

Chapter 66 SUBDIVISIONS*

*Cross references: Any ordinance dedicating, accepting or vacating any plat or subdivision saved from repeal, § 1-5(16); buildings and building regulations, ch. 14; streets, sidewalks and other public places, ch. 62; zoning, ch. 74.

State law references: Platting generally, Wis. Stats. § 236.01 et seq.

Sec. 66-1. Definitions.

Sec. 66-2. Applicability of chapter provisions.

Sec. 66-3. Enforcement of chapter provisions.

Sec. 66-4. Utility easements.

Sec. 66-5. Subdivision costs.

Sec. 66-6. General road standards.

Sec. 66-7. Subdivision roads; conditions for plat approval.

Sec. 66-8. Acceptance of unpaved roads.

Sec. 66-9. Driveways

Sec. 66-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Final approval of a subdivision means approval by the town board and by responsible county authorities.

Public road means a road open to travel by the general public and maintained and/or owned by the town, the county, the state, the federal government or any instrumentality of the federal government.

Road means any private or public right-of-way of any kind intended for use by automotive vehicles licensed to operate on public roads in the state. As used in this chapter, the term shall include highways, streets, alleys and all other such roads, but excluding driveways giving access only into one privately owned property.

Roadway means the area of a road on which vehicles may normally travel or temporarily park, to include the paved surface and maintained shoulders between ditches.

Subdivision means two or more lots of five acres or less each, created by survey, plat or any other means from one original parcel within a five-year period.

(Code 1987, § 8.01(1))

Cross references: Definitions generally, § 1-2.

Sec. 66-2. Applicability of chapter provisions.

No subdivision shall be approved, nor shall any road be accepted for ownership or for any responsibility whatsoever, by the town except in accordance with this chapter.

(Code 1987, § 8.01(2))

Sec. 66-3. Enforcement of chapter provisions.

The town shall, by proper legal proceedings, including junctional relief, enforce this chapter.

(Code 1987, § 8.01(3))

Sec. 66-4. Utility easements.

All roads are subject to utility easements.

(Code 1987, § 8.01(4))

Sec. 66-5. Subdivision costs.

All costs of development and construction of a subdivision, including its roads, if any, shall be the responsibility of the developer.

(Code 1987, § 8.01(5))

Sec. 66-6. General road standards.

Except as provided in section 66-8, the town shall not construct nor accept ownership or responsibility of any kind for a road, nor approve any proposed subdivision including a road, except as provided in section 66-7(b), unless the road conforms to the following standards:

- (1) The road shall start from a public road and fully comply with entrance requirements in effect at the time.
- (2) The roadway shall be 30 feet between the near edges of the ditches. The roadway shall be centered on a right-of-way 66 feet wide.
- (3) Each dead-end road shall have a cul-de-sac roadway constructed at the end of the road.
 - a. Basic cul-de-sac criteria. The cul-de-sac shall be of semicircular design. See figure 6.6(3)(a).

1. The basic cul-de-sac shall have a paved radius measuring 50 feet. The center of the radius shall be measured 50 feet from the end of the roadway and shall be positioned along the near edge (cul-de-sac side) of the pavement.
 2. Gravel shoulders shall extend to an additional three feet beyond the edge of the paved roadway.
 3. Clearing of trees, stumps, brush and other shall extend to a distance of 10 feet beyond the pavement edge.
 4. The right-of-way shall extend at a 75-foot radius from this same point.
- b. Alternate cul-de-sac criteria. The alternate criteria allows for trees to remain within the cul-de-sac. The alternate cul-de-sac shall be of circular design (see figure 6.6(3)(b)).
1. The radius of the right-of-way circle shall be a minimum of 75 feet in width.
 2. The center of the circle shall be marked with a standard surveyor's pipe and shall remain permanent.
 3. The roadway pavement shall increase to 26 feet in width within the alternate cul-de-sac and the centerline of the pavement shall have a minimum radius of 45 feet.
 4. Additionally, paved roadway shall extend to a distance of 24 feet from the intersection point of the main roadway and the circular roadway.
 5. Gravel shoulders shall extend to an additional three feet beyond the paved roadway inside and outside the paved roadway. Culvert installations may be necessary.
 6. Clearing of trees, stumps, brush and other shall extend to a distance of ten feet beyond the pavement edge on both sides of the circle and along roadway.
- (4) Culverts, ditches, erosion control structures and bridges shall be installed or constructed wherever the natural hydraulic flow or drainage would be obstructed or constricted by the road, and wherever required to preclude traffic obstruction or flood or erosion damage to the roadway, the right-of-way or the adjacent properties. Culverts shall be a minimum of 18 inches in diameter and 40 feet in length. The top of the culvert shall be not less than one foot below the roadway surface. Bridges and other structures shall conform to standard specifications and be certified by a licensed engineer to meet those specifications.
- (5) Stumps and brush shall be uprooted to a minimum width of 40 feet. All loose stumps, logs and brush shall be removed from the right-of-way. No logs, stumps or brush shall be buried within the roadway. Graded and other disturbed areas outside the roadway shall be suitably seeded, resodded or otherwise prepared to prevent erosion until natural vegetation recovers sufficiently to serve this purpose. Tree branches overhanging the right-of-way shall be removed to a height of 16 feet and a width of 40 feet.
- (6) Curves shall be constructed to a 150-foot or greater radius unless precluded by topography. The road surface on a curve shall be suitably sloped down on the inside to allow safe travel at 35 mph under normal dry road conditions. Where topography prevents meeting these requirements, traffic warning signs, such as "curve ahead," or "slow," shall be installed.

- (7) Swampy or boggy areas shall be excavated and refilled with breaker run and gravel or to a width of 30 feet and a depth sufficient to ensure that the roadway will not sag, heave or displace laterally.
- (8) A minimum twelve-inch gravel base 26 feet wide, equivalent to 4,220 cubic yards; or 7,800 tons of gravel per mile, shall be applied before paving.
- (9) The road shall be paved with a hot-mix bituminous surface 20 feet wide to a minimum depth of two inches after final compaction.
- (10) The roadway shall be crowned with a minimum of a three-inch rise at the centerline (crown), except for slopes and curves if no crown is required for drainage.
- (11) Standard traffic safety signs and road name signs shall be installed on four-inches × four-inches × ten-feet treated posts at intersections, curves with obstructed visibility and similar hazard points wooden posts.
- (12) Work shall be done only after obtaining county, state department of transportation and state department of natural resources permits, if required.

GRAPHIC LINK: Figure 6.6(3)(a)

GRAPHIC LINK: Figure 6.6(3)(b)

(Code 1987, § 8.01(6); Ord. of 6-21-2005)

Sec. 66-7. Subdivision roads; conditions for plat approval.

- (a) Any road designated in a plat as being dedicated to the town as a public road shall conform to the standards prescribed in section 66-6.
- (b) Roads in subdivisions of more than five lots, or more than 500 feet of road, shall conform to the standards prescribed in section 66-6.
- (c) Roads in subdivisions with five lots or less and 500 feet of road may have 20-foot wide roadways and 50-foot rights-of-way. Such roads may be surfaced with not less than five inches of gravel in lieu of the specified twelve inches gravel base and two-inches bituminous surface. Curves may be constructed to 100-foot radii and 25 mph safe travel speeds. All other standards prescribed in section 66-6 shall be met. Any road in a plat not conforming to the standards provided in section 66-6 shall be designated on such plat as a private easement for the use in common of all lot owners within such subdivision, and such plat shall further provide an inscription that the town's acceptance of any road within the subdivision as a public road is conditional upon meeting the standards prescribed in section 66-6. Such plat shall state "The town is not responsible for the maintenance of the easement road nor intends to in the future." Furthermore, a separate document setting forth the beneficiary, scope, terms and conditions of such private easement shall be recorded prior to the recording of the plat and shall be submitted to the town for approval, along with the plat itself.
- (d) All property documents for subdivision properties on a road not accepted for maintenance by the town shall be recorded with a provision showing that the town has no responsibility whatsoever for that road. A proposed subdivision containing such a private road shall not be approved by the town board until the developer presents a copy of the proposed document provision meeting the requirement of this subsection. The developer shall, within 90 days of final approval of the subdivision, submit to the town a copy of the survey, plat or deed as recorded for each affected parcel in the subdivision showing the required provisions.
- (e) To ensure initial and continued compliance with prescribed standards, roads in a subdivision shall be subject to inspection by the town at any time. Should an existing

road fail to meet requirements, the owner shall be given formal written notice by the town board of the corrective action required. If not completed within a prescribed deadline, which shall not exceed six months, the town may deny access onto that road from a town road or may complete the corrective action and add the cost to the tax roll for properties on which the road is located.

(f) The town board shall not approve a proposed subdivision including a road, unless that road has been completed to prescribed standards or the developer has furnished a cash deposit, performance bond or equivalent surety with a value equal to the cost of the road construction required, plus ten percent, deposited with or payable to the town. Roads in the subdivision shall be completed to prescribed standards within 18 months of final approval of a subdivision unless the town board shall have extended that deadline for good cause. No extension in excess of 36 months shall be allowed.

(g) The town shall conduct a final acceptance inspection for new or reconstructed subdivision roads.

(1) The road crew foreman and the appointed member of the board of supervisors shall conduct a final inspection and shall submit an inspection report to the town board.

(2) This inspection shall include a review of the pertinent road requirements including but not limited to asphalt road width and crowning requirements, shoulder road width, right-of-way clearing requirements, and cul-de-sac issues.

(3) The report shall include a listing of each of the review items. Any deficiencies shall be noted.

(4) The report shall also list recommendations by the road crew foreman and by the appointed member of the board of supervisors.

(h) Where a subdivision road is to be constructed or brought up to required standards, should the completion deadline be missed or the road not meet prescribed standards at the deadline, the developer shall be given formal written notice citing the specific corrective action required. If, within 90 days of that notice, corrective action is not completed or the developer and town have not reached an agreement under which the deficiencies are to be met, the town shall complete the road or correct the deficiencies and retain a sufficient amount of the bond or deposit, including interest, to cover all costs, including legal and inspection costs.

(i) Subdivision roads which exist prior to the effective date of adoption of this section shall be exempt from its provisions. However, the town shall not subsequently accept any responsibility for such roads except in accordance with section 66-8.

(Code 1987, § 8.01(7); Ord. of 6-21-2005)

Sec. 66-8. Acceptance of unpaved roads.

The town shall not accept ownership and/or maintenance responsibility for any road constructed after adoption of this section and which does not meet the standards prescribed in section 66-6. The town may, in its absolute discretion, accept ownership and/or maintenance responsibility for a prior road not paved with a bituminous surface if constructed prior to April 6, 1993, subject to the conditions stated in this section; however, adoption of this section shall not have any retroactive effect upon any valid preexisting agreements of developers with the town regarding the construction of roads.

(1) The road must meet all requirements of section 66-6 except it may have five-inches or greater gravel surface in lieu of the specified twelve inches gravel base and two-inches bituminous surface.

(2) The road must be in good condition and free of any need for immediate repair or maintenance work. The town chair or a town board member appointed by the town chair and the town foreman shall conduct an inspection to ascertain this fact and compliance with requirements. Any deficiencies must be corrected at no cost to the town prior to acceptance.

(3) The road must be normally used only by residents of, and occasional visitors to, properties having direct access to the road and by service and deliveries to private residences. No resort, camp or other public or commercial establishment or activity may be located on that road.

(4) The road must be at least 500 feet, but no more than two miles in length.

(5) There must be a minimum of four platted home sites and two occupied existing private residences per mile, but not less than two occupied private residences, on the road.

(6) The road must either be a dead-end or connect two existing publicly maintained roads. No other private road, excepting driveways, may connect to it.

(7) The owners of all properties fronting on the road, and all other persons, if any, entitled by recorded easement to use the road, must petition the town board for acceptance of the road and acknowledge that the town is not required to pave the road with a bituminous surface. The petition must provide, or be accompanied by, reliable cost figures showing the expected maintenance cost to the town over the next 15 years compared to the expected cost of maintenance if paved with a bituminous surface.

(8) The survey, plat, deed or other recorded documents for all properties fronting on, and/or entitled by recorded easement to use the road, must contain a provision showing that the town has no responsibility to upgrade the road to a bituminous surface.

(9) The town board shall deny any petition which does not meet all the requirements of this section except subsection (8) of this section. The town board may conditionally accept a petition upon a determination that acceptance of the road is in the best interest of the town, subject to evidence of completion of the requirements of subsection (8) of this section.

(10) All owners having any interest in land proposed for dedication as a town road must join in the conveyance of such land to the town. The petitioners shall provide suitable evidence of legal title prior to acceptance.

(Code 1987, § 8.01(8); Ord. of 6-21-2005) (11-7-2023)

Chapter 67 RESERVED

NOTICE OF ORDINANCE AMENDMENT

The Town Board of the Town of Three Lakes voted on November 7, 2023 to amend Chapter 66 Subdivisions of the town ordinance. The Three Lakes Town Board amended gravel standards and added language.

The ordinance is available for inspection at the Town Office and will be posted on the Town website at www.townofthreelakeswi.gov.

SUSAN HARRIS, Clerk

Town of Three Lakes

715-546-3316



Roger B. Brisk
Town Chairman

Attest:



Susan Harris
Town Clerk

Adopted:	11/07/2023
Published:	11/22/2023
Effective:	11/22/2023