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CHAPTER 6 – PUBLIC WORKS

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6.01 TITLE/PURPOSE. This Ordinance is entitled the “Town of Cooperstown Public Works Ordinance”. The purpose of this Ordinance is to regulate traffic according to the authority given towns in the State Statutes.

6.02 AUTHORITY. The Town Board of the Town of Cooperstown has the specific statutory authority, powers and duties, pursuant to specific statutory sections noted in this Ordinance and by its adoption of village powers under Section 60.10 Wisconsin Statutes to regulate, control, prevent and enforce against certain uses, activities, businesses and operations in the Town of Cooperstown by persons that may affect the traffic in such town. The Town Board shall have the discretion to impose higher 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.

6.03 ADOPTION OF ORDINANCE. The Town Board of the Town of Cooperstown has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this Ordinance and have established the regulations, controls and enforcement against certain uses, activities, businesses and operations by persons that may affect the traffic.

6.04 DEFINITIONS. As used in this chapter, certain word and phrases shall be defined as follows:

APPROACH. The portion of road extending 100 feet on each side of a culvert or bridge.

BASE COURSE. The supporting base material of the roadway, including shoulder.

DRAINAGE. The gradual drying of highway by system of ditches, trenches, channels, etc.

GRADE. The rate of ascent or descent of roadway.

HIGHWAY. The road or way over which the public generally has a right to pass, to include the complete right-of-way.

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OPENING. Excavating in road bed or tunneling under road bed.

ROAD BED. The whole material laid in place and ready for travel.

ROADWAY. The traveled portion of the highway.

SURFACE COURSE. The top of the roadway, or traveled surface.

6.05 GENERAL PROVISIONS. Except as specifically noted otherwise in this Ordinance, Chapters 340 to 350 and Section 941.01 Wisconsin Statutes describing and defining regulations with respect to vehicles, traffic and snowmobiles for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and incorporated by reference by the Town of Cooperstown and made part of this Ordinance as if fully set forth herein. Any future amendments, modifications, revisions, additions or deletions of the above-noted statutory Chapters shall be incorporated herein and made part of this Ordinance in order to secure uniform state regulations of traffic on the public highways, road, streets and alleys of the State of Wisconsin.

6.06 MINIMUM HIGHWAY DESIGN STANDARDS.

A. Design Standards Existing Roads: The classification of all roads under this Ordinance shall be within the complete discretion of the Town Board. Consideration of such factors as “Average Daily Traffic” (ADT), character of anticipated traffic, relation of highway to traffic patterns within the Town, compatibility with other highway systems and the “Town of Cooperstown’s 20-Year Comprehensive Plan” adopted (1/29/2007) shall be used in the decision. It is the intent that all existing town roads shall meet the improvement standards as listed in “Wisconsin Department of Transportation Statutes Trans 204” unless the standard is determined to be impractical for a specified road by the Town Board.

1. Existing roads. Reconstructed roads or any roads to receive a hard surface must have minimum Right of Way of 4 rods (66’) and the road way shall have a minimum width of 28’ with minimum surface of 22’.

B Design Standards New Roads: A new road is defined as a corridor of traffic not on the “Official Town of Cooperstown Map” as of the adoption of this Ordinance. New roads shall follow the standards set in Wisconsin Statute 82.50 & Town Standards. The Town of Cooperstown has established a 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. Highways dedicated in plats for proposed subdivisions submitted for review pursuant to Chapter 236 of Wisconsin Statutes, any private highways being donated to the town, and any other highways being accepted by the town as public highways in the town shall be subject to this ordinance. 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 chapter shall be within the

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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 roads 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 intraregional and inter-area traffic movement.

Highway and Roads Design a) New Roads constructed must have a right-of-way of 66 feet, the roadway base course shall be 28 feet with a minimum width of surface of 22 feet and shoulders shall be a 3 feet minimum. Maximum grade is 10 percent. Ditching of 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 main ditch; then the additional land necessary for the removal of accumulated water, must be provided and deeded over to the Town along with the necessary land for the highway. The additional land conveyed to the Town for drainage, will be under the supervision of the Town Board at all times. Cul-de-sacs: maximum desirable length of roads with cul-de-sacs is 1000 feet. Through roads are most desirable. Minimum right-of-way radius at cul-de-sac is 60 feet, minimum base course radius is 42 feet, and minimum pavement radius is 40 feet.

1. New road shall have base design to with stand the use of ADT the design should satisfy state standards for roadway and ditches for grade and drainage. Base course must be of a quality, thickness and composition suitable for the location. Surface course must consist of crushed aggregate or bituminous concrete composition suitable for anticipated traffic loads. The minimum amount of gravel necessary for acceptance must be at least 600 yards per mile. The road must then be blacktopped by the owner before it will be accepted by the Town Board as a town road. The minimum amount of pavement necessary for acceptance must be 2 1/2" after compaction, 22 feet wide. A hot mix is to be used. The ditching of the roadway must be complete and have proper elevations to provide for adequate drainage. Any culverts necessary for proper drainage shall be provide and installed after elevation and location is obtained from the Town Board. The culvert installed in a road bed shall be a minimum of 26 feet in length and a minimum of 24" diameter, however, the diameter and length of said culvert will be subject to the approval of the Town Board, after the amount of the flow-age is determined. Any secondary culverts installed in any lateral trenches, will be of a size and length as determined by the Town Board. In no case shall the culvert be less than 18" in diameter. Apron end walls shall be used. There shall be a side slope on the driveway of 3 to 1 and it shall be made of earthen material only. May be seeded.

2. All bridges shall meet the minimum requirements of state and federal law. In the event it is decided by the Town Board, that the construction of a bridge would be of a size and cost; that it would create a hardship to the owner of land, required to build said bridge, then the Town Board may proceed to accept the road, complete as required above, except the part extending 100 feet on each side of said bridge.

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This portion of the road shall be known as the approach. The approach will be accepted uncompleted, with the reservation that the town will bill back to the owner a portion of the cost of construction of such bridge and approach. The Town will enter into a contact with the land owner and then proceed to build said bridge and approach with the help of bridge aid if available, and billing the balance not covered by the aid to the owner.

3. Guard rails if deemed necessary, (as determined by Town Board) must be installed before the road is accepted by the Town Board.

4. All road signs and reflectors must be provided for and installed before the road is accepted by the Town Board.

5. Upon completion of the proposed highway, the Town Board will proceed to make final inspection, accepting or rejecting the highway. If the highway is rejected, then corrections must be made as stated by the Town Board before finals inspections will be made again. If final acceptance is made by the Town Board, the owner or owners will turn over to the Town, a warranty deed free and clear of any liens necessary to convey free and clear title to the town for the highway.

C. CREATION OF NEW ROAD OR ALTERING OF EXISTING ROAD.

Individual home owner or owner of land abutting on that part of a highway sought to be created or altered, or extended, shall make application in writing to the Town Board, giving location, and description of proposed highway. Said application may be delivered to any supervisor or the Town Clerk. Upon receipt of application, the Town Board will proceed to examine proposed route of highway. If approval is received then the individual or group of individual home owners may proceed to build highway, under the supervision of the Town Board. See State Statute 82.10 for complete procedures. All expense will be incurred by the petitioner.

6.07 DRAINAGE DITCHES WITHIN ROAD RIGHT-OF-WAY. No person shall fill or obstruct any ditch or culvert alongside of any Town or public road, or underneath any such road with any dirt, stones or debris. No person shall cultivate, plow or remove soil from his land in such manner as to obstruct or fill any ditch along any Town road or public highway. No person shall cultivate, plow or remove/add soil to Right-of-Way. No person shall enlarge a road drainage ditch without first obtaining a permit from the Town Board. Application for such permit shall be made to the Town Chairman. Before approving a permit to enlarge any road drainage ditch in the Town, the Town Board shall forward the permit application to all County and State agencies whose approval must be obtained before such work may commence. Any person who violates this section, shall be charged for costs incurred in clean up.

6.08 ROAD DAMAGE. Any person who damages a Town road (for whatever reason) may be liable in treble for damages pursuant to SEC 86.02 WIS Stat.

6.09 HIGHWAY OPENINGS OR BORINGS REGULATED.

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A. PERMIT REQUIRED. No opening shall be made in any Town road or highway until a permit therefore has been applied for and issued by the Town Board. Applications for permits shall contain a description of the property involved, the location of such opening and the purpose for which the opening will be made. Such application shall be signed by the owner unless the work is not to be done by the owner in person, in which case the person engaged to perform the work shall sign the application and the permit shall be issued in his name. Permit fee \$25.00.

B. CASH BOND REQUIRED. Before a permit shall be issued under this section, the applicant shall furnish a cash bond to the Town in such amount as the Town Board shall determine to guarantee replacement of such highway in as good condition as before excavation was commenced.

C. EXCAVATIONS. In the opening of any public highway, all paving and excavated material shall be removed with the least possible damage to the surrounding area and so placed as not to interfere with traffic or drainage. Such openings shall be closed with barricades and lanterns or flares shall be maintained upon the location during hours of darkness.

6.10 SPECIAL OR SEASONAL WEIGHT LIMITATIONS. As per Section 349.16 Wisconsin Statutes, any officer in charge of maintenance of highways maintained by the town may impose special weight limitations on any such highway or portion thereof which, because of weakness of the roadbed due to deterioration, climatic conditions, or other special/temporary condition, would likely be seriously damaged or destroyed in the above special limitations.

6.11 OBSTRUCTING IN ROADWAY OR RIGHT OF WAY PROHIBITED.

A. No person shall stand, sit, loiter, or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Town in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon, or to prevent or hinder free ingress to or egress from any place of business, amusement, or any church, public hall or meeting place.

B. Section 86.01 Wisconsin Statute, material left in highway, penalty. It shall be unlawful for any highway superintendent or any other person to leave any materials in the traveled portion of any highway not closed to public travel in piles or rows after sunset without placing within one hour after sunset upon such piles or at the end of such rows a lighted lantern containing sufficient oil or fuel to keep the same burning until daylight. Any person violating any of the provisions of this section shall be liable to a fine of not less than \$10 nor more than \$100. Section 86.022 Wisconsin Statute, obstructing highway with embankment or ditch. Any person who shall willfully or maliciously make any ditch, depression or embankment or place any obstruction in any public highway intended or calculated to impede or incommode the use of such highway, or who shall place any obstruction in any ditch constructed to drain any highway, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$10 nor more than \$100. Section 346.94 (5) (7) Wisconsin Statutes, placing injurious substances

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on highway and spilling loads of waste or foreign matter. No person shall place or cause to be placed upon a highway any foreign substance which is or may be injurious to any vehicle or part thereof. The operator of every vehicle transporting waste or foreign matter on the highways of this state shall provide adequate facilities to prevent such waste or foreign matter from spilling on or along the highways Section 941.01 Wisconsin Statute, negligent operation of vehicle. Whoever endangers another's safety by a high degree of negligence in the operation of a vehicle, not upon a highway as defined in s. 340.01, is guilty of a Class A misdemeanor. The Town Constable will send a certified letter of warning stating the fee for violating the ordinance of \$50 to the violator for the first offense. A second occurrence by the violator, a certified letter and a fine of \$50 will be sent to the violator.

6.12 PARKING RESTRICTIONS. When an ordinance has been adopted by the Town Board and signs have been erected giving proper notice thereof, no person shall park, stop or leave standing any vehicle in violation of the parking restrictions so posted, see state statute 346.50. See chapter 7.10

6.13 HIGHWAY ENTRANCES & REQUIREMENT. PRIVATE ACCESS.

A. Culvert Permit Required. The owner of lands adjacent to the right of way of a town road may not construct, maintain and use a driveway for access to the road unless the owner procures and abides by a permit from the Town Board. Permit fee \$25.00. See Section 6.06 (A) (1).

B. Procedure. Application must be made for access, site reviewed by at least one board member. If approved payment will be made prior to permit being issued.

C. Culvert size. Must be steel. The diameter of not less than 18" with a minimum length of 26 feet plus end walls. See Section 6.06 (B) (1)

D. Town will install initial culvert to specification and will invoice the land owner. During road construction if replacement of the culvert is necessary, the culvert will be replaced at the town expense to a size deemed necessary by the Town Board. If a resident requests additional size or length, the additional cost will be incurred by the resident.

E. The Town Board may consider a variance to the town standards at a town board meeting. Installation must meet town specifications.

6.14 PENALTY. Any person, who violates any provision of this chapter, except as otherwise provided, shall be subject to a penalty as provided in Chapter 15 of this General Code.