall comply with the regulations of the Wisconsin Department of Natural Resources.

(5) EXISTING CULVERTS. The Town Chairperson or his designee may investigate and approve or disapprove existing culverts or other drain pipes placed in the Town rights of way. The Chairperson may require the owner of an abutting

property to remove or cause to be removed or replaced with adequate facilities any culverts or drain pipes which do not conform to the requirements as provided herein when, in his judgment, it is necessary to do so, either for the orderly construction, maintenance or repair of any such Town road or in providing for a proper drainage system thereon.

(6) INTERFERENCE WITH TOWN ROAD PROHIBITED. No concrete surfaced driveway shall extend out into the road right of way.

(7) CONDITIONS FOR BUILDING PERMITS. No building permit for the lot or parcel shall be issued by the Building Inspector until he is satisfied that the driveway, culvert and ditch grading have been properly placed and that sufficient gravel has been placed on the drive- way to afford ingress and egress.

8.04 OBSTRUCTIONS AND ENCROACHMENTS PROHIBITED. (1) GENERAL. No person shall encroach upon or in any way obstruct or encumber any street, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subs. (3) and (4) below.

(2) TREES AND SHRUBBERY. No trees or shrubbery shall be planted in the right of way. All trees or shrubbery planted in violation of this subsection shall be removed by the Town and the cost of such removal shall be charged to the property owner. Trees on private property overhanging a right of way shall be trimmed 15 feet above the right of way.

(3) MAILBOX AND NEWSPAPER BOX PLACEMENT. Mailboxes and newspaper boxes shall be placed no closer than the farthest edge of the road shoulder and should be exposed 15 feet on each side of the mailbox or newspaper box during the snow season.

(4) EXCEPTIONS. The prohibition of sub. (1) above shall not apply to the following:

(a) Public utility encroachments duly authorized by State law or the Town Board.

(b) Temporary encroachments or obstructions authorized by permit granted pursuant to §66.0425(2), Wis. Stats.

8.05 SNOW AND ICE REMOVAL. (1) The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the residential areas of the Town served with sidewalk fronting or abutting any street shall clean, or cause to be cleaned, the sidewalk in front of or adjoining each such building or unoccupied lot of snow or ice to the width of such sidewalk within 24 hours after the cessation of a snowstorm. When the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with salt, ashes, sawdust or sand.

(2) No person shall deposit, or cause to be deposited, any snow, ice or water taken and removed from his premises or elsewhere upon any sidewalk or street in the Town, provided, however, that the removal of snow from a sidewalk in front of or abutting his premises, as is required in sub. (1) above, may be deposited on the alley or street. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles. (3) The deposit of any snow, ice or water upon any sidewalk, alley or street of the Town contrary to the provisions of this section shall be and is declared to be a nuisance and, in addition to the penalty provided for violation of this section, the Town may summarily remove any snow so deposited and cause the cost of said removal to be charged to the owner of the prop- erty from which said snow or ice has been removed. The charges for such snow removal shall be periodically established by the Town Board. If not paid within 30 days, such charge shall be extended upon the current or next tax roll as a charge for current services, as provided in §66.0627, Wis. Stats.

8.06 DEPOSITING SNOW ON TOWN HIGHWAYS. (1) PROHIBITED. It shall be unlawful for any person to plow, shovel or otherwise deposit or place snow on the maintained portion of any public road within the Town or on property of another without written permission, or to permit such depositing of snow from property occupied by him.

(2) ENFORCEMENT. Violations of this section may be enforced against either or both the owner and occupant of the property from which the snow was removed.

(3) PENALTY. Any person found guilty of violating this section shall be subject to a forfeiture, upon conviction thereof, of not less than $25 nor more than $200 together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed 30 days.

8.07 MOVING BUILDINGS. (1) PERMITS REQUIRED. No person shall move any building over 400 square feet into or within the Town without a moving permit from the Town Board upon 30 days' notice.

(2) APPLICATIONS, FEE. Application for a moving permit shall be made on forms provided by the Town Clerk. The applicant shall pay the required fee as designated on the Town Fee Schedule and shall supply the Clerk with the proposed moving route, plans and any other information required by the Clerk.

(3) BOND REQUIRED. Before the moving permit is issued, the applicant shall deposit with the Town Clerk a corporate surety bond, approved by the Town Attorney, in an amount determined by the Town Board, conditioned that the applicant shall save the Town harmless from any liability arising out of the move and shall restore any street damaged by the move.

(4) INSURANCE REQUIRED. Before a moving permit shall be issued, the applicant shall submit to the Town Clerk a certificate of insurance evidencing that the applicant has, in force and will maintain during the term of the permit, public liability insurance of not less than $500,000 for any one person, $1,000,000 for any one accident and $50,000 for property damage.

(5) NOTICE TO UTILITIES. Prior to the issuance of said permit, the applicant shall certify that he has notified all public utilities whose lines or poles may be interfered with during the movement of the building. Such utilities shall take whatever steps are necessary to permit the building to be moved without damage to its lines and poles and may charge the applicant the cost thereof.

(6) TIMELINESS OF MOVE. The moving permit shall be void 90 days after issuance. Once the move has commenced, the permittee shall complete the move as soon as conveniently may be.

(7) INSPECTION AND REPAIR OF STREETS AND HIGHWAYS. Every permit- tee shall, within one day after reaching his destination, report that fact to the Town Clerk. The Chairperson shall thereupon inspect the streets and highways over which said building has been moved and ascertain their condition. If the moving of the building has caused any damage to the streets or highways, the permittee shall forthwith place them in as good condition as they were before the permit was granted. Upon failure of the building mover to do so within 10 days there- after to the satisfaction of the Chairperson, the Town shall repair the damage done to such streets and highways and hold the sureties of the bond given by the permittee responsible for the pay-ment of the same.

8.08 PUBLIC IMPROVEMENTS AND ASSESSMENTS. (1) GENERAL APPLICATION. (a) The installation of any public improvement shall be an exercise of the police power of the Town, as may from time to time be determined by the Town Board, and the property served shall be assessed pursuant to the provisions of §§66.0703 and 66.0701, Wis. Stats.

(b) The total cost of any public improvement to be paid in whole or in part by special assessment shall include the direct and indirect costs reasonably attributable thereto including, but not limited to, materials, supplies, labor, equipment, site preparation and restoration, damages occasioned by the public improvement, interest on bonds or notes issued in anticipation of the collection of assessments, and a reasonable charge for engineering, legal and administrative costs.

(c) The total assessment for any public improvement shall be based upon the total cost, as defined in par. (b) above, and shall be apportioned among the individual parcels benefited. Such apportionment shall generally be computed on a lineal

frontage basis unless the Town Board otherwise determines that extenuating circumstances require a different method of apportionment.

(2) SIDEWALKS. (a) Sidewalks shall be located in such places and at such grades as designated by the Town Board and shall be constructed in accordance with standards established by the Town Board and on file in the office of the Town Clerk.

(b) The cost of all new and replacement sidewalks shall be borne by the abutting property owners.

8.09 ALTERNATE SPECIAL ASSESSMENT PROCEDURE. (1) AUTHORITY. As provided in §66.0701, Wis. Stats., the procedure set forth in this section may, in addition to other methods provided by law, be used to levy special assessments for any public work or improvement.

(2) PRELIMINARY RESOLUTION. Whenever the Town Board shall determine that any public work or improvement shall be financed in whole or in part by special assessments levied under this section, it shall adopt a preliminary resolution setting forth the following:

(a) Its intent to exercise its police powers for the purpose of levying special assessments for the stated municipal purpose.

(b) The limits of the proposed assessment district.

(c) The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied.

(d) The number of installments in which the special assessments may be paid, or that the number of installments will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.

(e) The rate of interest to be charged on the unpaid installments or that the rate of interest will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.

(f) The terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property or that such terms will be deter- mined after the public hearing by sub. (4) below, and will be included in the final resolution.

(g) The Town Engineer shall prepare a report as required by sub. (3) below.

(3) REPORT OF TOWN ENGINEER. Whenever the Town Board, by preliminary resolution, directs the Town Engineer to prepare a report, the Town Engineer shall prepare a [cite_start]report consisting of the following:

(a) Preliminary or final plans and specifications for the public works.

(b) An estimate of the entire cost of the proposed work or improvements, except that when the Town Board determined by preliminary resolution that the hearing on such assessments shall be held subsequent to the completion of the work or improvements, the report shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of such costs.

(c) A schedule of the proposed assessments.

(d) A statement that each property against which the assessments are proposed has been inspected and is benefited, setting forth the basis of such benefit.

(e) Upon completion of the report, the Town Engineer shall file a copy of the report with the Town Clerk.

(4) INCORPORATION OF STATUTORY PROVISIONS. The provisions of §66.0703, Wis. Stats., including those related to notice, hearing and the adoption of a final resolution, shall, to the extent not inconsistent with this section, apply to special assessments levied under this section.

(5) LIEN. Every special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the Town Board determining the amount of such levy.

8.10 SPECIAL ASSESSMENT CERTIFICATES. The Town Clerk shall issue real estate special assessment certificates. The fee for each certificate shall be designated on the Town Fee Schedule.

8.15 PENALTY. Any person who shall violate any provision of this chapter or any rule, regulation or order made hereunder shall be subject to a penalty as provided in sec. 20.04 of this Code.