

# TOWN OF MUKWA

## ROAD/STREET CONSTRUCTION SPECIFICATION AND TOWN ACCEPTANCE ORDINANCE

### ORDINANCE 1-04

The Town Board of the Town of Mukwa, Waupaca County, Wisconsin hereby finds and determines that in order to promote the public safety, general welfare and convenience of the Town and citizens, it is necessary that certain requirements be established and followed in the establishing of Town Roads in the Town of Mukwa; therefore, the Town Board of the Town of Mukwa do ordain as follows:

**SECTION 1. Mukwa Town Road Criteria:** All Town Highways shall be established by the Town Board in accordance with the laws of the State of Wisconsin and contained in Section 80.01 of the Wisconsin Statutes, and any other laws applicable thereto.

Any person, firm, corporation or partnership owning lands abutting on a highway sought to be created or altered shall make application in writing to the Mukwa Town Board, giving location and description of proposed highway. Upon receipt of said application the Town Board will proceed to examine the proposed road, and in so examining it shall consider the road location, alignment, grade, public safety and all other accepted standard engineering principals for road design.

(A). All appropriate permits including, but not limited to (DNR Form 3400-161-Notice of Intent-Storm Water Discharges Associated with Land Disturbing Construction Activities General Permit) must be procured and are pre-requisites prior to any construction.

(B). Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be provided to and approved by the Town Board prior to construction.

(C). Any proposed road shall be considered to be placed in the town road system if it is a minimum of 500 feet or more in length.

(D). The Mukwa Town Board may require additional information in order to make its decision.

**SECTION 2. Specifications:** All roads to be considered for Town Highways shall be laid out and constructed with the following specifications by and the expense of the owner/s or persons desiring the same as a public road.

(A). Minimum right of way width to be a minimum of 66 feet.

(B). Minimum finished road surface width to be:

1. Residential: 26 feet.
2. Commercial: 28 feet.

(C). Road Gravel above the sub-grade elevation: Minimum of 6". Exact specifications to be determined between developer and Mukwa Town Board prior to construction.

(D). Lay minimum of 3" black top mat with a minimum width of:

1. Residential: minimum 1 1/2" binder and minimum width to be determined between developer and Mukwa Town Board.

2. Commercial: finished coat and minimum width to be determined between developer and Mukwa Town Board.

(E). Maximum permitted grade: 11%.

(F). All turn-arounds and dead-end roads shall have a 60 foot radius with a minimum 50 foot hard surface area or equivalent squared area at the termination of such road and shall be free from all obstructions (ie. vegetative islands, rock structures, etc.).

(G). No organic material such as black dirt, muck, peat or materials of like kind shall be permitted for the sub-base in low or swampy areas; the base course must have a sandy composition. Any muck holes encountered during construction of road bed must be removed and filled with a sandy lift and/or geo-fabric.

(H). Clear the right-of-way of all trees, brush, stumps, etc..

(I). Ditches to have a minimum depth of 18" below finished grade and the ditch back slopes to be graded at a 4 to 1 slope to be determined by drainage.

(J). Provide and install all necessary culverts adequately sized so as to insure unrestricted flow of run-off water. Culverts that are installed across the public road or proposed public road shall have a minimum of 8" of cover between the top of the pipe and the finished road center line elevation. The minimum length of any culvert installed in a road bed shall be 38 feet in length.

(K). All necessary road signs will be purchased and installed by the Town of Mukwa. Waupaca County approval of all road names, (through the Emergency Management division), is a prerequisite.

(L). Anyone who excavates, constructs or develops any lot adjacent to the public road shall first install a gravel driveway at their expense. The driveway shall be at grade with the road so as to avoid or minimize the damage that may occur to the road a result of the construction equipment passing over it.

**SECTION 3. Subdivisions:** It is the policy of the Town to install the finished coat of pavement only after three (3) years have passed and/or 50% of the lots have been developed. The Town may authorize the developer, at the developer's expense, to install the finished coat prior to the 3 year- 50% of development timetable on the condition that all of the owners of land abutting the public roadway sign an agreement to waive special assessment procedure for the cost of any damage done to the hard surface roadway during construction. There shall be required from each contractor who applies for a building permit on said roadway on behalf of any owner, and the owner himself, a bond-amount to be determined by the Mukwa Town Board, to cover the cost for repair of the roadway because of any damage done by their vehicles during construction.

The Town may enforce collection of any damages against the contractor and/or homeowner, with the cost added to the owner's real estate bill as a special charge.

(A). Naming of subdivisions and placement of signs/monuments must be agreed upon between developer and the Town of Mukwa.

(B). It shall further be the policy of the Town of Mukwa that even after the public roadway is installed, that the Town Board reserves the right to require anyone requesting a building permit sign a waiver of special assessment and/or provide a bond-amount to be determined by the Mukwa Town Board, against damage to the public roadways.

SECTION 4. Hardship Cases: The Town Board, by more than a 2/3 affirmative vote of all of its members may in specific cases authorize such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to very special conditions a literal enforcement will result in unnecessary hardship. It is intended that the spirit and purpose of this ordinance shall always be observed, and the public safety, welfare and justice always secured. The burden of proof for the unnecessary hardship shall rest entirely upon the proponent.

In every case where variance is to be granted the minutes of the Board shall affirmatively show in what particular and specific respect an unnecessary hardship is created.

SECTION 5. Penalty: Any person who shall violate any of the provisions of this code shall upon conviction of such violation forfeit not less than \$25.00 nor more than \$200.00 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid but not exceeding ninety (90) days. Each violation and each day a violation continues or occurs shall constitute a separate offense.

SECTION 6. Separability of Provisions: If any Section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction such decision shall not affect the validity of any other section, sub-section, sentence, clause or phrase or portion thereof. The Town Board hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

SECTION 7. Effective Date: This ordinance shall take effect upon its passage and publication or posting as provided by law.

SECTION 8. All ordinances or resolutions contrary to this ordinance are hereby repealed.

The foregoing ordinance was adopted at a regular meeting of the Mukwa Town Board of the Town of Mukwa, Waupaca County on may 17, 2004.

Aye 3

Nay 0

Walter D. Heise  
Walter Heise, Town Chairman

Michael G. Wundrock  
Michael G. Wundrock, Supervisor #1

Neil Freeman  
Neil Freeman, Supervisor #2

Jeannette Zielinski  
Jeannette Zielinski, Mukwa Town Clerk

Code of Ordinance Published: 5/7/04

Posted at:

Northport Convenience Center: 5/18/04

Mukwa Town Hall: 5/18/04

Bean City Bar/Grill: 5/18/04

Adoption of Ordinance Published: 5/21/04