

Chapter 175

ROADS AND ACCESSES

ARTICLE I

Access Permit

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(HISTORY: Adopted by the Town Board of the Town of Pleasant Springs as indicated in article histories. Amendments noted where applicable.)

GENERAL REFERENCES

Mailboxes-See Ch. 135
Subdivision of Land-See Ch.190.

Vehicles and traffic: -See Ch. 202.

ARTICLE I Access Permit

[Adopted 11-7-1989 by Ord.No.89-1 as§ 3.03 of the 1989 Code; amended in its entirety 1-21-2003 by Ord.No.2003-1]

§175-1. Permit required. [Amended 11-4-2003)

No person, corporation or other legal entity or landowner (hereinafter referred to as "applicant," even if no application is filed) shall cause or permit to be installed on or to any Town road, street or highway an access without first completing an application and obtaining a permit for the same issued by the Town Clerk after approval by the Town Board or its designee.

§175-2. Application for permit.

Every application must be made to the Town Board in writing and shall state therein the location of the proposed access, the size and length of any culvert to be installed and a general description of the installation and appearance of said access as proposed and any other information as shall be requested for completion of the access permit application.

§175-3. Damage deposit.

Every application shall be accompanied by and with a money order, cashier's check, or personal check in the amount of \$1,000, showing thereon an indemnity in favor of the Town of Pleasant Springs, Dane County, Wisconsin, by the applicant as owner of the property in question. This amount shall be applied for and as a damage deposit to said Town against any damage to the road by the installation of a culvert and/or access and to assure proper installation of said access and/or culvert.

§175-4. Issuance of permit; inspections; refund of deposit. [Amended 11-4-2003]

Upon approval of the Town Board, the Town Clerk shall issue an access permit to the applicant for commencement of the installation of the access, and the permit shall specify with or without a culvert. Following the completion of the installation of the access and/or culvert and the completion of construction of other contemplated improvements on the site, the applicant shall notify the Town Clerk or Public Works staff that the same is completed and ready for inspection. Upon approval by the Town Board, the Town Clerk shall refund the damage deposit previously filed with the Town Clerk less any amount due for damage. Damage and assessment of fees for damage shall be determined at the sole discretion of the Town Board.

§175-5. Violations and penalties. [Amended 11-4-2003]

Any applicant that fails or refuses to obtain a proper access permit is above required for any access upon any Town road shall be in violation of this article. The penalty for violation of this article is as provided in Chapter 1, General Provisions, § 1-1.

§175-6. Removal of violation; action by Town. [Amended 11-4-2003]

Any applicant that is in violation of this article may be required by the Town Board to remove the access, and if the applicant fails to remove the access by the date set in the written notice of said Board, the Town may have the same removed and the costs of such removal charged to the applicant that violated this article.

§175-7. Recovery of costs. [Amended 11-4-2003]

Any applicant that fails to pay the costs of removal of an access in violation of this article or damage assessment in excess of the deposit within 30 days after being billed for the costs thereof shall have his property adjacent to said access subject to a lien in favor of the Town in the amount of the costs for removal of the same, and if said amount is not paid by November 1 thereafter, the same shall be placed on the tax roll as a special charge against the real property of the owner and collected the same as any other delinquent tax pursuant to § 66.027, Wis. Stats.

ARTICLE II
General Provisions
(Adopted 11-4-2003)

§175-8. Prohibited acts. (Amended 5-16-2006)

It shall be unlawful for any person or entity other than authorized representatives of the Town of Pleasant Springs to do any of the following:

- A. Alter any Town road or Town road right-of-way;
- B. Construct any Town right-of-way, amend any Town right-of-way or exclusively use any Town right-of-way as an access to any private property; or
- C. Damage any Town road or Town right-of-way by any means.
- D. Place anything, other than a residential or business mailbox constructed and maintained in conformity with United States Postal Service regulations, in or upon any Town road or Town right-of-way. This prohibition includes, but is not limited to, temporary political signs prompting a particular referendum position, candidate, or candidates for a particular election, structures, waste, debris, vegetation or signage.

Temporary political signs which promote a particular referendum, candidate, or candidates, for a particular election may be erected and maintained otherwise unrestricted by this ordinance on private property, except that all such signs shall conform to the vision triangle requirements, shall not exceed 32 square feet in sign area, shall not be erected more than 70 days prior to the election, and shall be removed no later than 10 days after the election.

§175-9. Violations and penalties.

Any person who violates any provision of this article shall be subject to the penalties provided in Chapter 1, General Provisions, § 1-1 of this Code.

ARTICLE W Access
Standards [Adopted
11-4-2003]

§175-10. Regulations.

The following regulations apply to construction or modification of private driveways/accesses of lands in the Town of Pleasant Springs:

- A. The side banks of all accesses shall be graded to a slope of no more than one foot of vertical rise in three feet of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in an engineer's plan approved by the Town Board.
- B. Curves in the driveway shall have an inside radius of no less than 36 feet.
- C. Maximum grade of the driveway/access, or any portion of the driveway/access, shall be no more than 13%.
- D. An area 24 feet in width and 15 feet in height shall be cleared along the driveway/access right-of-way in order to permit the safe passage of emergency vehicles. In cases where such clearing would be environmentally damaging, the Town Board will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard. A field access is exempt from this requirement.

ARTICLE IV
Road Opening, Issuance of Permits, Inspections, Refund of Deposit
(Adopted July 18, 2006)

§175-11. Road opening and encumbrance permits.

1. A permit, granted by prior approval of the Town Board and issued by town staff, shall be required for the following:
 - a. Excavation in any public right-of-way.
 - b. Any obstruction or encumbrance of a public way, or public right-of-way for more than two hours;
 - c. The moving of any building along or across any public way.
2. Exceptions. Subsection 1 above shall not apply to town staff or an authorized representative of the Town of Pleasant Springs.
3. Conditions of occupancy:
 - a. No obstruction or encumbrance shall cover more than 1/3 of any road.
 - b. Any excavation, obstruction, or encumbrance shall be protected by a temporary fence or barrier at least three feet high, and at night shall be lighted by yellow flashing beacons. In the case of an excavation, yellow flashing beacons shall be placed at each end and no less than every 50 feet along the length thereof.
 - c. There shall be no obstruction of the flow of water upon any road or in any ditches, culverts and/or rights-of-way.
 - d. The moving of any building or structure shall be as continuous as practicable until completed, and shall be subject to the directions of the Public Works staff.
 - e. Any road, ditch or right-of-way surface that has been disturbed shall be restored to as good a condition as prior to granting of the permit, using the same grade materials, manner, and method of reconstruction.
 - f. Upon termination of the work under the permit, all public ways occupied under the permit shall be vacated, cleaned of all rubbish and obstructions, and placed in a safe condition for public travel at the expense of the permit holder.

§175-12. Use of Rights-of-Way.

1. Rights-of-way may not be accessed by vehicular traffic, except for maintenance by the Public Works staff or an authorized representative of the Town of Pleasant Springs.

§175-13. Use of improved right-of-way.

1. Parking is not permitted except for temporary unloading.
2. The town is responsible for maintenance of all improvements.
3. The right-of-way may be used as an access to a directly abutting property in compliance with other applicable requirements of this ordinance.

2. No permit for permitted activity granted under the provisions of this section shall be deemed to convey or grant any privilege to occupy the space within or below any road, ditch or right-of-way, or any utility, vault, pipe, drain or any other thing.
3. When excavations are made under the provisions of this section, the excavations shall not be left open longer than the necessities of the work demand. In refilling the excavation, all earth, stone and screenings shall be thoroughly and properly tamped and the surface of the road, ditch, or right-of-way left in as good condition as the same was in before the excavation was made. Provided, however, that whenever it is necessary to break into a road, ditch or right-of-way for the purpose of making any excavation authorized under this section, the entire stone so broken into shall be removed and replaced, it being the intent of this subsection to prohibit the patching of a portion of a stone or stones of a road, ditch or right-of-way.
4. Before any excavation, a road cut, or blockade in any road, ditch or right-of-way is made under the provisions of this section, during normal working hours, 24 hours' advance notice shall be given by the utility, contractor or person intending to make such excavation, road cut or blockade to the Public Works staff, except in cases where it is necessary for the protection or preservation of property or of the health, safety, life or limb of some person.

§175-18. Suspension or Termination of Permitted Activity.

1. Any permit granted hereunder may be terminated by the Town Board for any violation of the conditions of the permit or this chapter, and in any event, shall terminate at the end of three months from the date of issuance for all permits.
2. Any permit granted hereunder may be temporarily suspended by the Town Board for any violation of the conditions of the permit or this chapter, and in any event shall terminate at the end of three months from the date of issuance for all permits.

§175-19. Failure to Perform.

If by reason of violation of the conditions of the application(s), permit(s), or these ordinances, it becomes necessary to repair or clean the public ways, such work shall be done at the direction of the Public Works staff, and the entire cost thereof shall be charged to the permit holder.

§175.20. Severability.

The several sections of this ordinance are declared to be severable. If any section or Portion hereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

§175-14. Procedure for requesting to improve a road or right-of-way.

1. If a road or right-of-way is allowed to be improved by prior approval of the Town Board, the cost of improvement shall be borne by the party(ies) requesting approval. The improvement shall be made to town standards. The town will own and maintain all improvements, except that all culverts, end-sections and appurtenances necessary to accommodate a field access, commercial and/or residential driveway access shall be installed and maintained by the abutting property owner, and approved as described in this ordinance.
2. The requesting party must submit a written request to the Clerk at least four weeks prior to a Town Board meeting.
3. The requesting party must send a notice to abutting and adjacent property owners prior to the Town Board meeting at which the request will be heard. At minimum, the notice must contain the time, day, date of the Town Board meeting, and a map and description of the improvement to be considered.
4. Prior to the Town Board meeting, the Public Works staff will review the request and advise the Town Board of the following:
 - a. Effects on the utilities within the right-of-way.
 - b. Abutting or adjacent property owner concerns.
 - c. Impact on the town to own/and or maintain the proposed improvement.
5. The Town Board will evaluate the request at a regular meeting. All decisions of the Board are final.

§175-15. Fees.

Fees for all permits and applications related to this section shall be set, from time to time, by the Town Board.

§175-16. Application.

Application for a permit under subsections (A) and (D) shall be made to the Clerk. The town staff shall process the application and schedule the request for consideration by the Town Board at a regularly scheduled meeting of the Board.

§175-17. Liability agreement.

1. The application for the permit provided for in the preceding subsection shall state the purpose for which the permit is desired and the proposed location, and shall contain an agreement that the applicant shall pay all damages to persons or property, public or private, caused by the applicant, his agents, employees or servants in the doing or erection of the work for which the permit is granted. All applicants are required to file a construction deposit in such amount as the Board shall determine, as a condition to the granting of a permit, and shall leave the road or right-of-way in as good condition as the same was in when the permitted activity was commenced, shall keep the place where the excavation is made properly guarded by day, and lighted by night, and shall hold the town harmless from any damages, costs and charges that may accrue from the applicant's use of such road, ditch or right-of-way by reason of such permitted activity.

§175.21. Effective Date.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.