

Chapter 394

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Town Board of the Town of La Pointe as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Numbering of buildings — See Ch. 211.
Snowmobiles and all-terrain vehicles — See Ch. 382.
Vehicles and traffic — See Ch. 425.

ARTICLE I Road Names [Adopted 10-5-1976]

§ 394-1. Assignment of road names.¹

In accordance with § 82.03(7), Wis. Stats. (created by Chapter 381, Laws of 1975), which requires the assignment of names for each road under the Town's jurisdiction, the road names as shown on the map on file at Town Hall are hereby assigned.

ARTICLE II Construction and Acceptance of Roads [Adopted 6-25-1982 by Ord. No. 86; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

§ 394-2. Purpose and intent.

- A. In order to promote the public safety, general welfare and convenience of its citizens, it is necessary that certain requirements be established and followed in the creation of new Town roads so that the public will not be materially affected by the action of the Town Board of Supervisors accepting such road.
- B. This article is not intended to repeal, abrogate, annul, or interfere with any existing Town road rules or regulations issued pursuant to existing laws in regards to any Town road.

§ 394-3. Definitions.

To clarify this article, the following definitions are in order:

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

BASE COURSE — The supporting part of road or bottom.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

DRAINAGE — To make gradually dry, by trenches, channels, etc.

GRADE — The rate of ascent or decent of a road.

ROAD — A road or way over which the public generally has the right to pass.

ROADBED — The entire material laid in place and ready for travel, excluding base and surface courses.

ROADWAY — That portion of the road within the construction or grading limits.

§ 394-4. Application to build road.

Individual homeowners or owners of land abutting on that part of a Town road sought to be created or altered shall make application in writing to the Town Board of Supervisors, giving the exact location and description of the proposed road. Said application shall be delivered to the Town Clerk with copies to all Town Supervisors. Upon receipt of an application, the Board of Supervisors shall proceed to examine the proposed road. If written approval is then given, the individual or group owners may proceed to build the road, under the supervision of the Town Board.

§ 394-5. Minimum standards

In compliance with sound design, construction and maintenance practices, the Town road standards, as printed in § 82.50, Wis. Stats., shall be complied with. In addition, the following minimum standards are established by the Town Board of Supervisors for any Town road:

- A. Ditching. Roadway must be constructed so as to provide for the proper removal of water. Where it becomes necessary to make a lateral trench leading from the main ditch, additional land may be required. Additional land conveyed to the Town for drainage will be under the supervision of the Town Board at all times.
- B. Base course. The base course shall be of a quality and composition suitable for the location. In wetland areas the base course must have a sandy composition, to provide the necessary drainage of the roadbed. Any muck holes encountered before and during construction of the roadbed must be removed and filled with a sandy lift to provide a solid base.
- C. Surface course. The surface course shall be of a material and specification agreed upon by the Board of Supervisors. At a minimum, the twenty-two-foot traveling surface shall consist of 10 to 12 inches of pit-run packing gravel of a quality and composition suitable for traffic loads. Surface course for Town road shoulders shall contain at least three inches of pit-run packing gravel.
- D. Culverts. Any culvert necessary for proper drainage shall be installed after the location, length and diameter have been authorized by the Board of Supervisors. Installation of culverts shall be the responsibility of individual landowners.

§ 394-6. Street design standards.

- A. The land subdivider shall dedicate land for and improve streets as provided herein. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities, land uses and public convenience and safety. If a subdivider secures approval for developer-maintained accessways, he shall in such cases develop the same in accordance with standards set forth in this article. He shall further grant to the Town such easements to such private utilities as are necessary for such utilities. The granting of approval for the developer to maintain developer-maintained accessways shall always be subject to the right of all governmental agencies and their representatives to having access to the property in such development over such developer-maintained accessways. Streets must conform to the requirements of this article and § 82.50, Wis. Stats.
- B. All lots shall have frontage on a public street except those lots located on developer-maintained accessways.
- C. Street width and grades.
 - (1) The Town Plan Commission may require the subdivider to conform to urban section standards if the average lot width in the proposed subdivision is less than 150 feet measured at the street setback line. If the average lot width is in excess of 150 feet the subdivider may conform to the rural section standards.

Urban Section Standards

Average lot width in the proposed subdivision is less than 150 feet. Urban section standards shall apply to the following zoning districts: R-3, R-2 and C-1.

Street Type	Right-of-Way Width To Be Reserved (feet)	Right-of-Way Width To Be Dedicated (feet)	Roadway Width Driving Surface (feet) (to be measured: driving surface plus 2-foot shoulders each side)
Arterial street	70	70	48
Collector street	66	66	26 (22-foot driving surface and 2-foot shoulders each side)
Minor street 1,000 feet or more in length for single-family development and in all multifamily developments	66	66	26 (22-foot driving surface and 2-foot shoulders each side)
Minor street less than 1,000 feet in length in single-family development and cul-de-sac and frontage streets	50	50	26 (22-foot driving surface and 2-foot shoulders each side)

Alley

25

25

20

Rural Section Standards

Average lot width in the proposed subdivision is in excess of 150 feet. Rural section standards shall apply to the following zoning districts: R-1, W-1, W-2, S-1 and S-2.

Street Type	Right-of-Way Width To Be Reserved (feet)	Right-of-Way Width To Be Dedicated (feet)	Roadway Width Driving Surface (feet) (to be measured: driving surface plus 2-foot shoulders each side)
Arterial street	70	70	48
Collector street	66	66	26 (22-foot driving surface and 2-foot shoulders each side)
Minor street 1,000 feet or more in length for single-family development and in all multifamily developments	66	66	26 (22-foot driving surface and 2-foot shoulders each side)
Minor street less than 1,000 feet in length in single-family development and cul-de-sac and frontage streets	50	50	26 (22-foot driving surface and 2-foot shoulders each side)

(2) Grades.

(a) Unless necessitated by exceptional topography, subject to the approval of the Town Plan Commission, the maximum center-line grade of any street or public way shall not exceed the following:

[1] Arterial streets: 6%.

[2] Collector streets: 8%.

[3] Local streets, alleys and frontage streets: 10%.

[4] Pedestrianways: 12% unless steps of acceptable design are provided.

(b) The grade of any street shall in no case exceed 12% or be less than 0.5%.

(3) Street grades shall be established wherever practicable so as to avoid slopes greater than 20%, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.

- D. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
- E. Minor streets shall be so laid out as to discourage their use by through traffic. Culs-de-sac shall be required on all dead-end streets.
- F. The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.
- G. Wherever a subdivision abuts or contains an existing or proposed major highway, the Town Plan Commission shall require a fifty-foot-wide frontage road, nonaccess reservation along the rear of the property contiguous to such highway, or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- H. Reserve strips controlling access to streets shall be prohibited.
- I. Streets and corner lots shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
- J. Dedication of half-width streets shall be prohibited, except where it is essential for the reasonable development of the subdivision in conformity with the other requirements of this article. Where a half street has been dedicated adjacent to a subdivision, the remaining half of the street shall be dedicated by the subdivider of the adjoining land.
- K. All permanent dead-ends streets shall be required to have a cul-de-sac, shall not be longer than 1,000 feet and shall have a minimum width of 50 feet. Culs-de-sac shall have a circular turnaround having a minimum right-of-way radius of at least 60 feet and an outside curb radius of 40 feet.

§ 394-7. Street names.

No street names shall be used which will duplicate or may be confused with the names of existing streets. Street names shall be subject to the approval of the Town Plan Commission. Continuation of existing named streets shall be adopted on new, developed streets, where applicable.

§ 394-8. Grading.

After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Town governing body, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town governing body. The subdivider shall grade the roadbeds in the street right-of-way to subgrade.

§ 394-9. Surfacing.

After the installation of all utility and stormwater drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by

these regulations and the Comprehensive Plan or Comprehensive Plan components of the Town. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town. The cost of surfacing in excess of 22 feet in width that is not required to serve the needs of the subdivision shall be borne by the Town.

§ 394-10. Curb and gutter.

After the installation of all utility and stormwater drainage improvements, the subdivider shall construct curbs and gutters in accordance with plans and standard specifications approved by the Town governing body. This requirement may be waived where a permanent rural section has been approved by the Town governing body. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

§ 394-11. Rural street sections.

When rural street (road) sections have been approved by the Town governing body, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town.

§ 394-12. Sidewalks.

- A. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Town.
- B. Sidewalks may be required by the Town governing body in the vicinity of schools, commercial areas and other places of public assemblage, and the Town governing body may require the construction of sidewalks in locations other than required under the preceding provisions of this subsection if such walks are necessary, in its opinion, for safe and adequate pedestrian circulation.

§ 394-13. Stormwater drainage facilities in new development.

The subdivider shall construct stormwater drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, the type of facility required, the design criteria and the sizes and grades to be determined as to present no hazard to life or property, and the size, type, and installation of all stormwater drains and sewers proposed to be constructed shall be in accordance with the plans and standards specifications approved by the Town or County Highway Engineer and the Town Zoning Administrator.

§ 394-14. Engineering standards.

Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the Town governing body.

§ 394-15. Final inspection.

Upon completion of the proposed road, the Board of Supervisors will proceed to make final inspection, accepting or rejecting the road as the case may be. If the road is rejected, corrections must be made as recommended before final inspection can again be requested. After written final acceptance, the owner or owners shall convey to the Town, by deed, all the land necessary for the road as previously mentioned.

§ 394-16. Access to Town roads.

Access to Town roads shall be approved by the Board of Supervisors. It shall be the policy of the Board to:

- A. Encourage access at locations maximizing the safety of the traveling public, as well as those wishing egress onto or from the road.
- B. Discourage the development of more than one driveway or access point per recorded parcel of land.

ARTICLE III

Protection of Highways

[Adopted 8-24-2010 by Ord. No. 2010-02]

§ 394-17. Deposit of waste or other matter.

No person, by act or omission, shall cause or allow any mud, dirt, sand, gravel, rocks, sawdust, wood, manure, septage or any other waste or foreign material to be tracked, spilled, dumped, blown or deposited on a highway in the Town of La Pointe.

§ 394-18. Animal waste.

No person who is riding, leading, walking, directing, controlling, supervising, caring for or transporting a domestic animal or any other animal shall permit or allow such animal to track, spill, dump or deposit manure or other animal waste on a highway in the Town of La Pointe.

§ 394-19. Determination of violation.

- A. A person may violate § 394-17 of this article even if that person's act or omission is only one of several causes of what occurred.
- B. A person may violate §§ 394-17 and 394-18 of this article without having any specific intent or knowledge.

§ 394-20. Defenses.

A person has a defense to a charge of violating § 394-17 or 394-18 of this article if that person proves he or she thoroughly, diligently and promptly cleaned up the mess as soon as reasonably possible after the occurrence or event happened.

§ 394-21. Paint and similar substances.

No person shall intentionally apply, spray, spill or dump any paint, stain or similar substance or material on a highway in the Town of La Pointe without having first obtained the specific consent or permission to do so from the governmental entity having jurisdiction over such highway.

§ 394-22. Definition.

When used in this article, "highway" shall have the meaning now set forth in § 340.01(22), Wis. Stats.

§ 394-23. Enforcement.

This article may be enforced by a citation or complaint issued by a law enforcement officer of the Town of La Pointe, Ashland County, the State of Wisconsin or any other law enforcement officer having jurisdiction in the Town of La Pointe or by a legal representative of the Town of La Pointe acting on behalf of the Town. The then-current citation form or the then-current Wisconsin uniform traffic citation form may be used for a violation of this article in lieu of a summons and complaint.

§ 394-24. Violations and penalties.

Any person or entity who or which violates § 394-17, 394-18 or 394-21 of this article shall be:

- A. Subject to a forfeiture of not more than \$100 plus applicable court costs, penalties, assessments and fees. The amount of this forfeiture may be amended by the Town Board or by the Town Board's approval of a fee schedule addressing the amount of this forfeiture.²
- B. Liable and responsible for all costs and expenses which were reasonably incurred in connection with or in association with cleaning up the highway, protecting the public and returning the highway to the condition it was in prior to the violation having occurred.
- C. Liable and responsible for the actual reasonable attorney fees, costs and disbursements incurred by the Town in enforcing this article.

². Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).