

TOWN OF ALBION  
ROAD ORDINANCE #2020-01

SECTION 1: DEFINITIONS

1. Board The Town Board of the Town of Albion.
2. Certified Survey Map A map of land division, not a subdivision, prepared in accordance with Section 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 map.
3. Clerk-Treasurer The Town of Albion Clerk-Treasurer.
4. 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.
5. Land(s) Any real estate or interest in real estate.
6. Plan Commission The Town of Albion Plan Commission.
7. Lot A land area of thirty-five acres or less.
8. Parcel Contiguous lands under the control of a subdivider or subdividers not separated by streets, highway or railroad rights-of-way.
9. Plan A map or sketch of a proposed road prepared in conformity to the requirements of Chs. 80-86, Wis. Stats.
10. Public Way Any public road, street, highway, walkway, drainage way, or part thereof.
11. 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.
  - a. 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 area.
  - b. 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.

- c. 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.
- d. 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.
- e. 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.
- f. Connector Streets Those streets which perform a semi-arterial function as well as serving as distribution and land access streets.
- g. Distributor Streets Those streets which perform the function of gathering and distributing traffic from and to the local streets and adjacent lands.
- h. 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.
- i. 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.
- j. Alleys Streets which provide secondary means of access for vehicular services to the back or side of property otherwise abutting a street.
- k. Cul-de-sac Streets closed at one end with turnarounds.
- l. Dead-end streets Streets closed at one end without turnarounds.
- m. Subdivision A division of a parcel of land where the act of division creates either:
  - i. Five or more lots, parcels or building sites of 35 acres each or less in area; or
  - ii. Five or more lots, parcels or building sites of 35 acres each or less in area by successive divisions within a period of five years.
- n. Town The Town of Albion, Dane County, Wisconsin.

## SECTION 2: STREETS AND ROAD 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:

1. The provisions of Chapter 79 of the Dane County Ordinances regarding County highway access.
2. The rules of the Wisconsin Department of Transportation and the Dane County Department of Transportation 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.
3. All applicable Town land use plans, as adopted under sec. 60.61 of the Wisconsin Statutes, zoning ordinances, official maps, and any other ordinances and regulations.

### SECTION 3: APPLICATION FOR APPROVAL OF ROAD OR STREET.

1. Every person or party proposing to construct a road or street shall submit a written application for approval of the same to the Town. 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 this ordinance.
2. The application shall be accompanied by a scale map prepared by a surveyor which shows the location and design of the proposed road or street. 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 schedule of construction of the road.
3. Before any proposed road or street is approved, the applicant shall enter into a development agreement with the Town wherein the applicant agrees to construct the road or street within eighteen (18) months of the date that the application is approved. All required improvements in the plat shall be completed prior to occupancy of any structure served by the road. The Town Board may allow phased construction of streets or roads.
4. 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.
5. The Town Board may approve, reject or modify the application, and shall give the applicant due notice of its action.

### SECTION 4: SECURITY FOR COMPLETION OF CONSTRUCTION.

1. At the time the development agreement is executed, the Builder shall file a bond, certificate of deposit, irrevocable letter of credit, or certified check, 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 five percent (125%) of the estimated cost of the required improvements as determined by the Town Engineer. 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.
2. The State of Wisconsin, Dane County and a City, Village or Town of Dane County may, in lieu of the bond or security provisions of this ordinance, may file a resolution duly adopted by such governmental unit agreeing to comply with the provisions of this section.

## SECTION 5: CONSTRUCTION IN PHASES.

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

1. The phases are specified in the development agreement for the road or street.
2. Improvements constructed during the first, and each subsequent, stage, of construction shall not be accepted nor shall any occupancy permits be issued within the completed area of the subdivision or development until the security required for the next stage of construction has been posted with the Town.
3. The applicant 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.
4. Erosion control plans and measures submitted and approved shall address the erosion problems posed by the construction of the project in phases.

## SECTION 6: RESERVATION AND DEDICATION OF LAND.

1. All or any part of a street, an arterial 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. The Town 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, to maintain the same for the welfare of the public.
2. All roads in the Town of Albion shall be 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.
3. Every developer shall, as a condition of the Town'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 one (1) year from the date it is accepted for dedication. The security provided by the developer shall remain in effect until the expiration of the warranty period at which time the Town Board would authorize the release of the letter of credit, certificate of deposit or other security.

## SECTION 7: STREET ARRANGEMENT.

1. 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 street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed 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 streets, and to the most advantageous development of adjoining areas.
  - a. 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.
  - b. 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.
  - c. Local Streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
  - d. 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.
  - e. 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.
  - f. 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.

## SECTION 8: STREET NAMES AND NUMBERING.

1. Street names and building numbers shall be assigned in accordance with the provisions of Chapter 76 of the Dane County Ordinances.
2. The following designations shall be used only in the situations indicated:
  - a. Lane - a street, one block long, not ending in a cul-de-sac.
  - b. Circle - a cul-de-sac of nine lots or more.
  - c. Court - a cul-de-sac of eight lots or less.

## SECTION 9: STREET DESIGN STANDARDS.

1. Minimum Right of Way. The minimum right-of-way for all proposed streets and roads shall be 66 feet or such other width as is specified by the Town land use plan, official map or neighborhood development study; or if no width is specified therein, the minimum widths shall be 66 feet.
2. Cul-de-Sac Streets. All cul-de-sac streets shall conform to the following standards:
  - a. Streets designed to have one end permanently closed shall not exceed 1,000 feet in length.
  - b. Streets which are designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right of way diameter of 120 feet, and a minimum paved diameter of 90 feet. The reverse curve on a cul-de-sac shall have a 120 foot minimum radius when the bulb is centered on the street and 120 foot minimum radius when the bulb is offset.
  - c. The land surrounding the cul-de-sac bulb ends shall be divided into a minimum of four lots. Lots will have a minimum frontage width of 45 feet. 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.
  - d. Dead-end streets shall not be permitted without suitable turn-around. Appropriate arrangements shall be made for those parts of temporary turn-arounds outside of street right-of-way to revert to the abutting property owners at such time as streets shall be extended.
3. Street Grades and Radii of Curvature. 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 Dane County Subdivision Ordinance and the Town Road Ordinance. In the event of a conflict between the County and Town standards, the Town shall determine which standard shall be applied, on the basis of which standard is best suited to the estimated traffic load of the proposed road. Road intersections shall have road profiles not greater than 4% for 100 feet from the centerline-centerline of the intersections. Alignments at intersections shall be at right angles.

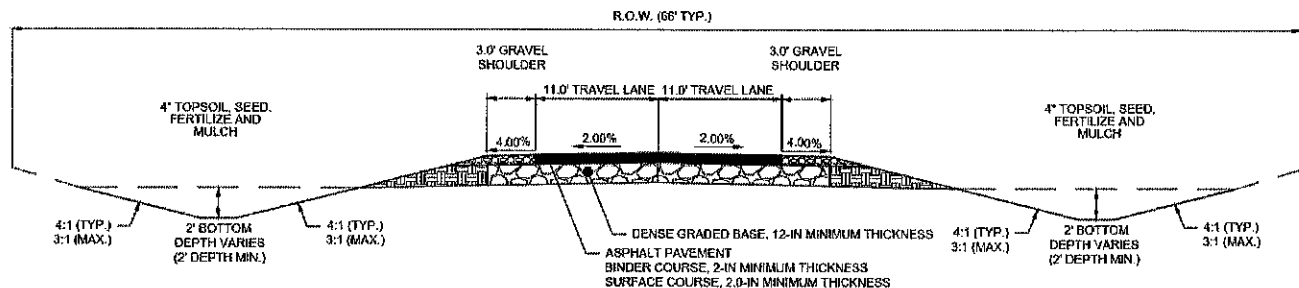
4. Ditches shall be constructed whenever storm sewers are not required by the Town Board.
  - a. Roadside ditches shall not exceed 10% of grade nor have less than a 1% grade. The maximum ditch capacity for a 5-year intensity storm shall be not more than the values tabulated as follows:

FIGURE 1

Ditch Grade %	Quantity (cubic foot per second)
1	2.34
2	3.78
3	4.14
4	4.86
5	5.22
6	5.76
7	6.30
8	6.84
9	7.20
10	7.74

- b. 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.
  - c. Where ditches are required, streets shall be constructed as indicated in Figure 1.
5. All roads in the Town of Albion shall be constructed according to the specifications stated in this section, as depicted in Figure 2.

Figure 2:



- a. All roads in the Town of Albion shall be constructed according to the specifications stated in this section, as depicted in Figure 2, as a minimum standard. Additional widths and depths may be required depending on site soil conditions, ADT values of the roadway, or other conditions of the site. Roadway design will conform to design requirements of Wisconsin Department of Transportation for their corresponding road classification for pavement replacement, reconditioning, resurfacing, reconstruction and new construction projects.
  - b. The paved surface shall be at least 22 feet wide with 3-foot wide aggregate shoulders and roadside ditches with a minimum of two feet in depth. The road shall have a gravel

base at least 12 inches in depth. Consisting of at least 8" of 3" large base stone and 4" of 1 1/4" fine gravel. The pavement shall be laid in a binder course of asphalt which is at least 2 inches in thickness.

- c. The final course of all streets shall be at least two inches thick with TAC coat to the road base. The final course shall be applied within ninety (90) days 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 or not that lot is sold, or construction is commenced. Prior to laying of the TAC coat on surface course, the builder shall cause any cracks or other defects in the binder base course to be filled and/or patched.
6. The work for road construction shall be inspected by the Town as described in this paragraph. 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 shall reimburse the Town for all fees incurred by the Town to perform these inspections.
7. Upon approval by the Town of the completed road, the builder shall dedicate, by appropriate deed, a 66-foot side strip of real estate whose central line is the newly constructed road.

#### SECTION 10: STREET/ROAD SIGNS COSTS.

The Builder shall be responsible for the initial cost of the street/road signs for new roads. The Town will order and install the signs after construction of the subdivision roads. The Builder will be billed for the cost and installation. The Builder 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.

#### SECTION 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. 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 provisions of this ordinance shall make a written application for a waiver and file the application with the Town Clerk-Treasurer. 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-Treasurer shall mail a notice of the hearing to all adjacent landowners and to the 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-Treasurer.



## SECTION 12: REQUIRED IMPROVEMENTS PROCEDURE.

1. **PLANS AND CONSTRUCTION SPECIFICATIONS. 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 may require the submission of the following plans and accompanying construction specifications before authorizing construction or installation of the improvements:
  - a. Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
  - b. Storm water and surface water drainage plans.
  - c. Such additional plans or information as may be required by the Town Engineer.
  - d. Plans and specification for all utilities and underground facilities.
2. **PRIVATE CONTRACTS.** The Builder shall engage one general contractor whose qualifications have been approved by the 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.
3. **SCHEDULING.** All scheduling of the contemplated improvements shall be approved by the Town Engineer. Construction may not be commenced on any phase of construction until all approvals and conditional requirements are satisfied, and a copy of the private contract has been filed with and approved by the Board. Construction shall not proceed until all State of Wisconsin approvals are granted.
4. **STREET GRADING**
  - a. The Builder 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 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 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 Engineer prior to the sale of affected properties.

- b. The Builder shall engage a licensed professional engineer to set sub-base grade in accordance with approved centerline grade and cross section; 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:
- i. The stripping and removal of all topsoil, debris and vegetation within the street right of way.
  - ii. 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 materials, which do not include topsoil, debris, vegetation, etc.
  - iii. Grading beyond right of way to insure that the established grade will be preserved.
  - iv. Grading of vision clearance triangle on corner lots (Maximum embankment of three (3) feet above curb elevation within a triangle formed by two intersection
  - v. Street line or their projections and a line joining points on such street lines located 25 feet from the street intersection).
  - vi. 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.
  - vii. Where a natural drainage way exists which has acceptable hydraulic capacities including alignment and grade as determined by the Town 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 the Town 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.
- c. The applicant shall install permanent pipes or culverts at a grade designated by the Town Engineer under all 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 Engineer 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 the Town Engineer.

- d. All ditching and culvert installation shall be done in strict accordance with grades approved by the Engineer. The applicant's engineer shall be responsible for setting all required grades in the field for construction purposes.
5. **STREET CONSTRUCTION.** After completion of the underground utilities and approval thereof, the streets shall be constructed.
6. **CHANGE ORDERS.** When extra work not specified in the contract is required to complete the project, the Town will notify the Builder or his/her engineering representative. No extra work shall proceed until the Builder or his/her representative has entered into a written agreement for the additional work.
7. **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, erosion matting, inlet protection, rip rap, silt fence, erosion bales, sodding, berm construction, pond construction, tracking pads, 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. Minimum requirements for erosion control shall meet minimum requirements as set by Dane County and the Wisconsin Department of Resources. Plans for erosion control shall be submitted to the Town Engineer for review and approval before any land surface disturbances are made. The Engineer's decision may be appealed to the Board.
8. **FLOOD PLAIN/SHORE LAND.** All provisions of Dane County Ordinances relating to flood plain and SHORE LAND zoning are incorporated herein and adopted by reference.
9. **INSPECTION.** Prior to commencing any work within the subdivision, the applicant shall make arrangements with the Town Engineer to provide for adequate inspection. The Town Engineer shall inspect and approve all completed work prior to acceptance of the road or any release of the securities deposited pursuant to this Ordinance.

#### SECTION 13: ACCEPTANCE OF IMPROVEMENTS.

1. After the applicant has installed all required improvements, he/she shall notify the Town Engineer in writing that the work is complete and ready for final inspection. The Town Engineer 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 Engineer, 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.

2. 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 to the Town Board.
3. Security Release The security furnished pursuant to Section 4 shall remain in full force for a period of one year 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. In the event that 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 one year guarantee period.
4. **ENGINEERING, INSPECTION AND ATTORNEY FEES**
  - a. The applicant 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 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 Town on the basis of submitted invoices plus twice (2x) the actual payroll costs for time spent by any employees of the Town. Such fees may be billed monthly, or upon completion of the project as determined by the Board.
  - b. 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 application for approval 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 fourteen (14) days of the time when the Town submits its bill therefore, the Town may deduct the amount of such fees from the security deposit.

#### SECTION 14: OFFENSES AND PENALTIES.

1. No residential lot served by the road may be occupied until the binder course 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 road binder course has been completed and approved.
2. 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.

3. 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.
4. No person may build or reconstruct a fence or any other structure within the thirty-three feet (33') of right-of-way of a Town road, measured from the centerline of said road. Any fence which existed prior to the construction of the road may be maintained but may not be replaced.
5. 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.
6. No person may, by operation of a motor vehicle, spillage of chemicals, operation of machinery or other action, damage a Town road.
7. 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.
8. 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.
9. 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.
10. Charges for removal of obstructions, litter, debris or material from highway. The Town's highway patrol employee may order the person or persons responsible for placing obstructions, litter, material or debris on a Town highway 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 sec. 66.60 (16), Wis. Stats., and shall be a lien against said real property pursuant to sec. 66.60 (15), Wis. Stats.

#### SECTION 15: SPEED LIMITS ON TOWN ROADS.

1. Future speed limit changes. The Town Board may adopt changes to speed limits using the following procedure:
  - a. The Town Board shall adopt a motion requesting that the Dane County Highway and Transportation Department conduct a study of the traffic on the road in question. The Board may engage an engineering firm if the County cannot provide timely service.
  - b. After the report of the County has been received, the Town Board shall place on the regular meeting agenda the issue of revising the speed limit on the road in question. The Board may accept comments from the public.
  - c. The Board may, after consideration of the report of the County and other information, adopt the recommended speed limit. The speed limit shall be added to this Ordinance by the Clerk-Treasurer.
  - d. The Town Board may also change the speed limit as allowed by law.

#### SECTION 16: MAILBOX.

1. Commencing on the effective date of this ordinance, no person, corporation, partnership, proprietorship or other legal entity may install any mailbox on or adjacent to a Town road of the Town of Albion, unless the mailbox meets the standards contained in this ordinance. Existing mailboxes shall not be required to conform to these standards, but any repair or replacement of the mailbox shall result in the mailbox being reconstructed so as to comply with the standards herein. As used in this section, the term repair or maintenance does not include painting or remounting of a mailbox.
2. Standards.
  - a. No mailbox may be constructed so that the posts or any portion of the mailbox infringes upon the shoulder or road surface of the Town. An infringement shall include an encroachment of the air space above the Town's right-of-way.
  - b. Every mailbox shall be installed such that the support post is set back a minimum of 24 inches from the edge of the shoulder of the Town road.
  - c. The mailbox itself shall be mounted so as to be at least 46 inches above the surface of the shoulder of the road.
  - d. The front edge of the mailbox shall be aligned with the outside edge of the road's shoulder.
  - e. The mailbox itself shall be constructed of appropriate material and should be of a kind which has been approved by the Postmaster General of the United States.

3. The Town of Albion shall not be responsible for the cost of replacing any mailbox which is constructed in violation of the requirements of this section, regardless of whether or not the box was constructed prior to the effective date of this ordinance.
4. Any person who constructs or installs a new mailbox in the Town of Albion shall comply fully with the requirements of this ordinance. In the event that an existing mailbox is repaired or maintained, the mailbox shall, at that time, be made a conforming mailbox.
5. Every pre-existing mailbox in the Town of Albion shall be required to meet the standards contained in this ordinance ten (10) years after the effective date of this ordinance.

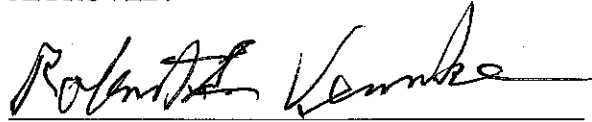
#### Section 17: Effective Date and Publication

This ordinance shall become effective upon adoption and publication as required under s. 60.80, Wis. Stat.

This Ordinance shall become effective following its adoption, upon publication and/or posting in the manner provided for by law.

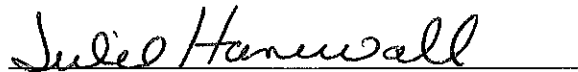
Adopted this 6<sup>th</sup> day of October, 2020.

APPROVED:



Robert Venske, Chairman

ATTEST:



Julie Hanewall, Clerk

ADOPTED:

Supervisor Pat Tesar introduced the above ordinance and moved its passage. Seconded by Abigail Staff

Roll Call      5 Yes      0 No

Copies of this ordinance may be obtained at the clerk's office located at 620 Albion Road, Edgerton, WI 53534, Monday through Friday, 8:00 a.m. to 1:00 p.m.