

## **Chapter 58**

### **STREETS**

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## ARTICLE I. GENERAL

### **Sec. 58.100. Statutes adopted.**

The provisions of Wis. Stats. § 62.16, as amended, relating to the construction, improvement and repair of streets and alleys, so far as applicable to the town, are adopted by reference in this section verbatim.

### **Sec. 58.101. Street excavation permit and fees.**

No person shall begin or engage in any excavation or construction in, on, under, above or across any street, sidewalk or public property without obtaining a permit and paying of the permit fee set by the town board.

### **Sec. 58.102. Prohibited deposits.**

1. *Refuse.* No person shall deposit or place or cause or permit to be deposited or placed in, upon or over any street, alley, roadway or other public grounds within the town any brush, fence, wood, dirt, stone, rubbish, glass, bottles, crockery, nails, tacks, pieces of metal, wire, briars, thorns or other articles or obstructions that would in any way interfere with the convenient or intended use of a street, alley, ditch, roadway or other public ground by the public or that would be liable to injure or damage any person or animal or the wheels or tires of bicycles or any vehicles that have wheels with rubber or pneumatic tires.

2. *Building Materials.* No person shall place or cause to be placed, any dirt, coal, stone, timber, planks, boards or other materials for building or otherwise in or upon any street, alley, right-of-way or public square without written permission from the town board.

### **Sec. 58.103. Removal of obstructions.**

Whenever there shall be any fence, barrier or any such items of rubbish, building materials, etc., upon or over any sidewalk, street, alley or roadway or other public grounds in the town, the town board may direct the owner or the person having or claiming to have the care, custody or control of such places or the person who placed or caused the obstructions to be placed upon or over any such sidewalk, street, alley, roadway or other public grounds to remove the obstructions by a date certain, not less than five (5) nor more than 30 (30) days from the date of service of the order directing removal. Any person who fails to timely comply with the removal order is subject to the general penalty provisions of section 1.109 and/or the abatement provisions of section 42.101.

### **Sec. 58.104. Depositing snow removal.**

No person to push or deposit snow, or cause snow to be pushed or deposited from his/her own personal driveway or parking area into the public streets and/or alley or roadway.

### **Sec. 58.105. Width of highways or streets.**

All streets, highways and roads within the town shall be established, constructed and laid out having a width of sixty-six (66) feet unless the town board authorizes by resolution some other width.

### **Sec. 58.106. Minimum highway design standards.**

1. *Purpose.* It is in the public interest for the town to establish minimum highway design standards for highways being constructed in the town to accommodate anticipated traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road maintenance equipment.

2. *Definitions.* In order to clarify this ordinance the following definitions are applicable:

- a. Approach: that portion of road extending 100 feet on each side of a culvert or bridge;
- b. Base Course: the supporting base material of a roadway, including shoulder;
- c. Drainage: the gradual drying of highway by system of ditches, trenches, channels, etc.;
- d. Grade: the rate of ascent or descent of roadway;
- e. Highway: the road which the public generally has a right to pass to include the complete right-of-way;
- f. Road Bed: the whole material laid in place and ready for travel;
- g. Roadway: the traveled portion of the highway; and
- h. Surface: one-half (1/2) the top of the roadway, or traveled surface.

3. *Applicability.* This section shall be applicable to all highways laid out by the town board after adoption of this section, including any highways dedicated in plats for proposed subdivisions submitted for review pursuant to ch. 236, Wis. Stats., any private highways being donated to the town and any other highways being accepted by the town as public highways in the town.

4. *Minimum road design standards.* The following minimum design standards shall apply under this section: all town highways shall be classified as local roads unless designated by the town board as collector or arterial. The classification of all roads under this section shall be within the complete discretion of the town board considering such factors as traffic count, character of anticipated traffic and relation of highway to traffic patterns within the town and other highway systems. It is intended that local be the lowest traffic count, with access to private property as principal function. Collector highways are intended to be highways acting as collectors from local roads to higher priority roads or developed areas. Arterials are intended to serve as corridors through the town serving intra-regional and inter-area traffic movement.

|  | Residential with C/G* | Residential W/O C/G* | Commercial with C/G* | Commercial W/O C/G* |
|--|-----------------------|----------------------|----------------------|---------------------|
| <b>Minimum R.O.W.</b>  | 66 feet               | 66 feet              | 66 feet              | 66 feet             |
| <b>Minimum width of Base Course (including curb, gutter, or shoulders)</b> |                       |                      |                      |                     |
| <i>Local</i>   | 30 feet               | 30 feet              | 32 feet              | 32 feet             |
| <i>Collector</i>   | 32 feet               | 32 feet              | 40 feet              | 50 feet             |
| <i>Arterial</i>  | 40 feet               | 34 feet              | 40 feet              | 50 feet             |
| <b>Minimum Width of Surfacing</b>  |                       |                      |                      |                     |
| <i>Local</i>   | 30 feet               | 22 feet              | 32 feet              | 24 feet             |
| <i>Collector</i>   | 32 feet               | 22 feet              | 40 feet              | 30 feet             |
| <i>Arterial</i>  | 40 feet               | 22 feet              | 48 feet              | 48 feet             |
| <b>Maximum Grade (percent)-Minimum Grade .5</b>                            |                       |                      |                      |                     |
| <i>Local</i>   | 10 feet               | 10 feet              | 8 feet               | 8 feet              |
| <i>Collector</i>   | 8 feet                | 8 feet               | 6 feet               | 6 feet              |
| <i>Arterial</i>  | 6 feet                | 6 feet               | 6 feet               | 6 feet              |
| <b>Minimum Radius of Horizontal Curve</b>                                  |                       |                      |                      |                     |
| <i>Local</i>   | 100 feet              | 100 feet             | 200 feet             | 200 feet            |
| <i>Collector</i>   | 100 feet              | 100 feet             | 200 feet             | 200 feet            |
| <i>Arterial</i>  | 300 feet              | 300 feet             | 400 feet             | 400 feet            |

|  |          |          |          |          |
|--|----------|----------|----------|----------|
| Corner Radius at Intersections   | 15 feet  | 30 feet  | 15 feet  | 30 feet  |
| <b>Minimum Length of Vertical Curve</b>  |          |          |          |          |
| <i>Local</i> : 100 feet, but not less than 20 feet for each algebraic difference in grade    |          |          |          |          |
| <i>Collector</i> : 200 feet, but not less than 50 feet for each one percent                  |          |          |          |          |
| <i>Arterial</i> : 300 feet, but not less than 50 feet for each algebraic difference in grade |          |          |          |          |
| <b>Minimum Length of Tangents between Reverse Curves</b>                                     |          |          |          |          |
| <i>Local</i>   | 100 feet | 100 feet | 200 feet | 200 feet |
| <i>Collector</i>   | 100 feet | 100 feet | 200 feet | 200 feet |
| <i>Arterial</i>  | 200 feet | 200 feet | 300 feet | 300 feet |
| <b>Cul de Sacs (permanent)</b>   |          |          |          |          |
| <i>Maximum Length is 1,000 feet-through roads are more desirable</i>                         |          |          |          |          |
| <i>Minimum R.O.W. Radius** at Cul de Sacs-Local</i>  | 60 feet  | 60 feet  | 60 feet  | 60 feet  |
| <i>Minimum Base Course Radius**-Local</i>  | 40 feet  | 42 feet  | 40 feet  | 42 feet  |
| <i>Minimum Pavement Radius**</i>   | 40 feet  | 40 feet5 | 40 feet  | 40 feet  |

\* With C/G means with curb/gutter

\* W/O C/G means without curb/ gutter

\*\* Radius = 1/2 of diameter

*Base course:* Base Course must be of a quality, thickness, and composition suitable for the location.

*Surface course:* Surface Course must consist of either crushed aggregate or bituminous concrete composition suitable for anticipated traffic loads. The minimum amount of gravel necessary for acceptance must be at least 4,000 yards per mile. The minimum amount of pavement necessary for acceptance must be a least 2 1/2" compacted thickness.

*Ditching and culverts:* The ditching of the roadway must be complete and have proper elevation to provide for adequate drainage. Any culverts necessary for proper drainage shall be installed after elevation and location is obtained from the town board. The minimum length of my culvert installed in a road bed shall be at least two feet greater than the base course width. The diameter and length will be subject to the approval of the Town Board, after the amount of the flowage is determined. In no case shall the culvert be less than 18" in diameter.

*Bridges:* All bridges shall meet the minimum requirements of state and federal law. In the event the town board determines, that construction of a bridge would be of a size and cost as would create a hardship to the owner of land to require the owner to build said bridge, then the town board may proceed to accept the road, complete as required above, except that part extending 100 feet on each side of said bridge. This portion of the road shall be known as the approach. The approach will be accepted incomplete, with the reservation that the town will bill back to the owner a portion of the cost of construction of such bridge. The town will proceed to build said bridge and approach, using available bridge, and billing the portion not covered by bridge aid to the owner.

5. *Authority for higher standards.* The road design standards in subsection 3 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.

6. *Application for determination of applicable standards.* Any person may apply to the town board to determine what design standards should apply in a particular location, giving the description of the proposed highway and proposed design standards being requested to be approved for any proposed highway being proposed to be built.

No person shall commence construction of any highway anticipated to be turned over the town without having written town board approval of the proposed highway design.

7. *Final inspection and acceptance by the town board.* Upon completion of the proposed highway, the town board will proceed to make final inspection and exercise its discretion to accept or reject the highway. If the highway is rejected, then corrections must be made as stated by the town board before final inspection will be made again. Upon town board acceptance of the highway, the owner or owners will convey their clear title to the highway, by warranty deed, free and clear and any liens.

**Sec. 58.107. Assignment of town road names.**

As mandated by Wis. Stats. § 82.03(7), the town board assigns names for each road under the jurisdiction of the town as shown on the official town map and the official town map is incorporated by reference.

**Sec. 58.108. Reserved.**

**Sec 58.109. Weight Limits**

1. *Authority to impose special or seasonal weight limitations.*

a. The town board shall have the authority to impose special or seasonal weight limitations to prevent injury or damage to the roadways, highways, bridges or culverts within the town. All of the provisions of Wis. Stats. § 349.16 are hereby made a part of this section with the same force and effect as if the said provisions were set out herein at length.

b. *Highway* means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in Wis. Stats. § 115.01(1) and institutions under the jurisdiction of the county board of supervisors but does not include private roads or driveways as defined in Wis. Stats. § 340.01(46).

c. The following heavy vehicles shall be exempt from special or seasonal weight limitations:

(1) Municipal owned vehicles which are being used for the removal, treatment or sanding of snow or ice or the maintenance of a highway, bridge or culvert;

(2) Authorized emergency vehicles;

(3) Vehicles used to transport material pumped from a septic or holding tank in the town, if, because of health concerns, material needs to be removed from a septic or holding tank within twenty-four (24) hours after the vehicle owner or operator is notified and if the vehicle is operated for the purpose of emptying the septic or holding tank disposing of its contents and is operated on a route that minimizes travel on the highway, bridge or culvert;

(4) School buses picking up and delivering children to the town residences; and

(5) Garbage hauler contracted by the town.

2. *Weight Limitations.* The town chairman is responsible for designating roads and imposing weight limits subject to review by the town board.

a. Seasonal (spring) weight restrictions: During the spring breakup normally from early March to late April (six or seven weeks) the maximum weight permitted on town roads is six (6) tons on single axle and ten (10) tons on tandem axle with a maximum of 48,000 pounds also known as Class B. Generally, the town follows the Marathon County Highway Department time table when imposing Spring weight restrictions. There may be areas of town where the seven and one-half (7½)-ton weight restriction may be imposed. Vehicles exceeding seven and one-half (7½)-ton weight restrictions require a road permit. The permit process to exceed seven and one-half (7½) tons requires individual trip approval. No blanket permits will be issued. Those haulers obtaining seasonal weight permits to haul on town roads may be required to:

- Haul early in the morning before 7:30 a.m.;
- Haul half loads or lighter loads;
- Drive in the middle of the road when safety conditions permit;
- Travel at a slower speeds than posted; and
- Take alternative route(s).

3. *Obtaining a Permit.* The town chairman or his designee is responsible for administering the permit process. The process to obtain a permit is as follows:

a. Permits must be requested by the hauler at least 24 hours before the need to use town roads.

b. Hauler shall call, fax, or email or come to the town Municipal Building to request use posted roads when vehicle and/or load(s) are overweight.

c. The following information is required via a written application:

(1) Name of requestor;

(2) Company or person doing the hauling;

(3) Dates of travel;

(4) What is being hauled;

(5) Number of loads;

(6) Weight of load as distributed by axle;

(7) Route (from beginning to destination); and

(8) Comments (i.e. speed limit, specific travel time-daylight hours, travel in middle of road, etc.

4. *Permits.* If the road usage is agreed upon, a permit(s) will be issued for each vehicle. The permit needs to be available at all times in each vehicle traveling town roads.

5. *Violations.*

a. *Suspension of operation.* The town board or its designee or any traffic officer may order the owner or operator of any vehicle being operated on a town road to suspend operation if in its/his judgment, such vehicle is causing or likely to cause injury to such road or is visibly inuring the pavement thereof or the public investment therein.

b. *Exception.* The exception to provision a. above is when the vehicle is being operated pursuant to a contract that provides that the town will be reimbursed for any damages done to the road, no suspension of operation is necessary.

c. *Penalties.* In general, the forfeiture penalty relates to three factors: the pounds over the legal weight limit, the number of prior convictions and the time period that multiple convictions occurred.

d. *Injury of highway.* In addition, the example of forfeiture provision in c. above. Any person who shall injure any town road shall be liable in treble damages to be recovered by the town and the amount recovered shall be used for road maintenance.

**Sec. 58.110. Implements of husbandry.**

1. Pursuant to Sec. 348.15 (9) (f) of Wis. Statutes, all implements of husbandry (including Category B implements of husbandry) defined in Sec. 340.01 (24) (a) 1.b. may not exceed the weight limits imposed by Chapter 348.15 (3) (g) of Wis. Statutes.

2. Pursuant to Sec. 348.27 (19)(b) 4m.a. in the event an application for a no-fee permit is made for a Category B implement of husbandry as defined in Sec. 340.01 (24)(a)1.b., the Town of Wausau is required to provide an approved alternate route, which may include highways that are not under this jurisdiction if prior approval has been given by the jurisdiction over the alternate routes not under this entity's jurisdiction for operation of Category B implements of husbandry as defined in Sec. 340.01 (24) (a) 1.b.

**Sec. 58.111. Driveway/highway access.**

1. *Definitions.*

a. *Driveway* means any private way, private road or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide vehicular access from the highway to a residence, business, recreational site or other similarly appropriate use.

b. *Emergency vehicle* means a fire, police, ambulance or first responder vehicle used in emergency or hazard activities in the town.

c. *Landowner* means an owner of real estate that is provided vehicular access to a public highway by a driveway determined to be unsafe.

2. *General Requirements.*

a. No direct access shall be permitted to the existing or proposed right-of-way of: expressways, freeways or interstate highways nor to any other road, street or highway without complying with provisions of the authority maintaining the facility. If the proposed driveway will intersect a county or state highway, the Wisconsin Department of Transportation or Marathon County Highway Department will establish the rules and regulations regarding conditions and compliance.

b. If the proposed driveway will intersect a town road, the applicant shall obtain a Driveway/Highway Access Permit from town board, subject to the requirements in this section.

(1) Commercial vehicle driveway entrances:

i. Vehicle entrances and exits to drive-in theaters, banks and restaurants; motels, funeral homes, vehicular sales, service, washing and repair stations; and garages or parking lots shall be not less than two

hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or place of public assembly.

ii. Vehicle entrances or exits to drive-in or outdoor theaters, race tracks or other forms of open space facilities shall be subject to there being no direct entrance to or exit from any of the above to any federal, state or county highway.

3. *Construction and maintenance of a driveway.*

a. A private driveway must be designed and constructed in such a way to support the weight of emergency vehicles and that it will not cause any damage to the town road nor create any hazard to the public as they travel on the town road.

b. Minimum standards outlined below shall apply:

(1) Road width at the intersection of the drive way must be no less than twenty (20) feet.

(2) The minimum width of a driveway is 12 feet.

(3) Clearance width at the intersection shall be no less than twenty-four (24) feet.

(4) A steel or plastic culvert, if necessary, must be no less than thirty (30) feet.

(5) Driveway width clearance of sixteen (16) feet free of trees, brush, wires or other potential obstructions.

(6) Driveway height clearance of sixteen (16) feet free of trees, brush, wires or other potential obstructions.

(7) The driveway within the area of the public right-of-way shall slope away from the public road at a minimum of one percent (1%) and a maximum of five percent (5%) to prevent erosion onto the public road.

(8) The angle of any intersection of a town road and driveway shall be ninety (90) degrees.

(9) Curves in the driveway shall have an inside radius of not less than 36 feet.

(10) Any variance from these requirements must have prior approval from the town board.

(11) Private roads must withstand the weight of emergency vehicles.

(12) Driveways must withstand the weight of emergency vehicles.

(13) At the end of the driveway a turnaround or some other method for emergency vehicles to exit the property shall be established and approved by the town board or its designee.

(14) Minimum standards are required for entry for agricultural purposes into a field or woods that border a town road.

(15) No provision of this ordinance would relieve any person from a requirement to comply fully with the Wisconsin Statutes regarding damage or obstruction to a public road or right-of-way. Corrective action would always be required from any owner or operator who damages a public road.

4. All operations shall be performed without closing any road traffic lane except as may specifically sanctioned by authorized representatives of the governmental agency maintaining the road. Unless otherwise authorized, full two-way traffic shall be maintained at all times. Signs, which conform in design and location with the specifications and details in the current WI Manual of Traffic Control Devices, shall be erected and in place at all times while operations are in progress which will affect traffic. Such signing shall be supplemental by proper barricades, light and/or flagmen when the nature of the operation or the conditions of visibility is such that these further safety protections are necessary.
5. *Damages to public road while constructing or maintaining a driveway.* The applicant must acknowledge and agree to comply fully with all applicable state statutes, regarding repair or correction of damage to public roads, including but not limited to Wis. Stats. §§ 66.0425, 86.021 and 86.07.
6. *Ditching.* Ditching must be complete and have proper elevation to provide for adequate drainage.
7. *Culverts.*
  - a. Any culvert necessary for proper drainage shall be installed at the owner's expense after elevation and location is obtained from the town board.
  - b. The permit holder shall maintain the driveway culvert and replace it when necessary.
  - c. The minimum length of any culvert installed shall be at least two (2) feet greater than the base course width. In no case shall the culvert be less than fifteen (15) inches in diameter unless recommended and approved by the Town Board prior to installation (amended 3/6/2017).
  - d. The duplicate flare or slope of the culvert shall have a three (3) to one (1) slope.
8. *Installation.*
  - a. The permit applicant shall ascertain the location of any underground facilities already in place in the area influenced by the permitted work and suitably protect any such underground facilities from damage.
  - b. The town right-of-way shall be restored promptly. The town may issue a notice setting forth a deadline date by which the restoration must be completed. If the applicant fails to complete the restoration by the deadline, the town may arrange for the restoration and charge all resulting costs to the permit applicant as a special charge under Wis. Stats. § 66.0627 and impose a lien on the applicant's real estate.
  - c. The applicant is responsible and shall pay the entire cost of installing and maintaining the drive way.
  - d. The permit applicant shall dispose of any boulders, stumps or other debris resulting from the performance of the work by completely covering or entirely removing from the road right-of-way in a manner acceptable to the town.
  - e. The permit applicant shall restore road surfaces, slopes, shoulders, ditches, culverts and vegetation disturbed.
  - f. No blasting within the limits of the town right-of-way is permitted unless specifically authorized by the permit.
  - g. The permit applicant shall carry out all work in a manner satisfactory to the town in compliance with the terms and conditions set forth in the permit.
  - h. The town may make any changes, additions and relocations within the statutory limits on the right-of-

way at any time the town considers it necessary to facilitate the relocation, reconstruction, widening and maintaining of the highway to protect life and property.

i. The applicant, his successors or assignees, shall agree to hold the town, its agents and employees, harmless against any action for personal injury or property damage relating to the permit.

9. *Permit process.*

a. The application form for a town Driveway Permit shall be available from the Zoning Administrator.

b. The applicant for a permit shall submit to the Zoning Administrator a completed application with the appropriate fee and following attachments if requested:

(1) *Sketch Map.* A rough sketch showing the conceptual design of the project and approximate location and dimensions of the project;

(2) *Plat Map.* A plat map indicating the location and dimensions of the desired driveway and highway access locations, if any, as well as the parcels immediately adjacent to the applicant's property; and

(3) *Other documents.* The town board or its designee may require other documents to be attached to the permit.

10. *Permit approval or denial.*

The town board or its designee shall approve or deny the permit, approve the permit with specific restrictions or conditions on the permit. If the town board denies the permit, it shall state reasons for denying the permit which may include, but are not limited to, inconsistency and/or noncompliance of the driveway or highway access with any of the following:

a. This ordinance, Town ordinances, rules, regulations, or plans;

b. Any existing town comprehensive plan or land use plan;

c. Any applicable county, state, or federal laws, ordinances, rules regulations or plans;

e. That the driveway/highway access or any combination when constructed, rerouted, reconstructed or altered as proposed would be safe for use by persons in the town;

f. That the application is complete or contains no false materials as determined by the town board or its designee;

g. That there are no alternative driveway locations, bridges, culverts and highway access locations that would be safer;

h. That there are no alternative locations that would preserve or better protect more prime or productive agricultural or forest land in the town or have less negative land use impact; and

i. That the driveway will provide timely and adequate ingress and egress for emergency vehicles.

11. *Permit authority.*

a. *The permit may be renewed for an additional period of six (6) months.* The applicant may apply for an

extension of the permit. If the driveway or highway access has not been constructed by the end of one six (6)-month renewal period, a new application and fee must be submitted and approved.

b. *Building permit.* No building permits for any construction of buildings or structures will be issued by the town until the driveway or highway access is constructed, reconstructed, rerouted or altered according to the specifications of the permit as issued and this ordinance.

c. *Nonrefundable application fees.* Application fee is nonrefundable in an amount determined by the town board.

d. The town board or its designees shall have the right of inspection onto land pursuant to a warrant issued under Wis. Stats. § 60.119 for the purpose of inspecting existing or proposed driveway to determine if the driveways will allow for safe and timely travel by emergency vehicles.

**Sec. 58.112. Parking restrictions on town roads.**

1. *No parking* areas are hereby designated as follows:

a. On the town road running between Section Twenty-Nine (29) and Thirty (30) and Sections Nineteen (19) and Twenty (20), Township Twenty-Nine (29) North, Range Eight (8) East, running north from County Trunk Highway Z (Smith Road) to State Highway 52.

b. Those streets within the Sun Valley addition to the Town of Wausau located in the West one-half (W $\frac{1}{2}$ ) of the Southwest quarter (SW $\frac{1}{4}$ ) of the Northwest quarter (NW $\frac{1}{4}$ ) of Section Twenty-Nine (29), Township Twenty-Nine (29) North, Range Eight (8) East, which are extensions of Bridge and Stark Streets, located in the city of Wausau, and the street called Sun Valley Lane.

c. On 25th Street between County Highway Z and E and Hamilton Street and install signs to that effect.

d. On Stark Street between 20th Street and the city limits and install signs to that effect.

e. On East Jefferson Street 600 feet from 57<sup>th</sup> Street and install signs to that effect.

2. Any person who parks any vehicle in violation the above parking restrictions shall be subject to the penalty provisions in section 1.109.

**Sec. 58.113. Regulation of roadside receptacles/mailboxes.**

1. *Definition.* The term "roadside receptacle" shall mean any container used for the delivery of mail, newspapers, advertising circulars or other printed material along any right-of-way in the town on roads or highways either owned or maintained by the town.

2. *Mailboxes to conform to regulations of postal authorities.* No rural mailbox shall be set, established or maintained unless the same shall conform in all respects to the regulations of the United States postal authorities.

3. *Set Back.* The front edge of all roadside receptacles shall be in perpendicular line with the outside line of the shoulder portion of the roadway right-of-way. Mailboxes shall conform to regulations of postal authorities. No mailbox shall be set, established or maintained unless it shall conform to all respects to the regulations of the United States postal authorities.

4. *Location-Grouping.*

a. *Grouping.* Roadside receptacles shall be grouped as the town board shall from time to time determine and order. In making such determination, the town board shall require the location of newspaper tubes and other receptacles which are designed or used for the receipt of newspapers, pamphlets, literature, packages or other similar material to be located as near as practicable to the mailboxes.

b. *Grouping Orders.* Upon any determination of the town board that certain roadside receptacles should be grouped in a particular location, the town board shall order any person affected by such determination in writing by certified mail, return receipt requested, to the last known address to comply with the determination of the town board within thirty (30) days from the date of notice. Such order shall specify the number of receptacles to be grouped, the names of the persons whose receptacles are being grouped and the precise location of such grouped receptacles.

## ARTICLE II. EXCAVATION

### Sec. 58.114. Town utility policy.

#### 1. Introduction.

a. Overview of utility accommodation. The town constructs, operates and maintains the town highway system. Utility companies provide service to major centers of population as well as to individual users. Both the town and utility companies typically provide facilities that consider future as well as present needs. Cooperation between these two entities is essential if the public is to be served at the lowest costs consistent with the respective public service needs, obligations, and interests.

b. Primary purpose of the town highway system. The primary purpose of the town highway system is to provide a safe and convenient means for the vehicular transportation of people and goods. Any permitted use and occupancy of highway right-of-way for non-highway purposes is subordinate to the primary interests of the traveling public.

c. Purpose of the utility accommodation policy. The purpose of this document is to prescribe the policies and procedures that shall be met by any utility whose facility currently occupies, or will occupy in the future, any town highway or bridge over which the town has maintenance jurisdiction.

#### 2. Permits. It is the policy of the town to issue permits for utility facilities on town highways provided that:

a. Such use and occupancy would not adversely affect the primary functions of the highways or materially impair their safety, operational or visual qualities;

b. There is no conflict with any provisions of federal, state or local laws or regulations or the accommodation provisions stated in this section; and

c. The occupancies would not significantly increase the difficulty or future cost of highway construction or maintenance.

3. Additions. Nothing in this section shall be construed as limiting the rights of the town to impose restrictions or requirements in addition to and/or deviations from those stated in any permit where the town deems it advisable to do so. In case of additional restrictions, requirements and/deviations, the town shall provide an appropriate explanation for such action to the utility.

4. Alterations. The permitted facilities shall, if town deems it necessary after the permit is approved, be altered by the utility to facilitate alteration, improvement, safety control or maintenance of the highway., The permit holder shall be obligated to pay all costs for constructing, maintaining, altering and relocating the permitted facilities unless a specific agreement executed by the town and the permit holder otherwise provides.

5. Hardship. If the utility encounters a hardship during installation that prevents installation in accordance with the permit, the utility may (at the risk of having to move the installation) make changes to permitted installation. The town has final determination as to the validity of the hardship. If the town determines that the changes were made due to the installer's preference, and not due to hardship, and so informs the utility, the utility will take action within ten (10) days to correct such alterations. In this subsection, hardships include solid rock, unnavigable swamps, cemeteries or similar circumstances that make construction physically or economically unfeasible.

6. Permit Requirements.

a. Need for a permit. A utility shall obtain a permit from the town before any use or occupancy of town highways is allowed.

b. Permit authorization to use and/or occupy right-of-way.

(1) By issuance of a permit, the town formally indicates that, subject to all applicable permit conditions, a specified use and/or occupancy of right-of-way is not adverse to the highway interests at the time of the permit approval.

(2) The town does not warrant that public title to the right-of-way is free and clear, does not certify that it has sole ownership and does not indicate any intention to defend the utility in its peaceful use and occupancy of said lands.

(3) The permit does not transfer any land nor give, grant or convey any land right, right in land or easement.

(4) Written authorization from the town does not relieve the utility from compliance with all applicable federal and state laws and codes and local laws and ordinances, which affect the design, construction, materials or performance of the work. The town's authorization shall not be construed as superseding any other governmental agency's more restrictive requirements.

(5) Each permit shall require that the standard indemnification language is part of the overall document.

(6) The utility should retain a copy of the permit in their files during the entire time the facility is located on, over or under town highway right-of-way.

7. Required Information.

a. General policy. A utility's request to use and occupy the right-of-way cannot be considered until adequate information is provided. The amount of detail will vary with the complexity of the installation and highway involved but must include the appropriate permit form, drawings or sketches and installation information so that the effect on the highway operation, traffic safety and visual qualities can be evaluated.

b. Permit application forms. Utilities shall only use the town permit application form which is available from the town clerk. The permit form shall not alter the application form and alteration shall be cause for rejection of the application revocation of the permit.

c. Metric\English units. English units or English units followed by metric equivalents in parenthesis should be used on all permit forms. If the town converts to the metric system, this section may be amended to reflect new metric permit requirements.

d. Installation information. The utility shall provide the following installation information:

(1) A general description of the location, size, type, nature and extent of the utility facilities to be installed or to be adjusted and the impact on the utility's existing facilities to remain in place within the right-of-way and

(2) A description of proposed construction procedures, special traffic control and protection measures, proposed access points, coordination of activities with the highway contractor and/or vegetation to be removed.

(3) Whenever an attachment to a structure is proposed, a description of the bridge number, weight of lines, hanger spacing, hanger details and expansion/contraction details.

e. The telephone number of the applicant shall be included on each permit form.

f. Each permit application shall contain adequate drawings showing the existing and/or proposed location of all utility facilities within the right-of-way with respect to the existing highway or any planned highway improvement. The details shall include dimensions from the proposed utility installation to the commonly accepted right-of-way line and to the edge of the traveled way.

g. For highway crossings, a cross-section detail drawing showing depth of bury or overhead clearance is required along with the location of any bore pits (if needed). A distance reference from the crossing to the nearest public roadway intersection is also required. The drawing also shall show land ties (e.g. approximate distance from the proposed facility to side road intersection, county line, etc.).

#### 8. Location requirements.

a. General location. Utility facilities shall be located in such a manner in order to minimize the need for later adjustment to:

(1) Accommodate proposed highway improvements;

(2) Permit servicing or expanding such lines without obstruction or interference to the free flow of highway traffic;

(3) Provide adequate vertical and horizontal clearance between an underground utility facility and a structure or other highway facility to allow maintenance of all facilities;

(4) Be outside of the forty-five (45)-degree cone of support for the footings of all highway structures.

b. Crossing location. Utility facilities shall cross the highway on a line as nearly perpendicular to the highway alignment as possible. Conditions which are generally unsuitable or undesirable for underground crossings should be avoided. Crossing locations to be avoided include:

(1) Deep cuts;

(2) Near footings of bridges and retaining walls;

(3) Across highway intersections at grade or ramp terminals;

(4) At cross drains where the flow of water may be obstructed;

(5) Within basins of an underpass drained by a pump; and

(6) In wet or rocky terrain where it will be difficult to attain minimum bury.

c. Underground longitudinal location. The longitudinal location of underground utility facilities within the right-of-way shall provide as much clearance from the traveled way as conditions will allow.

(1) Such lines shall be on uniform alignment and be located at or as near as practical to the right-of-way line.

(2) To maintain a reasonable uniform utility alignment, location variances may be allowed when irregular-shaped portions of the right-of-way extend beyond the normal right-of-way limits. No utility lines are allowed in the ditch bottom or on the inslope.

d. Above ground longitudinal location. The longitudinal location of above ground utility facilities shall be outside of the clear zone. Such lines shall be on a uniform alignment and be located at or as near as practical to the right-of-way line. Exceptions may be granted when no other location is feasible or when the clear zone extends to the right-of-way line. If any above-ground utility facility is within the clear zone or is determined to be in a location that has a higher than average accident potential, the town may require:

(1) The utility facility to be approved yielding or breakaway construction or variances may be allowed when irregular-shaped portions of the right-of-way extend beyond the normal right-of-way limits.

(2) The utility facility to be protected by a town approved barrier such as beam guard, crash cushion, etc.

e. Existing utilities. When a utility facility exists within the right-of-way of an existing or proposed highway, it may remain provided it does not adversely affect highway safety based on sound engineering judgment and economic considerations. The existing facility shall be relocated if:

(1) It conflicts with any construction or maintenance activities;

(2) It is located longitudinally under the pavement or shoulder for a reconditioning or reconstructed project; or

(3) It is found to not be within accepted standards for depth of bury or overhead clearance or in locations not acceptable to the town. Exceptions may be granted for (1) and (2) above based on sound engineering, judgment and economic considerations.

**Sec. 58.115. Trench backfilling.**

Trench backfilling shall be accomplished as follows:

1. The backfill from the bottom of the conduit to an elevation one foot above the conduit shall be fine granular material carefully placed by hand and well tamped to fill completely all the spaces under and adjacent to the conduit so as to form a bed that will preclude subsequent settlement. Compaction shall achieve at least ninety-five percent (95%) of maximum dry density at optimum moisture as determined in accordance with the Standard Method of Test for the Moisture Density Relations of Soils, AASHTO Designation T 180- 74.

2. The remainder of the backfilling may consist of suitable native soils with proper moisture content for maximum compaction. The contractor shall have a vibratory type compactor approved by the Town before starting to backfill. The backfill shall be uniformly compacted to at least ninety percent (90%) of maximum dry density, except for the upper three (3) feet, which shall be compacted to at least ninety-five percent (95%) of maximum dry density at optimum moisture as determined by the Standard Method of Test for the Moisture Density Relations of Soils, AASHTO Designation T 180-74.

a. All roots, debris, rocks greater than six (6) inches in diameter, frozen material, or other unsuitable

materials that in the opinion of the Town may cause interference with the compaction requirements shall not be used in the backfill and shall be disposed of elsewhere by the contractor; and unsuitable materials shall be replaced with suitable granular materials approved by the town board.

b. This backfilling shall be made immediately after placing the hand backfill and shall be accomplished by placing and compacting in layers, not to exceed eight (8) inches in depth.

3. All who excavate in the public right-of-way, except those included under subsection 4 of this section, shall be responsible for trench backfilling and the placement of the two (2)-inch temporary asphalt patch as described in subsection 3 a. c. of this section. In addition, they shall remit in advance of receiving the excavation permit, the cost of the permanent pavement repairs as described in section 58.120.

a. Gravel surfaces. The contractor shall complete the compacted backfill to an elevation six (6) inches below the finished street grade and immediately place six (6) inches of compacted gravel surface course equal in quality to that which is existing.

b. Asphalt. The contractor shall complete the compacted backfill to an elevation two (2) inches below the finished street grade and immediately place a minimum of two and one-half (2½) inches of compacted asphalt surface course on the street.

c. Cleaning of area. Immediately after placement of the surface course, the area shall be cleaned and left in a safe and satisfactory manner and the street opened to traffic.

4. Utility companies and their subcontractors shall be responsible for the backfilling of the trench and the permanent pavement repair as described in subsection (4) (b).

a. Major utility companies responsible for the permanent pavement repair shall compact the trench backfill as described in subsections 1 and 2 and, in addition, perform the following: For an asphalt pavement with gravel base, the compacted backfill shall be completed to an elevation where a minimum of six (6) inches of state-graded base course shall be placed and compacted, followed by placement of a minimum two (2)-inch hot mixed asphalt pavement or a thickness equal to the existing pavement.

5. The permanent repair shall be to the satisfaction of the town board. Settling of the permanent patch, regardless of who installed the permanent pavement, within one (1) year from the date of trench backfilling shall be construed as evidence of poor compaction and the contractor who backfilled the trench and his surety shall be responsible for the cost and satisfactory performance of a replacement patch. If, after notification by the town, the contractor fails to re-compact the backfill and replace the pavement patch, the town shall perform the work and bill the contractor or his surety for the actual cost plus a penalty set by the town board. Each successive replacement patch by the contractor shall be subject to satisfactory performance for a period of one year.

6. The contractor shall not begin any excavation on any arterial street in travel lanes within the town before 9:00 a.m. and shall have such excavation backfilled, complete with the asphaltic interim pavement before 4:00 p.m. and have the barricades removed. If underground work cannot be completed by 4:00 p.m., the contractor shall make provisions to place a temporary bridge over the excavation that will allow traffic to utilize the travel lane unless specific permission is granted by the town to allow barricades to remain.

#### **Sec. 58.116. Compaction control tests.**

The town shall perform compaction control tests at such frequency and at such depths as deemed necessary to verify compliance with the compaction requirements. The contractor shall furnish such materials, labor and equipment deemed necessary by the town in order to obtain the necessary compaction test soil samples.

#### **Sec. 58.117. Permanent pavement repair costs.**

1. The town will accomplish the permanent pavement repairs necessary except as provided in section 58.106(4) and will charge the applicant in advance for such repairs according to a schedule prepared by the town and filed in the town clerk's office.
2. Such charges shall be paid at the time of the application for the excavation permit. There will be no further charges to the contractor upon payment of the permanent pavement repair fee except for the later repairs made necessary by failure of the contractor to properly compact the excavations.

### **Article III. Traffic Routes**

#### **Sec. 58.118. All-terrain vehicle route.**

1. The following town roads may be used for ATV routes as provided for in Wis. Stats. § 23.33(8) between December 1 and March 30 or when Marathon County opens or closes the trails:
  - a. East Sell Street, beginning at North/South Crossing.
2. Other roads shall not lawfully be used for ATV.
3. The town board shall cause the ATV routes which cross town roads to be marked in accordance with Wis. Stats. § 350.13 and the Wisconsin Administrative Code.
4. No person shall operate an ATV over the designated ATV routes at a rate of speed that exceeds the maximum posted speed limit.
5. No person shall operate an ATV at a rate of speed that is unreasonable or improper under the conditions and having regard for the actual and potential hazards then existing or in any careless way so as to endanger the person or property of another.

#### **Sec. 58.119. Snowmobile route.**

1. The following town roads may be used for snowmobile routes as provided for in Wis. Stats. § 350.02(a) (5).
  - a. East Sell Street, beginning at North/South Crossing; and
  - b. County Highway X and continuing east to end of road.
2. Other roads shall not lawfully be used for snowmobiling.
3. The town board shall cause the snowmobile routes which cross town roads to be marked in accordance with Wis. Stats. § 350.13 and the Wisconsin Administrative Code.
4. No person shall operate a snowmobile over the designated snowmobile routes at a rate of speed that exceeds the maximum posted speed limit.
5. No person shall operate a snowmobile at a rate of speed that is unreasonable or improper under the conditions and having regard for the actual and potential hazards then existing or in any careless way so as to endanger the person or property of another.