

Town of Lincoln Ordinance 2018-02

Road Ordinance

The Town Board of the Town of Lincoln, Wood County, Wisconsin, a Board exercising village powers pursuant to §60.10(2)(c) and its predecessors, do ordain as follows:

4.00 PURPOSE

It appears that the Town of Lincoln will undergo substantial pressure for the development of previously undeveloped and unplatted lands. This development will result in increased traffic loads on existing Town roadways and will require the creation of additional Town roads and streets. The increased traffic due to new developments affects the public safety, particularly vehicular traffic and pedestrian safety, the welfare and convenience of Town residents. The limited resources of the Town Government mandates that requirements be established for the acceptance of newly constructed roads and streets in the Town of Lincoln to protect the public interests. The requirements established shall insure the adequacy of design and construction to meet reasonably foreseeable projected traffic and use, to provide security so the improvements are completed as agreed by both parties and to set adequate standards for inspection to determine compliance of the newly constructed roads and streets.

This ordinance is intended to supplement existing County Ordinances and State Statutes and Regulations relating to the design and construction of newly created town roads and streets.

4.01 DEFINITIONS

In this Ordinance, the following words and phrases shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

Access A road, street or driveway to open into an existing or newly constructed road or street.

Approach The portion of a road or street extending 100 feet either side of a culvert or bridge.

Arterial Streets and Highways Those streets which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between high activity areas.

Base Course The layer or layers of specified or selected material of designed thickness placed on a sub base or subgrade to support a surface course.

Board The town board of the Town of Lincoln.

Bridge A structure having a span of more than 20 feet from face to face of abutments or end bents, measured along the centerline of the roadway, spanning a water course or other opening or obstruction.

Culvert Any structure not classified as a bridge which provides an opening under any roadway.

Certified Survey Map A map of land division, not a subdivision, prepared in accordance with §236.34 of the Wisconsin Statutes and in full compliance with the applicable provision of this chapter. A certified survey map has the same legal force and effect as a subdivision plat.

Clerk The Town of Lincoln Clerk.

Collector Streets Those streets which provide moderate speed movement of persons and goods within large areas. They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets.

Connector Streets Those streets which perform a semi-arterial function as well as serving as distribution and land access streets.

Cul-de-sac Streets closed at one end with turnarounds.

Dead-end Streets closed at one end without turnarounds.

Distributor Streets Those streets which perform the function of gathering and distributing traffic from and to the local streets and adjacent lands.

Engineer A Wisconsin licensed professional engineer with experience in road and bridge design and construction.

Grade The rate of ascent or descent of a road or any portion thereof.

Highway, street or road A general term denoting a public way for the purpose of vehicular travel, including the entire area within the right-of-way.

Land(s) Any real estate or interest in real estate.

Local Streets Those streets which are designed for low speeds and volumes and are to provide access from low-generation land activities to the collector and arterial systems.

Lot A land area of one and a half acres or more.

Marginal Access Streets Those streets which are parallel and adjacent to arterial streets and highway and which provide access to abutting properties and protection from through traffic.

Minimum Right of Way. The minimum right-of-way for all proposed streets and roads shall be 66 feet or 4 rods.

Parcel Contiguous lands under the control of a sub divider or sub dividers not separated by streets, highway or railroad rights-of-way.

Pavement Structure The combination of subbase, base and surface courses placed on a subgrade to support the traffic load and distribute it to the road bed.

Plans The approved plans, profiles, typical cross sections, working drawings and supplemental drawings, or exact reproductions thereof, which show the location, character, dimensions and details of the work to be done. A map or sketch of a proposed road prepared in conformity to the requirements of Chs. 80-86, Wis. Stats.

Principal Arterials Those streets serving the major interstate corridors and corridors which connect major cities and regions. These routes provide the highest level of mobility and form a continuous system with constant operating conditions under a high degree of access control.

Primary Arterials Those streets serving long trips between important cities and the major intra community corridors within the metropolitan area. These routes provide for a high degree of mobility under a high degree of access control.

Public Way Any public road, street, highway, walkway, drainage way, or part thereof.

Right-of-way A general term denoting land, property or interest therein, usually in a strip acquired or dedicated for or devoted to use as a highway, street or road.

Road bed The graded portion of a highway within top and side slopes, prepared as a foundation for the pavement structure and shoulders,

Roadway That portion of a highway, street, or road within the limits of construction.

Standard arterials Streets which more commonly provide for intermediate length trips, thus serving through traffic movement in trade areas, or feeding traffic to the primary and principal arterials from lower activity area not served by such routes.

Street, Road, Highway A public way for pedestrian and vehicular traffic whether designated as a street, highway, road, land, way, avenue or however otherwise designated.

Subbase The layer or layers of specified or selected material of designed thickness placed on a subgrade to support a base course.

Subdivision - Town The division of a lot, parcel or tract of land into two or more parcels by the owner thereof, or his agent for the purpose of sale or of building development, his predecessors interest, or his agent where the act of division creates two (2) or more parcels or building sites of ten(10) acres each or less, but greater than one and one-half (1½) acres, in area, or where the act of division creates two (2) or more parcels or building sites of between one and one-half (1½) and ten (10) acres in size by successive division within a ten-year period. This subdivision need not be submitted to the Department of Development or County Planning Agency for review, but is to be reviewed and approved by the Town in the same manner as a County subdivision plat, and shall be recorded as a Certified survey map consistent with section 4 of the subdivision ordinance.

Subdivision - County The division of a lot, parcel or tract of land by the owner thereof, or his agent, where the act of division creates five (5) or more parcels or building sites of ten (10) acres each or less, but greater than one and one-half (1½) acres, in area, or where the act of division creates five (5) or more parcels or building sites of between one and one-half (1½) acres and ten (10) acres in size by successive division within a five-year period. This plat need not be submitted to the Wisconsin Department of Administration for review, but is to be recorded in the same manner as a “State” subdivision plat as defined below.

Subdivision - State The division of a lot, parcel or tract of land by the owner thereof, or his agent, where the act of division creates five (5) or more parcels or building sites of one and one-half (1½) acres each or less in size in area, or where the act of division creates five (5) or more building sites of one and one-half (1½) acres each or less in area by successive division within a five-year period. This plat shall be submitted to the Wisconsin Department of Administration for review.

Subgrade The top surface of a roadbed upon which the pavement structure and shoulders are constructed.

Surface course One or more layers of a pavement structure designed to accommodate the traffic load, the top layer of which resists skidding, traffic abrasion and the disintegrating effects of climate.

Town The Town of Lincoln, Wood County, Wisconsin

Town Engineer A firm or individual designated by the Town Board to advise the Town Board on a particular project; if the Town Board does not designate an engineer, the term shall be defined to mean the Town Board.

Traveled way The portion of the roadway for the movement of vehicles exclusive of shoulders and auxiliary lanes.

4.02 STREETS AND ROADS REGULATED; PENALTIES

No person, firm, corporation, partnership, or legal entity of any kind shall construct, establish or maintain any street, highway or road, nor shall such be laid out or improvements made to land without compliance with all requirements of this ordinance and with all of the following:

The rules of the Wisconsin Department of Transportation and the Wood County Highway Department relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the Builder abuts on a state or county trunk highway, respectively, or a connecting street, including, but not limited to, minimum width regulations.

All applicable Town land use plans, as adopted under §60.61 General Zoning Authority of the Wisconsin Statutes, zoning ordinances, official maps, and any other ordinances and regulations.

4.03 APPLICATION FOR APPROVAL OF ROAD OR STREET.

Every person, developer or party proposing to construct a road or street shall submit a proposed preliminary plat and a set of proposed plans & details to the Town of Lincoln town board at a properly noticed meeting. No separate application shall be required if the road or street is proposed as part of a proposed plat or certified survey map, but the roads and streets in plats or certified survey maps shall conform to the requirements of the Zoning ordinance, Subdivision ordinance and this ordinance.

The plans shall be prepared by a surveyor or engineering firm which shows the location and design of the proposed road or street. The plans shall be drawn with sufficient dimensions and descriptions to allow the town board to determine the location of the proposed road or street, its relation to the property and other roads and streets in the area, the slope of the land over which the road or street passes, proposed highway, road or street grades, drainage and ditch information including proposed culvert sizes, drainage calculations and locations, nature of the proposed surface course and typical sections of the road or street. The plans submitted shall also include an estimate of total construction costs broke down by each major item included for the proposed improvement to be used in determining the amount of the required irrevocable letter of credit or surety bond. The application shall also specify the proposed name of the road or street, the parties responsible for construction of the road or street, and the anticipated start and completion schedule of construction of the road.

Before any proposed road or street is approved for construction, the applicant shall enter into a development agreement with the Town of Lincoln, file a surety bond or an irrevocable letter of credit which are both approved by the Town's Attorney, wherein the applicant agrees to construct the road or street eighteen (18) months from the date that the application or plans are approved. All required improvements in the plans shall be completed prior to occupancy of any structure served by the road or street. The Town Board may allow phased construction.

The Town Board shall review the proposed street or road, the plans therefor, the proposed security for the improvements, and the development agreement. The town may require the applicant to provide additional information necessary, in the judgment of the Town, to properly review the application.

The Town Board may approve, reject or modify the plans, and shall give the applicant due notice of its action.

4.04 SECURITY FOR COMPLETION OF CONSTRUCTION.

At the time the development agreement is executed, the Developer shall file a surety bond or an irrevocable letter of credit in such form as is acceptable to the Board and approved by the Town Attorney, with the Town in an amount equal to one hundred twenty percent (120%) of the estimated cost of the required improvements as determined by the Town Board per §236.13 (2) (am) 1a. Such deposit shall guarantee that such improvements will be completed according to Town Specifications by the Builder or its contractors not later than eighteen (18) months from the date that the application is approved or, where staging is permitted, that each stage will be

completed by the date specified in the installation and completion schedule. Such security shall be held by the Town and either released or used in the manner specified in this ordinance. The provision of security by the applicant shall not release the applicant from its obligations under the development agreement nor prejudice the right of the Town to recover the full cost of completion of the improvements if the applicant fails to complete the same.

All town and developer Attorney legal fees associated with and reasonably incurred by the proposed improvement shall be covered by the developer. The town's Attorney shall review at minimum; The development agreement, surety bond or irrevocable letter of credit, land deed, right-of-way plat and any other documents that may pertain to the development.

4.05 CONSTRUCTION IN PHASES.

The applicant may elect, with the approval of the Town board, to install the improvements in phases, provided that:

The phases are specified in the development agreement for the road or street.

The applicant or developer shall record deed restrictions reviewed by the Town (or its designated representative) which specify that the lots included in future construction phases shall not be conveyed, transferred or sold unless the Town's approval is obtained.

Erosion control plans and measures submitted and approved shall address the potential erosion problems posed by the construction of the project in phases.

4.06 RESERVATION AND DEDICATION OF LAND.

All preliminary and final plats shall carry the reservation "The private road as shown on this plat is not dedicated to the public and the signature by the Town of Lincoln Chairman is not acceptance of such roads as public. The owner of such private roads as shown on this plat shall have full responsibility, maintenance and liability of said private roads until formal acceptance by resolution by the town board has been noticed."

All or any part of a street, drainage way or other public way which has been approved by the Town shall be dedicated to the public by the applicant in the locations and dimensions indicated on the plan or map approved by the Town Board. The Town Board hereby finds that dedication of the land underlying streets or roads is a reasonable and necessary condition for the Town's agreement, by accepting said road or street by a resolution at a properly noticed meeting, to maintain the same for the welfare of the public.

All new roads and streets in the Town of Lincoln shall be 66' or four (4) rods in width of right-of-way. Any road which was originally constructed with less than four rods of right-of-way shall be widened to four rods during any complete reconstruction of the road.

Every developer shall, as a condition of the Town Board's acceptance of a road, warrant the road to be in suitable condition, good repair and free of defects, excluding ordinary wear, for a period of fourteen (14) months per §236.13 (2) (am) 1c from the date it is accepted for dedication by resolution. The security provided by the developer pursuant to section 4.04 of this Ordinance shall remain in effect until the expiration of the warranty period at which time the Town Board would authorize the release of the irrevocable letter of credit or surety bond.

Upon approval of the completed road by the Town Board, the owner or developer shall dedicate, by appropriate deed, a 66-foot (4 Rod) side strip of real estate whose central line is the newly constructed road or street. After the final inspection of a proposed road by the Town Board and upon submission of a Plat and deed dedicating such road and right-of-way to the Town, recommendation shall be made for action to accept or reject the road at a regular or special meeting of the Town Board. Actual costs of special meetings shall be made at the expense of the developer. If the road is rejected, the reasons for the rejection must be specified and the developer shall be provided reasonable opportunity to correct the conditions so that acceptance and review of the decision may be made. Upon final inspection of the proposed road, the owner or owners of the land within the right-of-way and any necessary adjacent drainage land shall convey the right-of-way and any required adjacent land to the Town by warranty deed. Copies of drainage easements placed on properties not deeded shall be furnished to the Town for its records. Once the road has met all the requirements, the Town shall then pass a resolution accepting the proposed private road as a town road. Two copies of the final plat shall be submitted to the town. The chairman shall make the necessary arrangements to record the new town road with the State of Wisconsin.

4.07 STREET ARRANGEMENT.

The street layout shall conform to the arrangement, width and location indicated on any official map, land use plan or component neighborhood development plan of the Town. In areas for which plans have not been completed, the road(s) or street(s) layout shall recognize the functional classification of the various types of roads or streets and shall be developed and located in proper relation to existing and proposed roads or streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such roads or streets, and to the most advantageous development of adjoining areas.

Arterial Streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they connect.

Collector Streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches, shopping centers and other concentrations of population, and to the major streets into which they feed.

Local Streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of an efficient drainage system, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

Proposed Streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Temporary turnarounds shall be required where the street ends at the boundary of the subdivision. The road right of way shall continue to the adjacent lands and connect to roads constructed on such lands if approved by the Town Board.

Arterial and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen plantings contained in a non-access reservation along the rear property line, or by the use of frontage streets.

Reserve Strips controlling access to roads or highways are prohibited except where control of such strips is placed with the Town under conditions approved by the Town Board.

4.08 ROAD DESIGN STANDARDS

Roads or streets must meet the minimum geometric design standards set by Wisconsin Statute §82.50.

The Developer of a proposed subdivision shall employ the services of an Engineer who is qualified and experienced in the field of Geotechnical Engineering and who is engaged in the practice of soils mechanics and foundation engineering to perform a subsurface investigation for the purpose of obtaining information needed to design the proper pavement section.

The design of pavement sections for streets shall be based on the type of soils as determined by the soils investigation, the anticipated use of the streets and utilization of streets by construction traffic.

Roads or streets with a 20-year projected traffic count more than 2400 vehicles per day (ADT) shall be constructed to meet State Highway requirements.

The Town Board shall approve the location, size, length, and elevation of any bridge or culvert to be installed within the roadway or required outside of the right of way to carry storm drainage, Storm drainage design shall be based on a 10-year storm for roads or streets of less than 1000 ADT and a 25-year storm for roads or streets with an ADT of 1001 or higher with provisions to safely accommodate larger storm events.

The road bed shall be constructed to the elevations and grades shown on the approved plans. A normal minimum cross slope of two hundredths of a foot per foot shall be used on the subgrade,

subbase, base, and surface levels, Cut or fill ditch slopes and back slopes will be constructed at a one foot vertical to four-foot horizontal measurement unless otherwise approved by the Town Board.

All cul-de-sac streets shall conform to the following standards:

Streets designed to have one end permanently closed shall not exceed 1,600 feet in length.

Streets which are designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right of way diameter of 150 feet, and a minimum paved diameter of 100 feet.

The land surrounding the cul-de-sac bulb ends shall be divided into a minimum of four lots. The land surrounding the bulb shall be defined as the land which fronts on the curved portion of the bulb to and including a line drawn perpendicular from the point where the curve of the bulb begins.

Unless necessitated by exceptional topography and subject to the approval of the Town, the street grades and radii of curvature shall conform to the Design Standard in the Standard Specifications for Road and Bridge Construction, State of Wisconsin Department of Transportation and the Town of Lincoln Road Ordinance. In the event of a conflict between the State and Town standards, the Town shall determine which standard shall be applied based on which standard is best suited to the estimated traffic and axle loads of the proposed road.

Ditches shall be constructed whenever storm sewers are not required by the Town Board.

Roadside ditches shall not exceed 10% of grade nor have less than a 1% grade.

Ditches shall be restored with 4" topsoil, fertilizing, seeding and mulching in accordance with the current Standard Specifications for Road and Bridge Construction, State of Wisconsin Department of Transportation.

Prior to placing the pavement, a proof or test roll shall be prepared in the presence of the Town Engineer or Town representative.

All roads shall have an asphaltic paved surface.

The paved surface shall be at least 22 feet wide with 5-foot wide aggregate shoulders and roadside ditches with a minimum of one foot in depth below subgrade.

The typical section and pavement design will be the basic standard used by the Town Board in the review and approval of the road of street structural adequacy.

Granular Subbase Course: when a granular subbase course is utilized in the construction of any road or street, it shall be installed in accordance with section 350 of the State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction. The

material used shall meet grade 1 requirements of Section 209 of the Standard Specifications. Provided however that all granular subbase course shall be not less than 18 inches deep.

Base Course: Crushed aggregate base course meeting the Wisconsin Department of Transportation Standard Specifications for in Section 305 shall be furnished and installed to the depth and width shown on the plans. Construction methods shall be in accordance with Section 305.3 of the Wis. DOT Standard Specifications. The Town Board shall be given a copy of the gradation test results of the materials prior to installation. Unless otherwise shown by the pavement structural design the minimum thickness of the crushed aggregate base shall be ten (10) inches.

The upper layer asphalt of a street serving residential property shall be a minimum 2 inches thick with tack coat applied to the lower layer. In a commercial zone, the upper layer shall be a minimum 3 inches thick. The upper layer shall be applied within ninety (90) days or between May 01st and October 15th of the occupancy of the sale of the last lot served by the road. A lot shall be deemed to have "occupancy" when a structure on the lot may lawfully be sold and inhabited, regardless of whether that lot is sold or construction is commenced. Prior to laying of the tack coat and upper layer, the builder shall sweep and cause any cracks or other defects in the lower layer to be filled and/or repaired & patched.

All areas which are disturbed during construction shall be restored with 4" topsoil, fertilizing, seeding and mulching in accordance with the current Standard Specifications for Road and Bridge Construction, State of Wisconsin Department of Transportation. The Town may require sodding of surfaces which have a slope of more that 2:1 or are otherwise susceptible to erosion.

The height of the road bed in relationship to the surrounding land shall be approved by the Town Board prior to commencement of construction.

The work for road construction shall be inspected by the Town as described in this paragraph and developers' agreement. The Town shall inspect the road when subgrade is prepared; after the aggregate base course is installed but before the binder course is laid; after the binder course has been laid; before top course is laid, and, after completion of the entire road. The road's builder or developer shall reimburse the Town for all actual fees incurred by the Town to perform these inspections. Material testing sheets shall become available upon request by the town.

4.09 BRIDGE

The cost of bridges and/or culverts on roads of less than 1,000 ADT, will be paid entirely by the developer of the proposed road. Generally, the cost of bridge or culvert installation on roads or streets of (1,001 ADT or greater) will be paid as follows: two-thirds by the developer, and one-third by the Town. If the Town Board determines that these general principles for payments for bridges or culverts impose undue hardship on the owner/developer affected thereby, the Town Board may do the following:

Accept the proposed road upon completion of all of the construction on the proposed road except the bridges or culverts and the approaches thereto with the understanding that the Town will

complete installation of the bridges and/or culverts and will complete the approach thereto, and that all or a portion of the cost of installation of the bridges and/or culverts, and all or a portion of the cost of completion of approaches may be billed back to the owner/developer in accord with the general rules on cost allocation or otherwise in accord with this ordinance.

The Town Board may alter the general payment rules set out herein to provide that the owner/developer shall pay some other fractional portion of the cost of construction, or all of the cost of construction in excess of the cost not covered by construction aids.

It is the intent of this section to allow the Town Board to complete construction of bridges and/or culverts in a manner which reduces the cost of construction and which makes the cost of construction bearable where nature has created extreme road or bridge construction conditions and completion of such construction is determined by the Board to be in the best interest of the Town of Lincoln.

4.10 STREET/ROAD SIGNS

The owner or developer shall be responsible for the initial cost of the street/road signs for new roads. The owner or developer shall order and install the signs after construction of the streets, roads or subdivision roads. The signs shall meet the specifications in the Wisconsin Manual on Uniform Traffic Control Devices. All signs shall be installed on 4x4 wooden posts and placed at the correct location in reference to the roadway. The owner or developer will also be responsible for payment of any signing fees imposed on the Town by the County or other authority. Payment will be required prior to issuing any building permits.

4.11 WAIVER

Where, in the judgment of the Town Board, it would be inappropriate to apply the provisions of this Ordinance to a proposed street or road because extraordinary or undue hardship resulting from the characteristics of the land would result, the Town Board may waive or modify any requirement of this ordinance, but only to the extent a waiver is found to be just and proper by the town and town's Attorney. The Town Board shall grant such relief only where it will not be detrimental to the public good, impair the intent and purpose of this ordinance, or impair the desirable general development of the community in accordance with the land use plan. Any applicant who requests a waiver of a provision of this ordinance shall make a written application for a waiver and file the application with the Town Chairman. The Town Board shall hold a public hearing on the application not less than 10 days nor more than 45 days after the date on which the request is filed. The Town Clerk shall mail a notice of the hearing to all adjacent landowners and to the Wood County Highway Department. The waiver application shall state the basis for the application and the specific hardship which is claimed to exist. Any waiver, exception, or variance which is granted pursuant to this section shall be made in writing, shall state the reasons which justified it, and shall be filed with the Town Clerk.

4.12 REQUIRED IMPROVEMENTS PROCEDURE

PLANS AND CONSTRUCTION SPECIFICATIONS. Prior to commencing construction of any required improvement, the applicant shall prepare construction plans and specifications and submit them to the Town Engineer or designee for review and approval. The Town Engineer or designee may require the submission of the following plans and accompanying construction specifications before authorizing construction or installation of the improvements:

Street plans and profiles and details showing existing and proposed grades, elevations and cross sections of required improvements.

Preliminary Plat.

Storm water and surface water drainage plans.

Such additional plans or information as may be required by the Town Engineer or designee.

Plans and specification for all utilities and underground facilities.

PRIVATE CONTRACTS. The owner or developer shall engage one general contractor whose qualifications have been approved by the Town Board for each major phase of construction (grading, utilities, streets) or one general contractor for a contract which includes more than one phase of construction.

SCHEDULING. All scheduling of the contemplated improvements shall be approved by the Town Board. Construction may not be commenced on any phase of construction until all approvals and conditional requirements are satisfied and approved by the Town Board and until all State of Wisconsin approvals are granted.

STREET GRADING

The owner or developer shall furnish standard drawings which indicate the existing and proposed grades of streets shown on the plan, and after review of design engineering work on the streets by the Town Board or appointed engineer and approval of street grades by the Board, the applicant shall grade or cause to be graded the full width of the right of way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots. In those cases where existing street right of way is made a part of the applicant's plan or abuts the area included in the plan, he/she shall grade or cause to be graded that portion of the right of way between the existing pavement and the property line. The bed for the roadways in the street right of way shall be graded to sub-grade elevation. The Town Board or appointed engineer shall inspect the proposed street before grading and approve all grading within right of way. The street grading shall extend for a sufficient distance beyond the right of way to ensure that the established grade will be preserved. The grading of rights of way for principal and primary arterials shall only be required where necessary to provide access to the streets or lots in the plan. Lots which abut principal and primary arterials shall be graded to proposed street grade or to a grade approved by the Town Board or appointed engineer prior to the sale of affected properties.

The owner or developer shall engage a licensed professional engineer to set; soil borings, right-of-way, centerline and sub-base grade in accordance with approved centerline grade and cross sections; and to set grades necessary to comply with other grading requirements, including vision clearance on corner lots, centerline and lot line grades for green ways, terrace grading for abutting streets and other required grades. The grading program shall consist of the following elements:

The stripping (clearing and grubbing) and removal of all topsoil, debris and vegetation within the street right of way.

Grading of full street right of way to a tolerance of 0 to 0.2 feet below proposed centerline grade. Fill sections shall be constructed of approved tested materials, which do not include topsoil, debris, vegetation, etc.

Grading beyond right of way to ensure that the established grade will be preserved.

Grading of a vision clearance triangle on corner lots.

Where the public green way is included in the project the Builder is responsible for an acceptable continuous drainage way in the green way as determined by an engineer.

All additional grading, where applicable of lots abutting green ways, terraces of streets abutting plat, public easements for sanitary sewer and sidewalk, and other requirements of ordinances and special conditions of plat approval. There shall be a plan for disposal of any surplus soil or earth.

Where a natural drainage way exists, which has acceptable hydraulic capacities including alignment and grade as determined by an engineer, construction will not be required and the existing natural growth shall be preserved. When such natural growth is not preserved by action of the applicant or his/her agent, he/she shall be responsible for repairing the disturbed areas by sodding. However, in certain locations, as determined by an engineer, where the hydraulic capacities including alignment and grade are not acceptable, then such alignment, grade and slopes shall be improved by the applicant to the interim minimum requirements of a ten-foot wide ditch bottom with four to one side slopes, all to be seeded.

The applicant shall install permanent pipes or culverts at a grade designated by an engineer under all roads or streets crossing a green way or drainage way. Said installation shall be in accordance with the Standard Specifications for Road and Bridge Construction of the Department of Transportation of the State of Wisconsin. All costs of the installation shall be the responsibility of the applicant. The permanent pipe or culvert shall not be installed prior to the installation of a street crossing a green way unless done pursuant to written agreement between the Town and the applicant. Culverts required across intersections for temporary street drainage, shall be furnished and installed by the Builder at his expense. All temporary culverts installed by the Builder shall be completely removed when the streets are constructed to standards and the area restored to as near to original condition as possible as determined by an engineer.

All ditching and culvert installation shall be done in strict accordance with grades approved by an engineer. The applicant's engineer shall be responsible for setting all required grades in the field for construction purposes.

STREET CONSTRUCTION. After completion of the underground utilities and approval thereof, the streets shall be constructed.

CHANGE ORDERS. When extra work not specified in the contract is required to complete the project, the Builder will notify the Town. No extra work shall proceed until the Builder or his/her representative has entered into a written agreement for the additional work with the Town.

EROSION CONTROL. The applicant shall take all steps necessary to prevent the erosion, siltation, sedimentation, washing and blowing of dirt and debris caused by grading, excavations open cuts, side slopes, and other activities by the applicant or his/her contractors. Reasonable methods of control shall include, but not be limited to, seeding and mulching, sodding, berm construction, pond construction, and watering. In such cases where the method of control has failed, the builder shall clean up the materials which have been displaced prior to construction of additional improvements. Plans for erosion control shall be submitted to the Town for review and approval before any land surface disturbances are made. The Builder and/or Engineer's decision may be appealed to the Board.

FLOOD PLAIN/SHORE LAND. All provisions of Wood County Ordinances relating to flood plain and shore land zoning are incorporated herein and adopted by reference.

INSPECTION. Prior to commencing any work within the subdivision, the applicant shall make arrangements with the Town to provide for adequate inspection. The Town shall inspect and approve all completed work prior to acceptance of the road or any release of the securities deposited pursuant to this Ordinance.

4.13 ACCEPTANCE OF IMPROVEMENTS

After the applicant has installed all required improvements, he/she shall notify the Town in writing that the work is complete and ready for final inspection. The Town shall inspect the improvements and forward a letter to the applicant indicating his/her approval or disapproval. When the improvements have been approved by the Town, the Clerk-Treasurer will prepare a final billing for engineering, inspection and legal fees and submit it to the applicant for payment. In addition, the applicant and all general contractors shall file lien waivers or affidavits, in a form acceptable to the Town and approved by the Town Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no monies are owed to any surveyor, mechanic, sub-contractor, material man or laborer.

Resolution When the engineering, inspection, and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, a resolution accepting the project will be prepared and presented by the Town Board.

Security Release The security furnished pursuant to Section 4.04 shall remain in full force for a period of per §236.13(2)(am) 1c fourteen (14) months after the completion of the project and acceptance by the Board unless partially released as hereinafter provided. The security shall be held to guarantee the work performed pursuant to private contracts against defects in workmanship and materials. If any defect appears during the period of the guarantee, the applicant or its contractor shall, at its expense, install replacements or perform acceptable repairs. If the applicant fails to install the replacement or perform the repairs, the Town may do so and deduct the cost thereof from the security deposit. Unless defects have appeared and have not been repaired, the Town shall release the security to the applicant upon expiration of the fourteen (14) months guarantee period.

ENGINEERING, INSPECTION AND ATTORNEY FEES

The applicant or developer shall pay all engineering, inspection, consulting and legal fees incurred by the Town for services performed by or on behalf of the Town in conjunction with the design, inspection and review of any application for approval of a road, with the drafting of legal documents, and with such inspections as the Town or engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Consulting, engineering, inspection and legal fees shall be the actual costs to the developer based on submitted invoices of actual payroll costs for time spent by any employee of the Town. Such fees may be billed monthly, or upon completion of the project as determined by the Board.

To guarantee payment of the engineering, inspection and attorney's fees, the applicant shall deposit the sum of \$1,000.00 plus \$100.00 for each lot or parcel served by the road with the Town Clerk-Treasurer at the time that the preliminary plat has been approved and is first filed. If such fees are paid timely, the deposit will be refunded at the time that the road is accepted by the Town. In the event that the applicant fails to pay such fees within thirty (30) days of the time when the Town submits its bill therefore, the Town may deduct the amount of such fees from the security deposit.

4.14 OFFENSES AND PENALTIES.

No residential lot served by the road may be occupied until the lower pavement layer provided for in this Ordinance has been installed and approved by the Town. The Town shall not issue any building permit for any structure served by the road until the lower pavement layer has been completed and approved.

No person may deposit, place or leave any materials, or plant vegetation, on a Town road, within the right-of-way of the road, or in the ditches of a town road, which materials obstruct the use of the road, render the surface slippery or hazardous, or which may damage persons or property. This prohibition shall include, but not be limited to: glass, garbage, gravel, stones, machinery, cans, or other material, but shall not include salt, sand, calcium chloride or other materials used in maintenance of Town roads.

No person may plant, maintain or permit vegetation or plants on any private premises adjacent to a highway which obstructs the view of the operator of a motor vehicle approaching an intersection, or which obscures or conceals any traffic sign on a Town road. Every person shall endeavor to reasonable trim, cut and otherwise prevent vegetation or plants from obstructing visibility at intersections or of signs.

No person may cultivate, crop, or otherwise work any land located within the right-of-way of a Town road, including the planting of trees.

Any person, firm, or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) plus all applicable assessments and the costs of prosecution of each violation. Each day a violation exists or continues shall constitute a separate offense.

Every violation of this ordinance is declared to be a public nuisance. In addition to the penalties provided in this ordinance, the Town may abate such a nuisance. The Town shall give written notice to the landowner or person who is in violation of the ordinance giving the person a reasonable time to correct the violation. In the event the violation is not corrected, the Town may take such action within its right-of-way as is necessary to abate the nuisance, including removal of any material which is encroaching upon or obstructing the right-of-way, or trimming of vegetation which is intruding on the right-of-way. The Town may charge the responsible party for the cost of abating the nuisance, and if said charges are unpaid, assess them against the violator's property as a special charge.

In addition to the other remedies herein, the Town may commence an action for injunctive relief against an alleged violator seeking to compel the violator to cease and desist from violating this Ordinance.

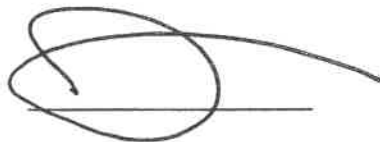
The Town Chairman or the highway patrol superintendent may order the person or persons responsible for placing obstructions, litter, material or debris on a Town highway or within the town right-of-way to remove the same. If the person responsible fails to remove the obstructions, litter, material or debris within twenty-four (24) hours, the Town may remove the same. The Town may charge the responsible person or persons for the cost of the removal by sending an invoice to the last-known address of the responsible person or persons. If the responsible person or persons do not pay the charges before the 15th day of September, the unpaid charges shall be levied against the real property of the responsible person or persons as a special charge pursuant to §66.0703, Wis. Stats., and shall be a lien against said real property pursuant to §66.0703 (13), Wis. Stats.

If any section, clause or provision of this ordinance should be found invalid by a court of competent jurisdiction the remainder of this ordinance shall not be affected thereby.

This ordinance supersedes all prior town of Lincoln road ordinances and shall be effective for all roads or streets for which construction is commenced after passage and posting as required by law, and in addition, shall be applied to all roads or streets under construction at the time of

passage and posting for which the grading of the entire road bed has not been completed at the time of passage and posting of the ordinance.

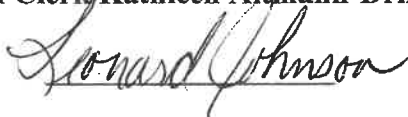
Adopted this 11 day of September, 2018.



Town Chairman David Rogers



Town Clerk Kathleen Altmann-Drinka



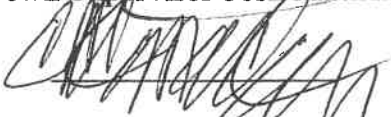
Town Supervisor Leonard Johnson



Town Supervisor Matt Joiner



Town Supervisor Josh Mauritz



Town Supervisor Bob Cassaday