

**CHAPTER 5
PUBLIC WORKS**

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SECTION 5.01 ROAD NAMES ASSIGNED.**(a) Road Names.**

In accordance with Wis. Stats. § 82.03(7), which requires the assignment of names for each road under the Town's jurisdiction, the road names as shown on the plat on file with the Town Clerk-Treasurer are hereby assigned.

(b) Effective Date.

This Ordinance shall take effect upon passage and publication as provided by law.

(c) Jurisdiction.

The road names are shown with the numbers that correspond to those given on the State of Wisconsin Department of Transportation certified mileage list and certified state blue line map.

0001 Lovering Road	0002 Gluth Road
0003 Shamrock Road	0004 Rapp Road
0005 Summerville Park Road	0006 Kelley Road
0007 Bilkey Road	0008 Ryan Road
0010 Riddle Road	0011 Fair Street
0012 Lang Road	0013 Reefer Way
0014 Lindsay Road	0015 Smith Road
0017 Hillestad Road	0018 Thunder Hills Road
0019 Kohn Road	0020 Lake Point Drive
0022 Demyck Road	0023 McGowan Road
0024 North Lake Point Drive	0025 Red Cedar Road
0027 Richards Road	0028 Pollack Road
0029 Chrislaw Road	0030 Wells Road
0032 Reynolds Road	0034 Dalton Road
0035 South County Line Road	0036 Spring Creek Road
0037 Lodi Street	0038 Rodney Drive
0039 Bay Drive	0040 Bay Drive
0041 West Harmony Drive	0042 Koltas Road
0043 Mack Road	0044 Lakeview Drive
0045 Bayview Drive	0046 Gallagher Road
0047 Inlet Drive	0048 Oakwood Drive
0049 Martin Drive	0050 Airport Road
0051 Raymond Drive	0052 Tonja Drive
0053 East Harmony Drive	0054 Michael Drive
0055 Hill Street	0056 Cross Street
0057 Cactus Acres Road	0058 Real Short Road
0059 Thistledown Drive	0061 Brothertown Court
0062 Park Street	0063 Deer Run Drive
0064 Clar Mar Drive	0065 Linda Circle
0066 Okee Bay Court	0067 Eagle Drive
0068 High Point Road	0069 Back Forty Road

Section 5.01 Road Names Assigned

Public Works

0070 Grove Road
0072 River Road
0074 Elaine Drive
0076 Columbia Road
0078 Paradise Road
0080 Adlaw Drive
0082 Larson Drive

0071 Joan Court
0073 Timber Ridge Trail
0075 McCully Road
0077 Wildenberg Drive
0079 Island View Court
0081 Arbor Valley Road

History Note: Adopted November 30, 1976; amended through 1994 codification; amended 10/26/04; amended by Ord. No. 2006-16, 5/30/06

SECTION 5.11 **TOWN ROADS AND INFRASTRUCTURE**(a) **Purpose.**

For the safety of the general public, the Town Board shall determine the location and construction of all improvements that may be made in or encroach into the public right of way. This Ordinance will insure that all improvements to roads in the Town are built or replaced to the best road standards possible. In addition to roads, this Ordinance shall apply to other items in the public right of way, including driveways, public utilities including cable television, mailboxes, signs, culverts and landscape plantings. All improvements placed in the public right of way are placed at sufferance of the Town. It is the intent of the Town to provide for safe access to property abutting public roadways, to accommodate adequate drainage of surface water, and to protect vehicular and pedestrian travel on and along the public right of way.

(b) **Authority.**

The Town Board has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this Ordinance and by its adoption of village powers under Wis. Stats. § 60.10(2)(c), to regulate, control, prevent and enforce in the Town certain uses, activities, businesses and operations by persons that may affect the public works and infrastructure in the Town.

(c) **Adoption of Ordinance.**

The Town Board has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific Sections of this Ordinance, and has established by these Sections and this Ordinance the regulations, controls and enforcement against certain uses, activities, businesses and operations by persons that may affect the public works and infrastructure in the Town.

(d) **Designation of Class "B" Highways.**

Pursuant to Wis. Stats. § 349.15(2), the Town Board hereby designates the following Town roads as Class "B" highways:

- (1) Ryan Road from C.T.H. V to S.T.H. 113;
- (2) Lindsay Road from C.T.H. J to S.T.H. 60;
- (3) Lodi Street from the Lodi City limits to S.T.H. 60;
- (4) Fair Street from the Lodi City limits to C.T.H. J;
- (5) County Line Road from S.T.H. 113 to Bonetti Road;
- (6) Chrislaw Road from S.T.H. 113 to the Lodi Town line.
- (7) Reynolds Road from the Lodi City Limits to Lovering Road.

- (8) Smith Road from County Highway V to Town Line.
- (9) Koltes Road from County Highway J to Smith Road.
- (10) Richards Road from County Highway V to Town Line.

Each of the above-designated Town roads shall be subject to the weight limitations of Wis. Stats. § 348.16.

(e) **Permit.**

No person, business entity or governmental body, or any agent thereof, may excavate, open, plant, install underground utilities, overlay or modify any public highway, road, street or alley in the Town without receiving a permit from the Town Clerk-Treasurer prior to commencing the proposed activity. The application for such a permit and the permit shall be in the forms following this Ordinance, which are incorporated herein by this reference. Each person desiring to undertake an activity regulated by this Ordinance shall submit an application for a permit, together with plans, specifications, construction schedule, traffic control plan and the appropriate fee required by this Ordinance, no less than four weeks prior to the time the work is scheduled to begin.

(f) **Review of Application.**

The Town Clerk-Treasurer or other duly authorized representative of the Town Board shall review the application and supporting documentation as to its completeness upon submission. The Clerk-Treasurer may forward the application to the Town Engineer where necessary for an informed review of the application.

- (1) The Town Clerk-Treasurer or shall inform the applicant in writing whether or not the permit will be granted within two (2) weeks from the date of receipt of the completed application and fee.
 - (A) If the application is approved, the Clerk-Treasurer shall issue the Permit.
 - (B) If additional information is needed to evaluate the application, the Clerk-Treasurer shall so notify the applicant, who shall promptly submit the required information. The two week time limit shall be determined from the date of receipt of the additional information.
 - (C) If the application is disapproved, the Clerk-Treasurer shall provide written notice of the reason(s) therefor to the applicant. The applicant may submit a revised application or may appeal the disapproval to the Town Board.
 - (D) Failure by the Town Clerk-Treasurer to disapprove the application within two weeks of receipt of the complete application and any

required fee shall be deemed to be approval of the application as submitted.

- (E) If the Town Clerk-Treasurer deems it necessary to secure performance of the conditions of the work, the Clerk-Treasurer may recommend that the Town Board require the applicant to file such bond as the Town Board may require, in an amount consisting of 1.25 times the estimated cost of the construction project, in favor of the Town. The applicant may request a hearing before the Town Board on the bond requirement; if no request is made within five days after the Clerk-Treasurer's recommendation, such recommendation shall become the required bond amount. Such bond, if required, shall remain in full force and effect for at least one year past the estimated date of completion of the project. This requirement shall be inapplicable to public service corporations, sanitary districts and public utility districts.
- (2) All permits issued or deemed issued under this Ordinance shall be issued subject to the following conditions:
- (A) All activities undertaken under the permit shall conform to the application and any conditions placed upon granting of the permit.
 - (B) The permittee shall give at least two working days' notice to the Town Clerk-Treasurer prior to starting any work in the road. If a road will be fully or partially closed for any duration of time by the work, permittee shall notify the Columbia County Sheriff's Department, the Lodi Area Fire Department and Emergency Medical Service, as well as the Town Clerk-Treasurer.
 - (C) The permittee must receive written approval from the Town Clerk-Treasurer prior to any modifications of the activity contemplated by the permit.
 - (D) the permittee is responsible for repairing any damage, at the permittee's expense, to any adjoining property.
 - (E) The permittee is responsible for locating and maintaining any existing public utilities or structures located within the right-of-way and repairing damage to such structures.
 - (F) No portion of the Town roadway shall remain out of service as a result of the activity contemplated in the permit for more than 24 hours without express prior consent of the Town.

- (G) Where the work being performed is for the benefit of property abutting upon the affected roadway, the permittee, on behalf of permittee or the owner of such benefited abutting property, authorizes the Town to perform any work or operations necessary to bring the affected roadway into conformity with the permit if the work is not completed in a timely fashion, and further consents to the Town assessing the cost thereof to the owner of such benefited abutting property as a special charge pursuant to Wis. Stats. § 66.0627.
- (H) The entire cost of constructing and maintaining the facility shall be borne by the applicant.
- (I) All costs related to the Town's review, approval, inspections (if any) and enforcement of the permit shall be borne by the permittee.
- (J) All road work must be completed within five working days of completion of the project for which the road was opened.
- (K) Permits shall be valid for a period of three months from the date of issuance, and all work must be completed prior to the permit expiration date. Upon application and good cause shown by the permittee, the Clerk-Treasurer may extend the permit expiration date.
- (L) The permittee shall comply fully with Wis. Stats. §§ 66.0425, 86.07(2) and all applicable Town Ordinances.
- (M) The permittee shall provide satisfactory proof of liability insurance in such reasonable amount as determined by the Town Engineer in accordance with the nature and extent of the work.
- (N) No part of the permitted work shall be commenced until warning signs, devices, and methods adequate to protect the public are in place and fully functional. Warning signs and devices shall be as specified in the Wisconsin Manual on Uniform Traffic Control Devices.
- (O) All excavation within the right-of-way shall be backfilled with suitable granular material compacted in 9-inch lifts. The bottom portion of the trench shall be compacted to 90% of maximum as measured by the Modified Proctor method. The top 3 feet shall be compacted to 95%. The permittee agrees to make frequent inspections for settlement and to be responsible for any such settlement. If requested, the permittee shall provide compaction test results.

- (P) Highway surfaces, slopes, shoulders, ditches, and vegetation disturbed shall be restored to at least their original conditions. All roads shall have a minimum of 8 inches of compacted crushed aggregate base course (WisDOT - Gradation 3) and 3 inches of bituminous surface. Greater thicknesses may be required. All construction, repair, or reconstruction shall comply with standards set forth in the Town Subdivision Ordinance.
 - (Q) The work shall be carried out in a manner satisfactory to the Town Engineer as to compliance with the conditions of this permit and all local Ordinances.
 - (R) Where special circumstances exist at the site where the work is contemplated, the Town Engineer may impose additional reasonable conditions to assure that the work is carried out in a manner consistent with Town engineering, erosion control and environmental standards.
- (g) **Emergencies.**
The permit requirements shall be inapplicable to public service corporations or to any sanitary district or public utility district when performing work in the public right of way necessitated by unscheduled emergency repairs of damaged facilities or emergency services required for public health and safety. Under such emergency circumstances, such entity shall notify the Town Clerk-Treasurer and the Columbia County 911 Center of all roadway portions that will be disrupted no more than one hour after such emergency repair commences. All other requirements of this Ordinance, and, in circumstances not involving unscheduled emergency repairs of damaged facilities, all requirements of this Ordinance shall apply to such entities.
- (h) **General Standards.**
- (1) All Town roads constructed or reconstructed subsequent to the effective date of this Ordinance shall comply with the Town road standards set forth in the Town Subdivision Ordinance adopted on October 18, 1989, as amended from time to time.
 - (2) No person shall cause, allow or permit any person to fail to immediately remove fallen trees from any public highway, road, street or alley in the Town where these trees originated from property owned or leased by that person.
 - (3) No person shall cause, allow or permit any person to throw, deposit or discharge any weeds, sod, brush, manure or other waste or rubbish on any public highways, roads, streets or alleys in the Town. No person shall

cause, allow or permit any persons to draw, paint, print or paste on any culvert, bridge or guard rail on any public highway, roadway, street or alley in the Town.

- (4) No person shall cause, allow or permit any person to plant any tree or cut any tree on the public highway, road, street or alley in the Town without a permit issued by the Town Board or its designee. No permit shall be issued or reissued by the Town Board to plant any tree if the planting and location of the tree will substantially impair, now or in the future, the public safety of persons in the Town. No permit will be issued or reissued by the Town Board to cut any tree if the cutting of the tree, with the safety precautions to be taken, as described by the applicant or permittee, will still substantially impair, now or in the future, the public safety of persons in the Town or if the cutting and removal of the tree will substantially destroy the aesthetic beauty in the Town.
 - (5) All plans submitted to the Town relating to construction/reconstruction of Town roads or permits issued under any of the terms of this Ordinance shall be stated in metric units on and after Sept. 30, 1996.
 - (6) Retaining walls. Retaining walls, stone walls, etc., shall not be allowed on driveways within right-of-way.
 - (7) Curb & Gutter. Curb & Gutter shall not be allowed within the Town road right-of-way for private access unless the Town road has curb & gutter.
- (i) **Vehicular Access and Culverts.** No person shall locate, construct or reconstruct a vehicular access to a Town road or place a culvert in the public right of way of Town roads without first obtaining a permit from the Town or its designee.
- (1) **General Design.** A private access shall be of such width and so located that all of such access and appurtenances are within the limits of the frontage abutting the street of the property served. An access shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right of way required for effective traffic control and safety.
 - (2) **Number.** The number of accesses to serve an individual residential, farmstead, commercial, industrial or institutional property shall be one, except that an additional access may be granted by permission of the Town Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the road.
 - (3) **Location.** An access shall be so located as to not create a safety hazard for vehicles traveling on the roadway or exiting and entering the property. The Town Engineer, using good engineering practice, shall determine the

permitted location for an access with consideration given to the road's classification, topography, and posted travel speed. As a standard, an access shall be so located as to permit a safe distance from a vehicle at the access to see an approaching vehicle and to have adequate time to exit or enter the access safely, and for an approaching vehicle to see a vehicle at the access and to safely stop.

- (4) No access shall be located within or traverse any area that is part of a "vision clearance triangle" that is created by a hypotenuse line connecting points 150 feet from the center of a street intersection, nor shall accesses be located closer than 15 feet outside of the extended pavement edge line at a "T" intersection.
- (5) Vision corners. Vision corners must be free of all obstructions at each access point in accordance with the applicable VISION CORNER diagram. (See Exhibit B.) Access Vision corners are to be measured from a point 3.5 feet (1.0668 m) above the center of the proposed access, 15 feet (4.572 m) back from the edge of pavement of the Town Road, to two points 4.5 feet (1.3716 m) above the center of the nearest on-coming lane of the Town road in each direction, at a distance of "D" from the point where the Town road meets the center of the proposed access. Distance "D" shall correspond to the speed limit of the road. If the given speed limit is not listed, the next highest speed limit shall be used.
- (6) Every access shall be constructed with a culvert placed so as to permit the free and unobstructed flow of surface water past the access. No access may be constructed in a manner that would interfere with the drainage of streets, ditches or roadside areas.
- (7) Construction Standards.
 - (A) Existing access. Any use of access to a road prior to the effective date of this ordinance will be allowed.
 - (B) Access to roads. Entrance upon or departure from a Town road shall be prohibited except at locations specifically designated by this section. No driveway shall be opened into or connected with any Town road, under this section or converted from one use of access to another use of access without an Access Permit.
 - (C) Land division and zoning approvals. Before any parcel of land is allowed to be subdivided, pursuant to the Town of Lodi Subdivision Ordinance, it must be proven that access can be provided to each parcel in such a way that it will not violate any of the regulations of this ordinance.

The Town of Lodi shall not approve or issue any applications for permits, nor shall it recommend in favor of any rezoning or

conditional uses for any structure or parcel of land which does not have an existing access or a highway or Town road access permit.

- (D) Access to minor roads and local streets. Whenever possible, access should be granted onto the local street as defined in Section 10.02 (m) of this Code adjacent to the property when there is a choice between roads.
- (E) Types of Accesses.
- (i) Type "A" access: Private driveways with access to one or two agricultural or residential parcels must have an entrance width of 20 to 24 feet (6.096 to 7.315 m) and a return radius of 20 feet (6.096 m) (see drawing below).
 - (ii) Type "B" access: Type "B" access standards (see Exhibit C) must be used for residential with 3-20 units, and commercial or industrial with up to 25,000 square feet (2,322.5 sq. m.).
 - (iii) Type "C" access: Type "C" access standards (see Exhibit C) must be used for residential with over 20 units, and commercial or industrial over 25,000 square feet (2,322.5 sq. m.).
 - (iv) Bypass lane: An access entering onto a Town Road shall include a by-pass lane under the following circumstances:
 - a. Where the ADT of the Town Road is 2500 for a Type B access;
 - b. Where the ADT of the Town Road is 1000 for a Type C access;
- (F) Access Width. Unless an exception is granted by the Town Board, accesses for all types of land uses shall be no wider than 30 feet. Exceptions may be granted based on factors such as accommodating commercial or farm vehicles maneuvering or where left and right turn lanes should be included within the access.
- (G) Angle of Approach.

Horizontal: The angle between the centerline of the access and the centerline of the road shall be no less than 70 degrees.

Vertical: The angle of the driveway surface between the right of way and the edge of pavement shall not exceed a slope of eight percent as shown on Exhibit A.

- (H) Access Surface. An access may be constructed of any hard, clean, durable material such as concrete, crushed stone, bituminous or paving stone placed so that the surface of the access meets the existing edge of pavement. Driveways shall not extend into the roadway surface so as to cause an obstruction to the maintenance or snow removal on the roadway. All access surfaces must have a minimum two percent crown or cross slope directing drainage to the access edge.

Pavement. Any pavement in the right-of-way, whether new, resurface, or replacement may be required to be replaced at the owner's expense when it causes a safety or drainage problem.

Paved Apron. Access onto a Town road may require a paved apron within the right-of-way of the Town road, at the owner's expense, in instances when usage or drainage warrants.

- (I) Culverts. Culverts shall be installed prior to construction work being commenced on the property. All culverts shall be constructed of material acceptable to the Town Engineer, including galvanized corrugated steel or concrete; and shall be of sufficient gauge to provide adequate bearing capacity for vehicles expected to use the driveway as determined by the Town Engineer. Plastic pipe and/or endwalls shall not be allowed.

(i) Minimum Size. Culverts shall be a minimum of 20 feet in length, and shall be no smaller than 15 inches in diameter, or equivalent. Larger culverts may be required by the Town Engineer where needed to accommodate unusually high storm water drainage.

(ii) Placement. Culverts shall be placed in the ditch line at elevations as set by the Town Engineer so as to adequately convey water and assure proper drainage.

(iii) Endwalls. All culverts shall have flare endwall sections so that backfill and cover material will not erode into the bottom of the ditch and reduce the capacity of the ditch and culvert. Endwalls or abutments constructed of timber, concrete or similar material, are prohibited.

(iv) Backfill and Cover Material. Culverts shall be bedded and backfilled with granular material, compacted in place, or

other material acceptable to the Town Engineer. The minimum cover, measured from the top of the pipe to the top of the subgrade material shall be six inches.

- (v) Gauge. The minimum wall thickness for corrugated metal culverts shall be in accordance with the following:

<u>Pipe Diameter</u>	<u>Gauge</u>
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

- (J) Access Drainage. The access shall be sloped away from the edge of the roadway pavement at a minimum slope of two percent across the shoulder and one percent from the shoulder point to the low point. The low point of the access shall be located at the center of any required ditch over the driveway culvert. If no ditch exists, the access low point shall be placed at the center of the future ditch as determined by the Town Engineer. If the access slopes down from the roadway, a swale must be created over the center of any existing or future ditch. (See Exhibit A)

Slopes. Slopes to the side of the access shall not be greater than 4 to 1 or that of the embankment of the existing Town road whichever is less.

- (K) Shared Access. Shared access is encouraged.
- (L) Restoration. All Town road surfaces, shoulders, curbs, ditches, slopes and vegetation disturbed during access construction shall be restored to original conditions.
- (M) Hazard Marking and Lighting. Any access location shall, during construction within the right-of-way, be provided with adequate hazard marking and lighting. The hazard marking and lighting shall be provided by the owner of the parcel to which the access will enter.
- (N) Administration.
 - (i) Administration. The Town Engineer and/or Building Inspector or designee is hereby authorized to administer this ordinance. Applications for permits shall be made to the Town Engineer and/or Building Inspector or designee

who shall review the proposed development or construction and shall either grant or deny the proposed access based upon the provisions, standards, and requirements of this ordinance, within ten (10) working days.

- (ii) Interpretation. All restrictions on the use of land is restricted to the objects, growth, and use of land within the Road right-of-way of the Town of Lodi. Whenever it is questionable as to whether or not an object or a part of an object is within the jurisdiction of this ordinance, the entire object shall be considered to be entirely within.
- (iii) Access Permits. No structure, object, excavation or growth shall be constructed, reconstructed, altered, placed, installed, or planted within the right-of-way of a Town Road as part of access construction until an Access Permit has been issued by the Town Engineer and/or Building Inspector or designee. Said permit shall be placed in clear view as near to the point of proposed construction or access as possible. An access permit shall expire 24 months from the date of issuance. All construction must be completed within this time. The Town Engineer and/or Building Inspector or designee may extend approval of an access permit, under extenuating circumstances.

The permittee shall be liable for all materials, labor and other costs connected with the construction of the access within the Town Road right-of-way. The Town of Lodi shall not be liable for any damages or injury which results from the construction of an access. The Town of Lodi shall not be responsible for any maintenance of a private access/access culvert including the removal of snow, ice, or sleet from the access.

- (iv) Variances. Any person who believes that the literal enforcement of the specific standards of this Section will work a hardship may apply to the Town Board for a variance from the literal terms of this Section. The application shall be filed with the Town Clerk-Treasurer and shall include a description of the claimed hardship and any other reasons the applicant believes a variance should be granted. The Town Clerk-Treasurer shall refer the application to the Town Engineer or Building Inspector, as appropriate, for a recommendation to the Town Board.

- (j) **Mailboxes.** Mailboxes, paper boxes or similar repositories may be placed in the public right of way provided they meet the following conditions:
- (1) **Placement.** No mail or paper box shall be placed such that its front edge is closer than 36 inches to the pavement edge on a rural cross-section street or such that it overhangs any part of the curb in an urban cross-section street.
 - (2) **Construction.** No mail or paper box shall be erected on a post or pipe made of any material other than a metal pipe or post with maximum diameter of two inches or a wooden post with a maximum size of four inches by six inches. Every effort shall be made to assure that such post or pipe will give way in the event that it is struck by a vehicle.
- (k) **Solid or Hazardous Waste Hauling.** No person shall cause, allow or permit any person to transport any solid waste, hazardous waste or any other type of waste to any solid waste disposal site or facility licensed under Wis. Stats. § 289.31 on any Town roads except for Town roads which the Town Board has designated for reasonable access to such site or facility. Prior to construction of any solid waste disposal site or facility, the Town Board shall designate the Town roads that will provide access to the site or facility. Thereafter, no other Town roads may be used by any person to transport any waste to or from the site or facility. All solid waste hauling will comply with the Town Solid Waste Hauling Ordinance, as amended from time to time.
- (l) **Oversized and Overweight Vehicles.** No person shall cause, allow or permit any person to move oversized or overweight vehicles or loads on any public highway, road, street or alley in the Town of Lodi without a permit issued by the Town Board or its designee. The person applying for the permit shall fully comply with Wis. Stats. §§ 348.25, 348.26, 348.27 and 348.28 and this Ordinance. No permit shall be issued or re-issued by the Town Board or its designee unless the person agrees to and does fully comply with §§ 348.25, 348.26, 348.27 and 348.28 and this Ordinance, where applicable, and with any reasonable conditions established by the Town Board or its designee. The Town Board or its designee may suspend or revoke, for good cause, any permit issued on these sections or may decline to issue additional permits after providing the applicant or permittee with a reasonable opportunity for a public hearing. The Town Board or its designee may, as a condition of issuing a permit, require a bond, certificate of insurance or cashiers check which, to the satisfaction of the Town Board or its designee, will save the Town from any claim, loss or damage that may result from issuing the permit. In addition, the Town Board or its designee may require proof that personal injury and property damage insurance will be in force, sufficient to the satisfaction of the Town Board or its designee, to cover claims from bodily injury or property damage which may occur as a result of the operation under the permit and for

which the permittee is legally responsible. Any weight permits will be issued by Columbia County Highway Department by the Town Board Chair's approval for the purpose of permits for Spring load limits.

(m) **Snow Emergencies and Winter On-Street Parking.**

- (1) The Town Board declares that the Town of Lodi shall have the responsibility to declare any Snow Emergency, to make the appropriate announcements and to post, in the appropriate locations, the actual declaration of Snow Emergency.
- (2) Upon the actual completion of the posting, the Snow Emergency shall be formally declared. From that time period until the Snow Emergency declaration is rescinded by the Town Board, no person in the Town shall cause, allow or permit any person to park any motor vehicle on any public highway, road, street, or alley in the Town so as to cause obstruction of plowing, block traffic or inhibit traffic flow for emergency purposes in the Town. The Snow Emergency declaration shall be rescinded by the Town Board when it files with the Town Clerk-Treasurer a written termination of the Snow Emergency declaration.
- (3) It shall be unlawful to park any vehicle in the following locations in the Town of Lodi at any time from November 15 to March 15 each year:
 - (A) All public highways within the boundaries of the Okee Sanitary District (also known as the Okee Urban Service Area);
 - (B) All public highways within the boundaries of the Harmony Grove Sanitary District (also known as the Harmony Grove Urban Service Area);
 - (C) Thistledown Drive;
 - (D) Brothertown Court.
- (4) The emergency and winter parking restrictions set forth herein shall be inapplicable to emergency vehicles and Columbia County vehicles.

(n) **Enforcement.**

The Building Inspector and/or the Town Engineer may post a stop-work order if any work or any part thereof is being installed contrary to the terms of a permit or without a permit. If the landowner or the permittee fails to cease the unpermitted activity or comply with the permit conditions immediately, the Town may issue a notice of intent to the landowner or permittee of the Town's intent to perform the work necessary to comply with this Ordinance. The Building Inspector and/or the Town Engineer, or a contractor retained to perform such services, may commence the work no less than 14 days after issuance of the notice of intent. All costs

associated with the work performed, including the services of the Building Inspector, Town Engineer, Town Attorney, Town administrative costs and those of the contractor performing the work, shall be billed to the landowner. If the landowner fails to pay the amount due, the Town Treasurer shall enter the amount due onto the tax rolls and collect such bill as a special charge pursuant to Wis. Stats. § 66.0627.

(o) **Applicability.**

This Ordinance applies to all persons or entities making use of the public right of way, except where specifically noted herein.

(p) **Fees.**

The fees for road opening and driveway permits for Type A, B, C and agricultural field accesses shall be as established under Section 2.71 of this Code. Permits obtained after construction begins shall be charged double the normal permit fee.

(q) **Severability.**

The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected.

History Note: Adopted effective January 1, 1983; amended September 30, 1986; repealed and recreated February 22, 1994, amended 9-25-95. amended May 30, 2000; amended 12/27/05; amended by Ord. 2008-16 on 7/29/08; repealed and recreated Ord. 2010-09, 11/30/10; amended by Ord. 2011-07, 06/28/11; created by Ord. 2015-05, 06/16/15

INSERT EXHIBITS TO SECTION 5.11

- Exhibit A Driveway Standard
- Exhibit B Vision Site Corners
- Exhibit C Access Design Standard
- Exhibit D Application for Town Road Access Permit
- Exhibit E Permit for Excavating Within a Town Right of Way

**EXHIBIT TO SECTION 5.11
(See Section 5.11(e))**

PERMIT FOR EXCAVATING WITHIN A TOWN RIGHT-OF-WAY

1. Applicant name:
2. Location and description of work being proposed:
3. Estimated value of work: \$_____
4. Estimated project duration:_____
5. Permit will be granted subject to the following conditions:
 - (A) All activities undertaken under the permit shall conform to the application and any conditions placed upon granting of the permit.
 - (B) The permittee shall give at least two working days' notice to the Town Clerk-Treasurer prior to starting any work in the road. If a road will be fully or partially closed for any duration of time by the work, permittee shall notify the Columbia County Sheriff's Department, the Lodi Area Fire Department and Emergency Medical Service, as well as the Town Clerk-Treasurer.
 - (C) The permittee must receive written approval from the Town Clerk-Treasurer prior to any modifications of the activity contemplated by the permit.
 - (D) The permittee is responsible for repairing any damage, at the permittee's expense, to any adjoining property.
 - (E) The permittee is responsible for locating and maintaining any existing public utilities or structures located within the right-of-way and repairing damage to such structures.
 - (F) No portion of the Town roadway shall remain out of service as a result of the activity contemplated in the permit for more than 24 hours without express prior consent of the Town of Lodi.
 - (G) Where the work being performed is for the benefit of property abutting upon the affected roadway, the permittee, on behalf of permittee or the owner of such benefited abutting property, authorizes the Town of Lodi to perform any work or operations necessary to bring the affected roadway into conformity with the permit if the work is not completed in a timely fashion, and further consents to the Town assessing the cost thereof to the owner of such benefited abutting property as a special charge pursuant to Wis. Stats. § 66.0627.
 - (H) The entire cost of constructing and maintaining the facility shall be borne by the applicant.
 - (I) All costs related to the Town's review, approval, inspections (if any) and enforcement of the permit shall be borne by the permittee.

- (J) All road work must be completed within five working days of completion of the project for which the road was opened.
- (K) Permits shall be valid for a period of three months from the date of issuance, and all work must be completed prior to the permit expiration date. Upon application and good cause shown by the permittee, the Clerk-Treasurer may extend the permit expiration date.
- (L) The permittee shall comply fully with Wis. Stats. §§ 66.0425, 86.07(2) and all applicable Town Ordinances.
- (M) The permittee shall provide satisfactory proof of liability insurance in such reasonable amount as determined by the Town Engineer in accordance with the nature and extent of the work.
- (N) No part of the permitted work shall be commenced until warning signs, devices, and methods adequate to protect the public are in place and fully functional. Warning signs and devices shall be as specified in the Wisconsin Manual on Uniform Traffic Control Devices.
- (O) All excavation within the right-of-way shall be backfilled with suitable granular material compacted in 9-inch lifts. The bottom portion of the trench shall be compacted to 90% of maximum as measured by the Modified Proctor method. The top 3 feet shall be compacted to 95%. The permittee agrees to make frequent inspections for settlement and to be responsible for any such settlement. If requested, the permittee shall provide compaction test results.
- (P) Highway surfaces, slopes, shoulders, ditches, and vegetation disturbed shall be restored to at least their original conditions. All roads shall have a minimum of 8 inches of compacted crushed aggregate base course (WisDOT - Gradation 3) and 3 inches of bituminous surface. Greater thicknesses may be required. All construction, repair, or reconstruction shall comply with standards set forth in the Town of Lodi Subdivision Ordinance.
- (Q) The work shall be carried out in a manner satisfactory to the Town Engineer as to compliance with the conditions of this permit and all local Ordinances.
- (R) Where special circumstances exist at the site where the work is contemplated, the Town Engineer may impose additional reasonable conditions to assure that the work is carried out in a manner consistent with Town engineering, erosion control and environmental standards.
- (S) Special Conditions:

Applicant Signature: _____

Date: _____

APPROVED:

By: _____

Date: _____

Fee Paid: _____

SECTION 5.12 CONSTRUCTION OF DRIVEWAYS**(a) Slope.**

No land with a slope of more than 20% shall be disturbed for the establishment, construction, improvement, modification, or reworking of a driveway. The maximum final slope of any portion of the driveway shall be no more than 12%.

(b) Driveway Materials, Width, Rise, and Ditch Distance.

The driveway shall be constructed with a hard surface appropriate to the driveway circumstances. Concrete shall be prohibited in the first 3 feet of the driveway abutting the Town road, excluding all Ag-zoned properties and those sections of road with curb. Asphalt is required for the first 3 feet of the driveway abutting the Town road, except where the road has curb and gutter. For the remainder of the driveway, it shall be constructed with a minimum of a finished surface of 12 feet in width, with a minimum of 4 feet side slope on each side with a maximum slope of 1 foot of vertical rise for each 4 feet of horizontal distance. (Such a rise equals 25% slope.) There shall be a minimum of 20 feet from the center of the ditch on one side of the driveway to the center of the ditch on the other side. The center of each ditch must be at least 10 feet from the centerline of the 12 foot road.

(c) Drainage.

Ditches along the right of way, roadway crowning, and culverts shall be provided by the property owner for acceptable drainage. The driveway shall be planned, constructed, and maintained in a manner that prevents diversion of the surface water onto the public road and/or the lands of other persons.

(d) Side Banks.

The side banks shall be graded to a slope of no more than 1 foot of vertical rise in each 3 feet of horizontal distance. (Such a rise equals 33% slope.) Excluded from this grading requirement and driveways for which retaining walls and/or other erosion control measures are installed as specified in an Engineer's Plan approved by the Town Board.

(e) Radius of Curves.

Curves in the driveway shall have an inside radius of no less than 36 feet.

(f) Erosion Control.

Once the construction of the driveway has begun, all specified erosion controls — including retaining walls, ditching, culverts, crowning, mulching, matting, and bank seeding — shall be begun immediately. For winter construction, erosion alternatives must be implemented within 30 days until specified controls are available.

(g) Substrate.

The driveway must have at least 4 inches of 2-inch rock on the roadbed, covered with 2 inches of ¾-inch gravel. If it can be shown there is a suitable base, the provision requiring 4 inches of 2-inch rock may be modified or waived by the Town Board or its designee. A field road is exempt from this provision.

(h) **Clearance for Emergency Vehicles.**

An area 20 feet in width and 14 feet in height shall be cleared along the entire driveway right-of-way in order to permit the safe passage of emergency vehicles to the structures served by the driveway. A field road is exempt from this requirement.

(i) **Turnaround.**

The driveway must have a turn around area located no more than 75 feet from the house. The area shall be capable of turning around emergency vehicles and shall be generally as shown in Exhibit A.

(j) **Existing Driveways.**

(1) When washing or other conditions created by existing driveways or field roads that do not meet the specifications required in this Ordinance obstruct or become a potential hazard to a public road, the Town Board shall notify the property owner of the conditions. Any property owner failing to correct such condition within 30 days after notice by the Town Board shall be subject to the penalties described in the penalties section of this Ordinance.

(2) No field road may be used for non-agricultural purposes unless the field road has been approved as a driveway under the purposes of this Ordinance.

History Note: Adopted effective September 28, 1999; amended by Ord. No. 2017-02 on 3/28/17; amended by Ord. No. 2018-04 on 2/26/19.

SECTION 5.13 DRIVEWAY SITING.**(a) Definitions.**

- (1) Agricultural land. Land within the Town of Lodi that has been or is currently considered farmland.
- (2) Driveway. A private driveway, road, or other avenue of travel that runs through any part of a private parcel of land or that connects or will connect with any public highway, but shall not include any field road lying outside of the right-of-way of a public highway.
- (3) Field Road. A road used only for agriculture purposes.
- (4) Topography. The surface features of an area of land.

(b) Purpose.

The purpose of this Ordinance is to regulate the siting of a driveway that changes the existing topography of the land to assure that the site will promote the public health, safety, and general welfare of the community, to preserve agricultural land, to protect environmentally sensitive areas, and to enforce the goals and policies set forth in the Town of Lodi Comprehensive Plan.

(c) Jurisdiction.

Jurisdiction of these regulations shall include all driveways on parcels or building sites that are located within the Town.

(d) Application Requirements and Procedures.

- (1) Who Must Apply. No person or entity shall site a driveway without first obtaining a Driveway Siting Permit from the Town or its designee.
- (2) Application Forms. The Town Board shall approve a form for applications for driveway permits. These are available from the Town Clerk-Treasurer.
- (3) Application. Submit a completed Driveway Siting Permit Application with the appropriate fee and the following required attachments, as required, to the Town Clerk-Treasurer. The attachments (1) through (7) are described in the Town's Applications Guide, a copy of which is available from the Town Clerk-Treasurer.
 - (A) Plat map.
 - (B) Aerial photo/site analysis.
 - (C) Soil/slope analysis.
 - (D) Town Erosion Control Plan.
 - (E) Driveway Construction Plan OR
 - (F) Engineer's Plan (if required).

- (G) Other documents the Town may required to be attached to the Drive Way Siting Permit Application. Such documents, if any, would be described in the Applications Guide.
- (4) Application Review. Procedures for the evaluation of the Driveway Siting Permit Application — including site review of the proposed driveway, public hearing, and Town Board meeting — are described in the Applications Guide.
- (5) Permit Application Denial. If an application for a Driveway Siting Permit is denied by the Town, nor application for a relatively similar Driveway Siting Permit will be considered within 6 months of the denial.
- (6) Permit Period. The Driveway Siting Permit is effective for 24 months from the date of issuance. The permit shall expire after 24 months.
- (7) Building Permits. No Building Permit for new residential construction will be issued until the driveway is sited according to the specifications of this Ordinance.
- (8) The application fee shall be \$150.00. Any costs incurred in excess of fee amount shall be billed to applicant. Said costs may be collected pursuant to Wis. Stats. § 66.0627.
- (e) **Agricultural Land**.
No driveway shall be approved in the Town of Lodi if the Town Board or its designee finds that the driveway will adversely impact agricultural land.
- (f) **Field Roads**.
No field road may be used for non-agricultural purposes unless the field road has been approved as a driveway under the purposes of this Ordinance.
- (g) **Waiver of Specifications**.
Any specification(s) in this section may be waived or modified by the Town Board or its designee if it deems the specification(s) would impose any unnecessary hardship. Any request by an applicant for a waiver or modification of any provision in this section must accompany the initial application and must state the reason for the request.
- (h) **Engineer's Plan**.
If, in the opinion of the Town Board or its designee, conditions at the proposed driveway site are such that a driveway meeting the standards of this Ordinance would be difficult or impossible, the Board may require submittal of a plan by a Registered Professional Engineer.
- (1) If required, an Engineer's Plan will include a plan, drawn to scale, showing the following:
- (A) Location. The precise location of the driveway or the segment of driveway that requires an Engineer's Plan.

- (B) Slope. A profile of the driveway showing nonexisting slopes greater than 20% and no proposed slopes greater than 12%.
 - (C) Retaining Walls. The location and design of any retaining walls.
 - (D) Culverts. The location, size and design calculations for culverts and ditches.
 - (E) Cross-section. A cross-section of the driveway.
 - (F) Erosion control. The required mulching, matting, silt fence or other erosion control measures in conformance with the Town's Erosion Control Ordinance.
 - (G) Certification. The plan will include the engineer's name, address, and signature; and a statement from the engineer that he has fully complied with all the provisions of this Ordinance.
- (2) No construction of a driveway or shared driveway may commence until the Engineer's Plan, if required, is approved by the Town Board or its designee, until a Driveway Construction Permit is issued by the Town and, when applicable, any necessary approvals are obtained from Columbia County or the State of Wisconsin (See Wis. Stats. § 86.07). The preparation of an Engineer's Plan does not guarantee the Town's approval of the Driveway Construction Permit Application.
- (A) Inspection. After the driveway has been completed, a minimum of 2 Town Board Supervisors or its designee shall inspect the driveway to determine whether or not it was constructed according to the plan(s) and is consistent with the requirements of this Ordinance.
 - (B) Disclaimer. The Town's approval of a driveway permit application does not constitute a determination that the driveway is safe, suitable for use, or otherwise passable for the public. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose.
- (i) **Penalties**. Should a driveway be sited in violation of the provisions of this Ordinance, or create a hazard that is not corrected within 30 days of notification, the owner(s) of the land through which the driveway passes shall, upon conviction, pay a forfeiture of \$100.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense. An unlawful driveway constitutes a public nuisance and may be enjoined.

(j) **Disclaimer.**

The Town's issuance of a driveway siting permit does not constitute a determination that the driveway is safe, suitable for use, or otherwise passable for the public. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose.

History Note: Adopted effective September 28, 1999.

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