

The Town Board of the Town of Silver Cliff does hereby ordain as follows:

## SECTION 1.0

### INTRODUCTION

**Section 1.01. Authority.** Pursuant to the authority granted by Chapter 81 of the Wisconsin Statutes, the Town Board of Silver Cliff, County of Marinette, does ordain these Town Highway regulations effective in the town.

**Section 1.02. Title.** This ordinance shall be known as, referred to, or cited as the Town Highways Ordinance, Town of Silver Cliff, Marinette County, Wisconsin.

**Section 1.03. Purpose and Intent.** The purpose of this ordinance is to promote the safety and general welfare of the citizens of the Town of Silver Cliff and others who travel the Town's roads by providing for the orderly layout and construction of Town roads.

**Section 1.04. Jurisdiction.** The jurisdiction of this ordinance shall include all Town roads and private roads within the town.

**Section 1.05. Applicability.** This ordinance shall apply to all Town roads, private roads, and private driveways, of which construction is completed after the effective date of this ordinance, and all existing roads which may in the future become dedicated for public use or submitted to the Town as a Town road.

**Section 1.06. Variances.** A variance to this ordinance can be granted by Town Board action.

**Section 1.07. Compliance.** To insure compliance with the standards created by this ordinance, no person shall commence construction of any road which is intended to provide future public access to more than one (1) landowner without providing detailed plans of the proposed road construction and obtaining a permit for such construction from the Town Board or its designees along with a copy of this ordinance and a typical highway cross-section. All costs incurred by the Town in the development and construction of said road shall be borne by the private landowner or developer.

**Section 1.08. Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

**Section 1.09. Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Silver Cliff, Marinette County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**Section 1.10. Severability.** If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

**Section 1.11. Repeal.** All other ordinances or parts of ordinances of the Township of Silver Cliff, Marinette County, inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

**Section 1.12. Effective Date.** This ordinance shall be effective after a public hearing, adoption by the Town Board of Silver Cliff, publication or posting as provided by law, and approval of the County Board of Marinette County.

## SECTION 2.0 RULES AND DEFINITIONS

**Section 2.01. Rules.** In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the content clearly indicates otherwise.

- (1) Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural the singular.
- (2) The word “shall” is mandatory and not discretionary.
- (3) The word “may” is permissive.
- (4) The masculine gender includes the feminine and neuter.

**Section 2.02. Definitions.**

- (1) Cul-de-Sac Road. A major road with only one outlet and having a turnaround for the safe and convenient reversal of traffic movement.
- (2) Easement. A right or privilege that a person may have in another’s land, as the right of way.
- (3) Grade. The center line gradient of a road, specified in percent.
- (4) Private Driveway. A privately owned roadway which serves no more than two (2) parcels of land and/or residences.
- (5) Private Road. A privately owned strip of land, which serves as access to more than two (2) parcels of land and/or residences—title to said parcels of land are not held by the same individual(s). Existing ingress/egress easements are **not** considered private roads.

- (6) Town. Reference to town shall mean the Town of Silver Cliff, including the Town Board, Town Clerk, or any designated Town Committee.
- (7) Town Roads. All town roads may also be termed "town highways". A town road is any road that the Town of Silver Cliff holds fee simple title to or has prescriptive rights in. Generally, the Town of Silver Cliff considers a road to be a town road if it appears on the Town's gas tax map.

## SECTION 3.0

### TOWN ROADS

**Section 3.01. Road Names.** New road names shall not duplicate the names of existing roads within the town, but roads that are continuations of others already in existence and named, shall bear the names of the existing roads. Road names shall be assigned as set forth in Chapter 81.01(11) of the Wisconsin Statutes and shall be subject to approval by the Marinette County Real Property Lister.

**Section 3.02. Right-of-Way.** All Town roads shall have a right-of-way width of sixty-six (66) feet.

**Section 3.03. Clear Zone.** A minimum clear-cut width of not less than fifty (50) feet shall be acceptable. Said clear-cut width shall be determined by the Town Board or designee at the time of the permit application and site inspection.

**Section 3.04. Cul-de-Sac.** All dead-end roads, regardless of length, shall have a solid turnaround with a radius of seventy-five (75) feet on the center line of said road or a "T" type turnaround. Said "T" shall be at right angles to the center line of the road, have a sixty-six (66) foot wide right-of-way and be not less than seventy-five (75) feet long on either side of the road center line. The Town Board or designee shall be consulted on which method to utilize at the time of the permit application and site inspection.

**Section 3.05. Road Width and Height.**

Town roads with an estimated average daily traffic count of fewer than one hundred (100) vehicles shall have a minimum road width, including driving surface and shoulders, of twenty-four (24) feet, and a minimum height clearance of sixteen (16) feet. Town roads with an estimated average daily traffic count of more than 100 vehicles shall have a minimum road width, including driving surface and shoulders, of twenty-six (26) feet.

**Section 3.06. Construction Standards.**

- a. Sub-base. The entire width of all roads shall have a minimum sub-base of four (4) inches of pit run covered with four (4) inches of crushed, compacted  $\frac{3}{4}$  inch gravel. More pit run or crushed gravel may be needed to create stability in problem areas.
- b. Surfacing. Three (3) options are available. The appropriate application will be determined by the Town Board or designee based on estimated traffic count. Option 1: A minimum two (2)

inches of compacted Asphaltic AC Penetration 120-150 Single Aggregate Bituminous Pavement 20 feet wide. Option 2: A minimum two (2) inches of cold mix compacted 20 feet wide. Option 3: Gravel road surface 24ft wide having a minimum of 2" compressed  $\frac{3}{4}$  road gravel which shall conform to U.S. D.O.T. Gravel Roads Maintenance and Design Manual standards.

- c. Asphalt and Bituminous surfaces shall be crowned a minimum of 1  $\frac{3}{4}$  inches higher at the center of the road to allow water to run to the shoulders. Gravel surfaces shall have a 4" to 6" crown.
- d. Gravel shall be applied to the shoulder to be flush with the paved area.
- e. All muck and foreign material, stumps, old culverts, larger rocks, etc., shall be removed and replaced with sand or pit run and brought up to grade before the sub-base is applied.

**Section 3.07. Ditches.** Town roads shall have a ditch on each side, the bottom of which shall be at least one (1) foot below the bottom of the sub-base. Deeper ditches may be necessary to provide adequate drainage. The Town Board or designee shall determine if a deeper ditch is needed.

**Section 3.08. Back and Side Slopes.** All roads shall have an eight (8) foot side slope with 4 to 1 pitch, except where geographic features or terrain would not allow for same as determined by Town Board or designee. Back slope shall be a maximum of 2 to 1 pitch. (See Appendix A for typical Cross Section.)

**Section 3.09. Culverts.** The Town Board or designee shall decide if one or more culverts are necessary and the location and size of said culvert(s). The culvert(s) shall be of a size adequate to insure proper drainage, with a minimum drop of two (2) inches across the road. Multiple-part culverts are to be banded with a band of the same size and gauge as the culvert. All costs associated with the purchase and installation of said culvert(s) shall be the responsibility of the landowner or developer.

**Section 3.10. Curves and Inclines.** All curves and inclines shall be constructed in accordance with the standards set forth in Section 86.26 of the Wisconsin Statutes, which standards are incorporated herein by reference. A centerline profile drawing is required prior to construction.

**Section 3.11. Seeding.** All disturbed areas (ditches, back slopes, and fills) within the road right-of-way not provided with surfacing and shouldering material shall be seeded for permanent cover and protected by erosion-control materials.

**Section 3.12. Road Survey.** All applications for Town roads shall be accompanied by a survey of said road with a corresponding legal description. Said survey shall be performed by a registered land surveyor. The cost for said survey shall be the responsibility of the landowner or developer.

**Section 3.13. Required Inspections.** Inspection of roads by the Town Board or designee during all phases of construction is necessary if the road is to be considered for addition to the Town Highway System. Inspections must take place at the following phases of construction:

- a. Sub-base grading

- b. Crushed aggregate or pit run base course
- c. Road gravel course
- d. Bituminous (black-topped) surface

After each phase of construction, an inspection report and recommendation of approval, if applicable, must be given to the Town Board. If the inspection report is favorable, and approval is recommended, the Board will approve that phase of construction. The road will be accepted as a Town road only after the final approval by the Town Board and the receipt of a warranty deed conveying title of the entire right-of-way to the Town of Silver Cliff or through plat dedication per Chapter 236 of the Wisconsin Statutes.

**Section 3.14. Typical Highway Cross-Section.** Attached hereto and made part of this ordinance.

**Section 3.15. Signing.** No signs are required; signing will be done by the Town.

## SECTION 4.0

### PRIVATE ROADS

**Section 4.01. Purpose.** To insure that all individuals purchasing or already owning property abutting a private road clearly understand the provisions regarding maintenance and/or improvement of said road.

**Section 4.02. Road Names.** New road names shall not duplicate the names of existing roads within the town, but roads that are continuations of others already in existence and named, shall bear the names of the existing roads. Road names shall be subject to approval of the Town Board.

**Section 4.03. Right of Way and Clear Zone.** Private roads shall have a sixty-six (66) foot wide right-of-way width, with a minimum clear-cut width of not less than fifty (50) feet. Said clear-cut width shall be determined by the Town Board or designee at the time of the permit application and site inspection.

**Section 4.04 Cul-de-Sac.** All dead-end private roads, regardless of length, shall have a solid turnaround with a radius of seventy-five (75) feet on the center line of said private road or a "T" type turnaround. Said "T" shall be at right angles to the center line of the private road, have a sixty-six (66) foot wide right-of-way and be not less than seventy-five (75) feet long on either side of the private road center line. The Town Board or designee shall be consulted on which method to utilize at the time of the permit application and site inspection.

**Section 4.05. Private Road Width and Height.** Private roads shall have a minimum road width, including driving surface and shoulders, of twenty-four (24) feet, with a minimum height clearance of sixteen (16) feet.

**Section 4.06. Construction Standards.**

- a. Sub-Base. The entire width of all private roads shall have a minimum sub-base of four (4) inches of pit run covered with four (4) inches of crushed, compacted  $\frac{3}{4}$  inch gravel. More pit run or crushed gravel may be needed to create stability in problem areas.
- b. Asphalt or Bituminous surfaces shall be crowned a minimum of  $1\frac{3}{4}$  inches higher at the center of the road to allow water to run to the shoulders. Gravel surfaces shall have a 4" to 6" crown.
- c. All muck and foreign material, stumps, old culverts, larger rocks, etc., shall be removed and replaced with sand or pit run and brought up to grade before gravel is applied.

**Section 4.07. Ditches, Back and Side Slopes, and Culverts.** Some private roads may require ditches, back and side slopes, and/or culverts as determined by the Town Board or designee. All costs associated with the purchase and installation of culvert(s) shall be the responsibility of the landowner or developer.

**Section 4.08. Curves and Inclines.** All curves and inclines shall be constructed in accordance with the standards set forth in Section 86.26 of the Wisconsin Statutes, which standards are incorporated herein by reference. A centerline profile drawing is required prior to construction.

**Section 4.09. Seeding.** All disturbed areas (ditches, back slopes and fills) within the road right-of-way not provided with surfacing and shouldering material shall be seeded for permanent cover and protected by erosion-control materials.

**Section 4.10. Affidavit of Private Road.** All persons developing a private road shall first have said private road surveyed by a registered land surveyor. The registered land surveyor shall provide the property owner with an Affidavit of Private Road which shall be executed in such written form as is entitled to recording in the office of the Register of Deeds in Marinette County, Wisconsin. Said affidavit shall show the private road as surveyed, the legal description of the private road, and the private road certificate, which shall read as follows:

"The undersigned hereby requests the Town Board of the Town of Silver Cliff to grant permission to the undersigned to name private road legally described hereon, and hereby state that it is understood and agreed that such road is a private road which will not be entitled to either maintenance or improvement by the Town of Silver Cliff at any time now or in the future." All Affidavits of Private Roads shall have Town Board approval before being recorded in the Marinette County Register of Deeds.

**Section 4.11. Required Inspections.** Inspection of private roads by the Town Board or designee during all phases of construction is necessary before the private road will be approved. Inspections must take place at the following phases of construction:

- a. Sub-base grading

- b. Crushed aggregate or pit run base course
- c. Road gravel course
- d. Bituminous (black-topped) surface, if applied.

After each phase of construction, an inspection report and recommendation of approval, if applicable, must be given to the Town Board or designee. If the inspection report is favorable, and approval is recommended, the Board or designee will approve that phase of construction.

**Section 4.12. Typical Highway Cross-Section.** Attached hereto and made part of this ordinance.

**Section 4.13. Signing.** The Town of Silver Cliff shall provide and install all necessary signs on newly constructed private roads. However, all costs incurred in the signage of said roads shall be paid by the road developer and must be paid at the time of the approval of the Road Construction Permit Application.

**Section 4.14. Road Maintenance Association.** All owners of property on private roads built after the effective date of this ordinance are required to participate in a road maintenance association for purposes of maintaining their private road(s).

**Section 4.15. Penalty.** No building permit for construction of any kind will be issued until such time as the above private road criteria has been met.

## SECTION 5.0

### PRIVATE DRIVEWAYS

**Section 5.01. Purpose.** To allow for proper drainage of surface waters within town ditches and allow safe access to the Town's emergency services vehicles.

**Section 5.02. Application and Approval.** Before a private driveway is constructed or altered, the property owner must obtain and complete an Application to Install or Alter a Driveway and receive approval from the Town Board or its designee. This application may be obtained from and submitted to the Silver Cliff Town Board or its designee. There is no cost to apply.

**Section 5.03. Location.** The Town Board or designee shall approve the location of a private driveway or the alteration of any existing driveway at the intersection with a Town road in relationship to the location of hills, curves, and intersections.

**Section 5.04. Culverts.** The Town Board or designee shall decide if a culvert is necessary, and the location and size of said culvert. The culvert shall be of a size adequate to insure proper drainage with a minimum drop of two (2) inches across the private driveway desired. Multiple-part culverts are to be banded with a band of the same size and gauge as the culvert. All costs associated with the purchase and installation of said culvert shall be the responsibility of the landowner or developer.

**Section 5.05. Penalty.** If a private driveway is deemed by the Town Board or its designee to be unsafe, or the layout of the driveway is likely to cause a hazardous road condition or damage to town property, the driveway may be removed by the Town at the property owner's expense, with the cost to be collected by special assessment.

If a private driveway is constructed or altered without the property owner first completing a Town of Silver Cliff Application to Install or Alter a Driveway and receiving approval from the Town Board to construct or alter the driveway, the property owner may be fined in accordance with the fine schedule determined by the Silver Cliff Municipal Court.

## **SECTION 6.0**

### **Guidelines for Private Driveways**

The Town Board of Silver Cliff would like you to consider these guidelines regarding the construction of your new driveway. We have consulted with the Town of Silver Cliff Volunteer Fire Department regarding what they need to allow access to your home. These are the recommendations that they passed on to us.

Driveways should have a minimum clear-cut width of eighteen (18) feet, a minimum driving width of not less than ten (10) feet, and a minimum height clearance of fourteen (14) feet. All aprons/driveway approaches, should be a minimum of twenty (20) feet. Some driveway approaches may need to be even wider if the driving surface of the road abutting the property is narrow or if the depth of any ditch which may intersect the driveway is extremely deep.

These guidelines can in no way hold the Town of Silver Cliff responsible for damage done to your private property. Rather, they are given to assist you in knowing what is needed to allow proper access to emergency vehicles. If the property owner chooses to not comply with these guidelines, that is his or her right.

## **SECTION 7.0**

### **SNOW REMOVAL**

Property owners or commercial snow removal services are hereby prohibited from the placing, depositing, plowing, or otherwise putting of snow or other substances onto the traveled portion or shoulder of a town road or private road. Town of Silver Cliff employees, while engaging in snow removal operations or acting in the performance of their position, are exempt from this section.

## **SECTION 8.0**

### **PENALTY**

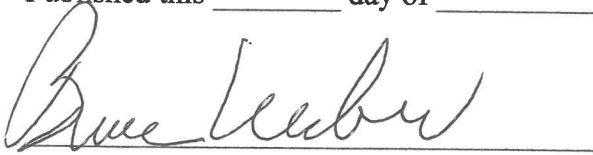


Any person, firm, or corporation who violates this ordinance may be required to pay a forfeiture of an amount determined by the Silver Cliff Municipal Court. Until such time as this ordinance is complied with, each day of the violation may constitute a separate offense.

This ordinance shall be effective upon passage and publication as provided by law.

Passed this 14<sup>th</sup> day of November, 2023.

Published this \_\_\_\_\_ day of \_\_\_\_\_, 2023.



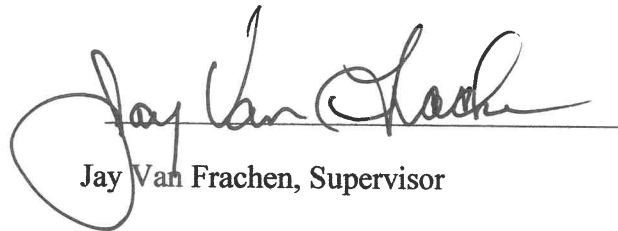
Bruce Weber, Chairman



Amy Vannieuwenhoven, Clerk



Dee Farley, Supervisor



Jay Van Frachen, Supervisor

Amended 11/14/2023