

**CHAPTER 3**  
**ROADS, CULVERTS AND TOWN RIGHT-OF-WAYS**

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**3.01 STREET AND ROAD CONSTRUCTION**

- (1) Acceptance of Streets and Roads. All road costs will be paid for by the developer. No road or street shall be accepted by the Town Board of the Town of Center unless it meets the specifications as set forth herein, or the owner or sub-divider provides a surety bond or bank letter of credit or an escrow account to pay for the road work that still needs to be done and enters into a specific road agreement with the Town to insure that he/she will bring the street or road to Town specifications in accordance with the time limits as set forth in said agreement. The Town will oversee the building of the street or road.
  
- (2) Specifications.
  - (a) Right-of-Way. All roads and streets shall have a four-rod right-of-way with a 28 foot road width with 26 feet of black top.
  
  - (b) Material. All road beds shall be constructed with the following being the minimum material used:
    - 1. 140 ton 2-1/2 inch stone per 100 feet or 9 inches
    - 2. 160 ton 1-1/4 inch stone per 100 feet or 9 inches (the town can require more stone in special circumstances).
    - 3. Each layer, road sub-base, base stone and finish stone are to be compacted separately.
    - 4. Top of dirt deck of road should be 34 feet wide. Top of stone deck should be 28 feet wide.
    - 5. Blacktop shall be a minimum of 4-1/4 inches compacted, 26 feet wide. The bottom layer of blacktop shall be a minimum of 2-1/4 inches of compacted binder coat and the top layer shall be a minimum of 2 inches of compacted finish coat. Town Board approval is required before the blacktop can be installed.

- (c) Inspection. The Town Board, or its representatives, shall check the stone as it is being installed.
- (d) Cul De Sacs: All cul de sacs shall be 135 feet in diameter with 96 feet of stone and 96 feet of blacktop as it is being installed.
- (e) Ditches. All ditches shall be 27 inches below the outside edge of the pavement and a minimum of 6 inches below the stone bed. Ditches will be undercut 6 inches and refilled with 6 inches of black dirt.
- (f) No road or street will be accepted by the Town unless the engineering firm approved by the Town Board verifies that the roads and ditches are constructed in accordance with the plans; costs incurred will be the responsibility of the developer. If the road or street is accepted prior to construction, the provisions shall be set forth in a road agreement.
- (g) All street name signs and regulatory signs will be provided by the Town and paid for by the developer.

### **3.02 DRIVEWAYS, CULVERTS AND TOWN RIGHT-OF-WAYS**

- (1) No culvert shall be installed except by written permission from the Town Building Inspector. The culvert length shall be a minimum of 28 feet long and a maximum of 36 feet long unless a variance is approved by the Town Board. The culvert material shall be corrugated, galvanized steel, or smooth bore rigid plastic. End walls are required for all new and/or any alterations of existing culverts. The diameter, location and elevation of the culvert will be determined by the Town Building Inspector or a designee of the Town Board. Culverts shall have a minimum diameter of 18 inches.
- (2) No excavating or boring or filling or changes of any kind shall be made to the Town right-of-way without first obtaining a permit from the Town of Center. An application for a permit shall include a detailed written description of the work to be performed along with a map of the work area. The Town Board may waive the permit fee. Permit fees are reviewed annually and set by resolution of the Town Board.
- (3) No blind entrance shall be installed except by written permit from the Town Building Inspector. The size and location of all blind entrances shall be determined by the Town Building Inspector.

- (4) Driveway side slopes shall be of earth, bituminous or smooth stone no larger than eight inches in diameter. No stone shall be mortared in place. No wood or concrete side slopes are allowed. Side slopes shall have a 3 to 1 slope.
- (5) Driveways shall slope away from the roadway unless permission is granted by a representative of the Town Board. No concrete is permitted on any part of the Town right-of-way.
- (6) No mailbox shall be installed in the Town right-of-way unless the front door of said mailbox is at least 24 inches from the road pavement or 13 feet from the center of the road. The height of the mailbox shall be as required by the USPS regulations.

### **3.03 REFUSE OR SNOW PLACED ON TOWN RIGHT-OF-WAYS**

- (1) No person or corporation shall place refuse, yard waste or leaves upon Town road right-of-way.
- (2) No person or corporation shall wash out ready mix concrete trucks on Town road right-of-way.
- (3) No person shall plow or blow snow onto the Town road right-of-way or across the Town road right-of-way. No property owner shall permit any person to plow or blow snow from their premises onto the Town right-of-way or across the Town road right-of-way.

### **3.04 MARKERS FOR OBJECTS PLACED IN TOWN ROAD RIGHT-OF-WAY**

- (1) Purpose: An object placed in the Town road right-of-way must be properly marked and maintained, so that it does not become a hazard to equipment used for Town operations.
- (2) Definition of Object: An object includes, but is not limited to, telephone pedestals, road markers, survey stakes and any other object that might be struck by a weed mower or other equipment operated by the Town, with the exception of mailboxes.
- (3) Marker: Any object placed in the Town road right-of-way by any person or organization must be identified by a marker as follows:
  - (a) Any object installed in the Town road right-of-way shall be fitted with a five foot high marker by the person or organization that installed the object.

- (b) The ground area within two feet of such marker shall be kept clear of weeds and brush by the person or organization that installed the marker.

### **3.05 DISTANCE FROM EDGE OF PAVEMENT**

With the exception of mailboxes, no objects may be installed within five feet from the edge of the road blacktop in the Town road right-of-way.

### **3.06 ENCLOSURE OF DITCHES**

- (1) Any ditch enclosure in the Town right-of-way requires a Ditch Enclosure Agreement and/or Permit issued by the Town. No excavating or boring or filling or changes of any kind shall be made to the Town right-of-way without first obtaining a permit from the Town of Center. The Ditch Enclosure Application and Ditch Enclosure Detail sheet shall be obtained from the Town Clerk. Permit fees are reviewed annually and set by resolution of the Town Board.
- (2) Town residents can fill deep ditches (more than 45”) to facilitate the mowing of such while providing for town road snow storage and road drainage.
- (3) Town residents can drain shallow ditches (less than 45”) to facilitate the mowing of such while providing for town road snow storage and road drainage.
- (4) All costs are to be borne by the property owner.

### **3.07 COMPRESSION BRAKE RESTRICTIONS (adopted March 13, 2017)**

- (1) **Compression brakes prohibited.** No person shall use motor vehicle brakes within the Town of Center which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof. It shall be an affirmative defense to prosecution under this section that the compression brakes were applied in an emergency situation requiring their use for the protection of persons and/or property. Emergency vehicles shall be exempt from this Chapter.

(2) **Locations applicable.** The locations requiring the imposition of this ordinance in the Town for the public health, safety, and general welfare include the following locations which are the only locations at which this ordinance applies as of the time of adoption:

- a. County Highways A, JJ, O, PP, S
- b. State Highway 47
- c. Town Roads – Rock, Center Valley

(3) **Enforcement and penalty.** Any person who shall violate any of the provisions of this Chapter shall be responsible for a municipal civil infraction and subject to the following penalties:

<u>Offense Number</u>	<u>Fine</u>
1 <sup>st</sup> Offense within 1-year period*	\$100.00
2 <sup>nd</sup> Offense within 1-year period*	\$200.00
3 <sup>rd</sup> Offense within 1-year period*	\$300.00
4 <sup>th</sup> + Offense within 1-year period*	\$500.00

\*Determined from the date of the commission of the offense(s).

(4) **Road Signs.** The Town Chairman and/or his designee(s) are authorized and directed to post appropriate road signs consistent with the provisions of this Ordinance.

(5) **Effective Date.** This Ordinance shall take effect and be in force five (5) days after its passage, approval, and the posting and erection of appropriate signs.

### 3.20 PENALTIES

Any person who shall violate any provisions of this ordinance shall upon conviction thereof forfeit not less than \$5.00 nor more than \$500.00 together with the costs of prosecution including The actual attorney fees incurred by the Town. Each day's failure of compliance shall constitute a separate violation.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2017 by requisite vote of the majority of the Town Supervisors of the Town of Center at an open Town Board meeting.

\_\_\_\_\_  
Robert Toby Palter Jr, Town Chairperson

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Steve Schmeichel, Supervisor

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Wayne DeBruin, Supervisor

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John Baum, Supervisor

\_\_\_\_\_  
Pete Hofacker, Supervisor

Attest:

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Amy L. Olson – Town Clerk-Treasurer