

ORDINANCE NO. 1-2010

TOWN OF GARFIELD

POLK COUNTY, WISCONSIN

ROAD, DRIVEWAY, EROSION CONTROL AND STORMWATER MANAGEMENT ORDINANCE

Pursuant to Wisconsin Statutes, including but not limited to, sections 60.22, 61.34(1) and 82 of the Wisconsin Statutes, the Town Board of the Town of Garfield, Polk County, Wisconsin, does hereby ordain as follows:

SECTION A PURPOSE; COSTS

1. Purpose: The purpose of this Chapter is to regulate and control road and driveway construction; erosion control; and stormwater management within the Town of Garfield in order to promote public health, safety, general welfare, water quality, and aesthetics; in order to permit the safe, efficient and orderly movement of traffic; to respect natural features and topography; and to permit proper drainage. This can be accomplished by requiring an orderly layout and use of land, providing safe access to highways, roads and streets, facilitating adequate provision for transportation and surface drainage.
2. Costs: All costs incurred by the Town in administering this chapter, including but not limited to, inspections, engineering services and attorney services, shall be paid by the developer of all plats and subdivisions. Any costs incurred by the Town on individual lots or open land shall be paid by the person(s) who hold the driveway, building, right of way and/or erosion permit or, if unpaid, the owner of the property for which the permit is required. Costs that are not paid when billed shall be certified on the property tax roll as special charge under Wis. Stats. § 66.0627 against the property for which costs were incurred.

SECTION B REPEAL OF CERTAIN ORDINANCES

The following ordinances, or sections thereof, of the Town of Garfield are hereby repealed:

1. Ordinance No. 2-2004 regarding driveways.
2. Ordinance No. 2004, Section 3.08, concerning public roads standards, and Section 3.09, concerning stormwater management and erosion control.

SECTION C DEFINITIONS

For the purpose of this Chapter, certain words or phrases used herein are defined as follows:

Arterial. Roads designed for higher speeds and traffic volumes than collector roads and that serve corridor movements.

Driveway. An access used for purposes of ingress and egress from a public road serving not more than two (2) lots; or access to non-residential agricultural land used solely for farm purposes; or access to undeveloped land.

Local Road. Roads designed for low speeds and low volumes which provide access from low-traffic generating areas to collector systems.

Major Collector. Roads which provide moderate speed and movement of traffic between arterial roads and/or activity centers. Their function is to promote the free flow of traffic and therefore should have limited residential access. They have a higher capacity and receive higher volumes of traffic to be distributed from or collected toward nearby arterial roads.

Minor Collector. Those roads which provide a connection between local roads and major collector roads. A minor collector provides frontage and access to residential lots but also carries some through traffic to local roads. A minor collector is a relatively low speed, low-volume road.

Town. The Town of Garfield.

SECTION D WAGE RATE APPLICABILITY

Prevailing wage rates will be applicable for all public works and publicly funded private construction pursuant to Wisconsin Statutes 66.0903 & 66.0904.

SECTION E PUBLIC ROAD STANDARDS

1. Requirements.
 - a. All roads and road systems shall be designed by a registered professional engineer licensed in the State of Wisconsin and built in conformity with this ordinance and shall be located to take into account:
 - i. Existing and planned development and transportation plans.
 - ii. Topographic condition, including the load bearing capacity and erosion potential of the soil.
 - iii. Public convenience and safety, including facilitating fire protection, snow plowing and pedestrian traffic.
 - iv. The proposed use of land to be served.
 - v. Further re-division possibilities.
 - b. Eight (8) copies of a completed road plans and erosion control plan shall be submitted to the Town Clerk for all road construction in the Town. In the case of minor and major subdivisions, it shall be submitted with preliminary plat or certified survey map. For all other road construction it shall be submitted 60 days before commencement of construction, unless otherwise approved by the Town Board. A schedule for the required construction and surfacing shall be submitted to the Town Board. The schedule of construction so approved shall be a binding and enforceable condition of the Town's approval of the subdivision.
 - c. A financial guaranty in the amount of 120% of the estimated costs shall be required to assure that construction will occur according to the standards and schedule that have been approved.

- d. No building permits in a major or minor subdivision shall be issued by the Town until the bituminous base course has been constructed in accordance with the standards herein and Developers Agreement.
2. Design Standards. The following road standards are adopted as part of this ordinance. Refer to Town Road Classification Map.
- a. Roads at the perimeter of subdivisions shall extend to the subdivision border. Narrow strips of land between the road and the subdivision boundary shall not be permitted unless conditions under which the adjacent parcel can be connected to the road are established.
 - b. The vertical alignment of the centerline shall be based on the minimum safe stopping sight distance in accordance with the design standards of the AASHTO.
 - c. The planning, location and classification of roads in an area shall not allow the continuation of traffic from residential developments directly into commercial or industrial developments or vice versa.
 - d. Dead-end roads shall not exceed 1,000 feet in length unless approved by the Town Board. Provisions shall be made for the extension of dead-end roads to the boundary of the subdivision if possible.
 - e. All erosion control measures and devices must meet standards of this chapter.
 - f. The following road design standards shall apply to all proposed new road construction and existing road reconstruction, unless otherwise approved by Town Board as part of a specific subdivision approval:

	Major Collector	Minor Collector	Local
Traffic Lanes	2	2	2
R.O.W.	66'	66'	66'
Road width before sand sub-base course	41'	35'	33'
Road width after aggregate base course	37'	31'	29'
Pavement surface, excluding shoulders	28'	24'	22'
Shoulders, paved or gravel	4'	3'	3'
Compacted sand sub base course	12"	12"	12"
Compacted aggregate base course 1-1/4" Dense Graded Base (per WisDOT) (100% crushed stone or gravel)	8"	8"	8"
Asphalt Pavement *			
Upper Layer	1.5"	1.5"	1.5"
Lower Layer	1.5"	1.5"	1.5"
Fore-slopes and fill slopes	4:1 desirable, 3:1 maximum	4:1 desirable, 3:1 maximum	4:1 desirable, 3:1 maximum
Back-slopes	4:1 desirable, 3:1 average, 2:1 maximum	4:1 desirable, 3:1 average, 2:1 maximum	4:1 desirable, 3:1 average, 2:1 maximum
Minimum radius of curvature in ft. from centerline for deflections of 7° or more	300	300	200
Maximum grade	8%	8%	10%

Maximum grade within 50' of the center of an intersection	2%	2%	2%
Corner radii	30'	30'	30'
Cul-de-sac pavement radius	-	45'	45'
Cul-de-sac neck radius	-	20'	20'

* Town reserves the right to require additional pavement thickness based on land use, soil conditions or traffic volumes.

3. Construction Standards. Materials and construction methods used shall conform to the provisions set forth in Standard Specifications for Highway and Structure Construction, Wisconsin Department of Transportation, 2008, or most current revision.
 - a. Decomposable materials shall not be used in construction.
 - b. The placement of gravel base of roadway, including driveways, site grading, erosion control and restoration shall be completed within six (6) months of approval of a signed developer's agreement for subdivisions and within six (6) months of the start date for all other roadways, not including the months of October through April.
 - c. The base course of bituminous shall be installed within six (6) months of preliminary plat approval or within the time provided in the Developers Agreement for subdivisions and within twelve (12) months of the start date of all other roadways. Road construction cannot start until there is a signed Developers Agreement in place and the required security has been provided to the Town.
 - d. The placement of wear course bituminous may be installed when the following criteria are met:
 - i. A minimum of ninety (90) days has elapsed from the completion and approval of the base course bituminous.
 - ii. The roadway has experienced at least one freeze-thaw cycle (fall to spring)
 - iii. The construction of wear and base course of the roadway shall not be completed between October 15 and May 15 without prior approval from the Town Board.
 - iv. Development improvements shall be completed no later than eighteen (18) months after the approval of a signed developer's agreement.
4. Inspection and Acceptance.
 - a. Inspection. Roads must be inspected by the Town Engineer as needed to ensure construction is in conformance with the plans and Town standards. The Town's inspection expenses shall be paid by the subdivider or construction authority. Roads will be inspected by the Town Engineer during the following designated phases of construction;
 - i. At start of construction.
 - ii. During subgrade construction.
 - iii. During subbase construction and after subbase construction.
 - iv. During bituminous paving and shouldering.
 - v. Final inspection prior to Town Board approval for acceptance.
 - b. Acceptance:
 - i. The Town Board will only accept roads that comply with all requirements of this ordinance. The Town will not consider a petition to take over a private road unless the private road is improved to the design and construction standards of

this ordinance. Dedications shall be accomplished pursuant to the provisions of Wisconsin Statutes 236.10(3) and 236.29.

- ii. The Town Board will do a final visual inspection of the roadway prior to acceptance.
 - iii. A two-year maintenance guarantee agreement including providing to the Town a financial security, e.g., letter of credit, in a form and amount satisfactory to the Town based on the Town Engineer's estimate of potential repair costs, shall be in effect for all roadways constructed within the Town and will be required to assure the Town that the entire roadway, shoulder area and erosion control measures will not fail in any manner.
 - iv. The engineer under whose direction the approved plans were submitted shall supply the Town with a stamped and signed certification that the roadway has been constructed in substantial compliance with the approved plans and this chapter. The Town reserves the right to hire a separate engineering inspector for any phase of the roadway construction, with the expense to be paid by the developer or construction authority.
5. General Provisions.
- a. No construction shall begin until preliminary plat is approved, and a signed Developers Agreement and appropriate financial security are filed with the Town for subdivisions or until Town Board approval of road plans on other projects.
 - b. The Town Board may require the developer or construction firm to redo any work that does not meet the above specifications.
 - c. The Town Board shall not accept any work that has not complied with the inspection schedule as stated above.
 - d. If work has been completed without the inspections required by this ordinance, the Town Board shall hire an engineer, at the developer's expense, to ensure the work completed thus far meets the requirements of this ordinance.
 - e. If any work is not completed in the time frame or within the specifications of this ordinance, the Town shall have the right to finish the construction at the expense of the developer, using the financial guaranty if necessary. Any work not covered by the financial guaranty shall be paid by the developer.

SECTION F DRIVEWAY STANDARDS

1. Requirements.
 - a. All buildings hereafter erected or moved into the Town and any other new building shall have driveway access to said building from a public or private road. All driveways, including driveways serving open land, shall meet the requirements of this ordinance.
 - b. All driveways shall be constructed to the road right-of-way as part of the roadway construction. To qualify for a building permit, driveways must be extended not less than ten (10) feet in length beyond the right-of-way line. The final driveway must be constructed from the public or private roadway to the building location.

2. Permits; fees.
 - a. A driveway permit shall be obtained and a copy issued to the permittee before commencement of any driveway construction in the Town. No driveway permit shall be issued until a completed application has been made and approved by the Town. Driveways that exit onto a county or state highway need county or state approval.
 - b. Existing access to non-residential agricultural land or undeveloped land is exempt from obtaining a permit unless the access is being rebuilt.
 - c. As part of the permit process, the applicant who may be the owner, agent or contractor shall submit a plan along with the application showing the specifications including grade, slope, width and length of the driveway, erosion controls and culvert specifications, and sightlines.
 - d. Agreement.
 - i. Upon application, the applicant for a driveway permit shall sign that the applicant has received a copy of the Town of Garfield Road, Driveway, Erosion Control and Stormwater Management Ordinance and accept the terms of the ordinance.
 - ii. This agreement can be obtained from the Town Chair or Town Clerk or their designee.
 - iii. No driveway construction shall begin until a driveway permit has been issued.
 - e. Fees. The fees for a driveway permit shall be set by resolution of the Town Board and shall be payable at the time of application for the permit, including fees for culverts. The fee for a driveway permit covers one inspection for driveway location and one inspection for compliance with this chapter. Each additional inspection required due to failure to comply with this chapter will require prepayment of a fee to be set by the Town Board
3. Design Standards. The following are the driveway standards adopted as part of this ordinance.
 - a. The Town Board or its designee shall examine the design of the proposed driveway and conduct an onsite inspection of the location of the driveway to assure that it is laid out in a way that will produce intersections, grades and other features that satisfy the following standards:
 - i. The intersection angle of a driveway to a road, and a road to a road, shall not be less than 90 degrees.
 - ii. The Town Board shall require adequate vision clearances.
 - iii. The Town Board may require joint driveways.
 - iv. There shall be a minimum of 200' feet between the centerlines of driveways and/or between the driveway and an intersecting highway or major collector, minor collector or local road with no more than two (2) driveways per quarter-mile, unless otherwise approved by the Town Board as part of a subdivision.
 - b. All culverts shall be corrugated dual wall HDPE and have a minimum diameter of 15 inches, unless otherwise specified by the Town Engineer, with end walls and a minimum cover of one (1) foot to top of sand sub-base. All culverts shall be constructed of materials in conformance with WisDOT and American Association of State Highway Transportation Officials (AASHTO) specifications. Culverts must be installed in accordance with manufacturers specifications.
 - c. No more than two (2) driveways will be permitted per forty (1,320 feet) without a waiver issued pursuant to Section 8 of this Chapter.

- d. All driveways over 300 feet in length that end in dead ends must have an area sufficient for emergency vehicles to turn around. A turn around must be approved by the Fire Department and have a minimum turning radius of 40 feet.
- e. The following are driveway standards unless otherwise approved by Town Board as part of a subdivision:

	Single	Joint
Width before sand sub-base course (at road)	34'	34'
Width after aggregate base course (at road)	30'	30'
Width before sand sub-base course (at right-of-way & beyond)	24'	31'
Width after aggregate base course (at right-of-way & beyond)	20'	27'
Pavement surface, excluding shoulders	14'*	22'***
Shoulders	3'*	2'***
Compacted sand sub-base	12"	12"
Compacted aggregate base	6"	6"
Fore-slopes and fill slopes	4:1 desirable, 3:1 maximum	4:1 desirable, 3:1 maximum
Back-slopes	4:1 desirable, 3:1 maximum	4:1 desirable, 3:1 maximum
Height clearance	14'	14'
Maximum grade within 50' of road surface edge	2%	2%
Maximum grade	10%	10%

* If desired, asphalt or concrete surface at a minimum 14' width and 2' gravel shoulders shall be centered on the 20' minimum base course.

** If desired, asphalt or concrete surface at a minimum 22' width and 2' gravel shoulders shall be centered on the 27' minimum base course.

- 4. Construction Standards. Driveways shall be constructed with the same construction standards as specified in Section 5(C), except defined timeline requirements and provided that they need not be paved.

SECTION G EROSION CONTROL AND STORMWATER MANAGEMENT

- 1. All storm water management and erosion control must be in accordance and meet all permitting requirements of the following:
 - a. Polk County Storm Water Management and Erosion Control Ordinance.
 - b. Wisconsin Department of Natural Resources (Subchapter V of Chapter NR 151, Wisconsin Administrative Code).
 - c. Wisconsin Construction Site Erosion and Sediment Control Standards.
- 2. Copies of the above permit applications and supporting documentation submitted per the requirements of this Section shall be provided to the Town Clerk for informational purposes.
- 3. No land disturbance shall occur until proof of compliance with the requirements of this Section is submitted to the Town Clerk. Acceptable proof shall be an approval letter or permit provided by the regulatory agency.

SECTION H WAIVERS TO DESIGN STANDARDS AND APPEAL PROCESS

1. The Town Board may grant waivers from the literal provisions of this chapter in cases where strict enforcement would be impractical or unduly burdensome because of circumstances unique to the individual property under consideration and only when it is demonstrated by the applicant that the waiver would be in keeping with the spirit and intent of this Chapter.
2. In addition to the requirements above, the granting of a waiver shall meet all the following requirements:
 - a. The purpose of the waiver shall not be based exclusively upon a desire to increase the value of the income potential of the parcel of land.
 - b. The granting of the waiver must be necessary for the preservation and enjoyment of substantial property rights of the applicant and the alleged uniqueness of special circumstances have not been created by any person having an interest in the property.
 - c. The granting of such waiver shall not, under any circumstances of the particular case, materially adversely affect the health, safety or general welfare of persons residing or working in the neighborhood of the property and will not, under any circumstances of the particular case, be materially detrimental to neighborhood aesthetics or injurious to the property or improvements of the neighborhood.
 - d. The waiver cannot be based on mere inconvenience, a financial hardship or a self-created hardship for the applicant if the strict letter of the regulation were carried out.
 - e. The waiver shall provide only the minimum relief necessary to alleviate the hardship.
3. Procedure.
 - a. At least 14 days before the Plan Commission meeting where the waiver application will be considered, the Town Plan Commission and the Town Board shall receive the waiver application for the applicant. The application shall be on a form available at the office of the Town Clerk and the submittals shall include all the appropriate documents and fees.
 - b. The Plan Commission or Town Board shall hold a public hearing on the request for the waiver. A Class 2 notice shall be published for the hearing.
 - c. The Plan Commission shall make a recommendation to the Town Board regarding whether the waiver shall be granted.
 - d. The Town Board shall make a decision on the waiver request within forty five (45) days of the hearing. Written findings of fact, conclusions, and the reasons for the decision shall be prepared, and signed by the Town Board Chairman. A copy of the decision shall be mailed to the applicant.

SECTION I VIOLATION AND PENALTIES

In addition to other forfeitures as provided herein, any person, partnership, corporation or other entity who fails to comply with the provisions of this Chapter shall be subject to penalties and forfeitures as provided in Sections 236.30, 236.31, 216.32, 236.335 and 236.35 Wisconsin Statutes.

Any person, corporation or organization who or which fails to comply with any provision of this chapter shall forfeit \$100 for the violation, plus the costs of prosecution for the violation. If the violation is not corrected within 10 working days of notice of violation, said person, corporation or organization shall

forfeit \$100 plus the costs of prosecution of the violation for each day a violation exists or continues. Each day shall constitute a separate offense. The Town may institute appropriate action or proceedings to enjoin any violation of this chapter or to require any person, corporation or organization to comply with this chapter. Commencing construction without obtaining a permit shall result in double the permit fee.

SECTION J SEVERABILITY

If a court of competent jurisdiction determines that any section, clause, provision or portion of this ordinance is unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected by any such determination.

SECTION K EFFECTIVE DATE

This ordinance shall be effective after public hearing, adoption by the Town Board, and publication as required by law.

Adopted by the Town of Garfield March 9th, 2010.

Edward O. Gullickson, Chairman

ATTEST

Sue Knutson, Clerk

**TOWN OF GARFIELD
SWORN STATEMENT**

I, _____, The undersigned, have received a copy of the DRIVEWAY ORDINANCE, and do hereby agree to the conditions set forth in this ordinance.

Signed _____ Date ____/____/____

**TOWN OF GARFIELD
DRIVEWAY PERMIT**

**Permit Fee
\$100.00**

Applicant name _____ Date ____/____/____

Address _____

_____ Phone ____/____/____

Property Owner's Name _____

Location: Section _____ Town _____ Range _____

Street or Avenue which driveway will access _____

Person or Company which will do the construction _____

_____ Phone number ____/____/____

All driveways shall be constructed according to the Town of Garfield Driveway Ordinance. I understand this ordinance and agree to construct proposed driveway according to these specifications.

The maintenance of this driveway shall be the sole responsibility of the property owner.

Signature of Applicant _____

Date ____/____/____

Signature of Town Official _____

Date ____/____/____

NOTICE OF NON-COMPLIANCE

At the time of the delivery of your fire number (_____) it exists that you have not applied for a driveway permit. Such failure to obtain a driveway permit places you in violation of the **TOWN OF GARFIELD DRIVEWAY ORDINANCE (NO 2-2004)**. You have 30 days to obtain the permit. Permits may be obtained from the person issuing this notice or any town official. A copy of the ordinance is being delivered to you with this notice. Because of the non-compliance, the driveway permit fee is \$200.00.




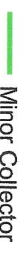

Town Representative delivering this notice: _____

Date ____ / ____ / ____

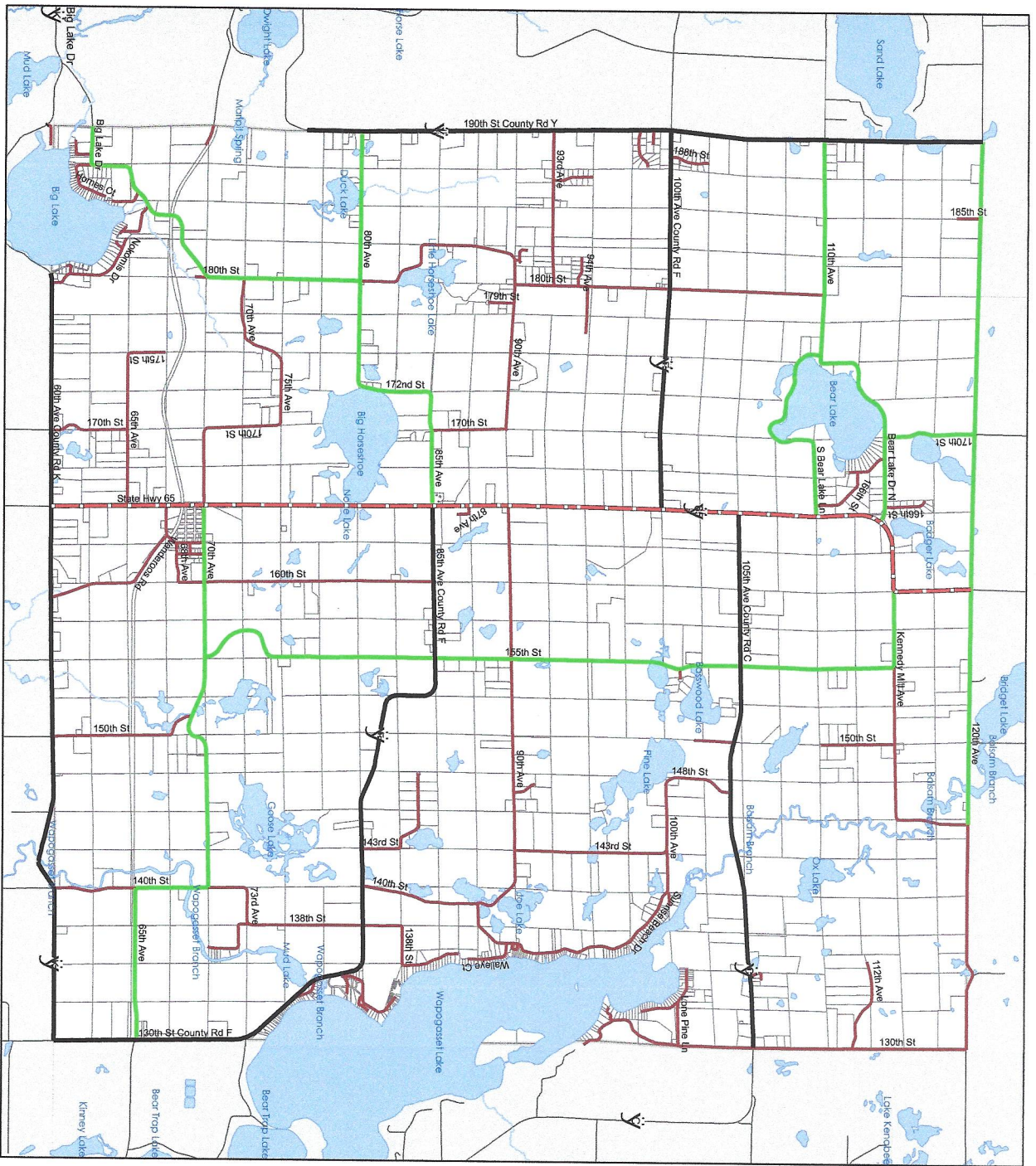
Receipt of Notice

Date ____ / ____ / ____

Road Classifications

-  Town of Garfield
-  Arterial
-  Major Collector
-  Minor Collector
-  Local Road

NOTE: This map was created as part of Ordinance No. 1-2010-Road, Driveway, Erosion Control and Stormwater Management.



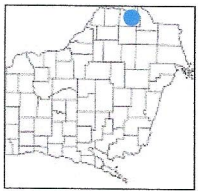
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MINOR COLLECTOR. Those roads which provide a connection between local roads and major collector roads. A minor collector provides frontage and access to residential lots but also carries some through traffic to local roads. A minor collector is a relatively low speed, low-volume road.

Road standards according to these classifications are specified in the Town's Road, Driveway, Erosion Control and Stormwater Management Ordinance.



Stevens
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