

Ordinance # O- 02- 01
Section XII amended March 10, 2003
Section X amended April 24, 2003
Section X and XI amended April 28, 2008
Section XII and Exhibits I & L amended February 23, 2015

TOWN OF STOCKTON ROAD ORDINANCE
Town of Stockton, Portage County, Wisconsin

The Town Board of the Town of Stockton, Portage County, Wisconsin, does ordain as follows:

SECTION I: PURPOSE

Whereas, To protect and provide for the public health, safety and general welfare of the Residents of the Town of Stockton, and
Whereas, To provide for the safe and efficient movement of vehicular and pedestrian traffic, to provide for the proper location and width of roads and access points and to help with the implementation of official street plans, and
Whereas, The intent of this Ordinance is to provide clearly defined specifications for new town roads, private subdivision roads, industrial/commercial roads, private condominium roads, and for accepting proposed and existing private easement roads, and private driveways.

SECTION II: STATUTORY AUTHORITY

Chapters 80, 81, 86 and 236 of the Wisconsin State Statutes grants authority for this Ordinance.

SECTION III: ABROGATION AND GREATER PROVISIONS

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances, permits, existing deed restrictions, covenants, or easements previously adopted or issued pursuant to law. However, whenever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.

SECTION IV: INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin State Statutes or Portage County Ordinances. However, if any terms or requirements of this Ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply.

SECTION V: APPLICABILITY

The requirement of this Ordinance applies to all persons and activities within the Town of Stockton, Portage County, Wisconsin. No subdivision or preliminary condominium plat shall be approved, nor shall any road be accepted for ownership or for any responsibility whatsoever, by the Town of Stockton except in accordance with this Ordinance.

SECTION VI: DEFINITIONS

A. **CENTERLINE:** The central point between the right-of-way width on the paved portion of the roadway. Usually established as thirty-three (33) feet for a standard Town road.

B. **CONDOMINIUM:** Property subject to a condominium declaration and condominium plat established under Chapter 703, Wisconsin Statutes

C. **CUL-DE-SAC:** A local road with only one outlet and having a single terminal for the safe and convenient reversal of traffic movement. The terminal area of the cul-de-sac will have a minimum diameter of one hundred twenty (120) foot right-of-way, with a one hundred (100) foot diameter minimum paved area.

D. **DEVELOPER:** See subdivider.

E. **DRIVEWAY:** A road which gives personal access to one or more privately owned properties, maintained by individual property owners. Not a public road.

F. **FAIR MARKET VALUE:** The highest price in terms of money, which a property will bring in a competitive and open market under all conditions requisite to a fair sale, wherein the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. The Town Assessor shall determine the fair market value of questionable sales at the discretion of the Town Board.

G. **FINAL APPROVAL OF A STANDARD TOWN ROAD, DRIVEWAY, OR INDUSTRIAL/COMMERCIAL ROAD:** Approval by the Stockton Town Board and/or by responsible Portage County authorities.

H. **MULTI-FAMILY RESIDENCE:** Any building constructed to be more than a single-family residence. Not subject to a condominium declaration.

I. **PUBLIC ROAD:** A road open to travel by the general public and maintained and/or owned by the Town of Stockton, Portage County, the State of Wisconsin, the Federal Government, or any instrumentality thereof.

J. **RIGHT-OF-WAY:** Road width established as sixty-six (66) foot minimum.

K. **ROAD:** Any private or public right-of-way of any kind intended for use by automotive vehicles licensed to operate on public roads in Wisconsin. As used herein the term shall include highways, streets, alleys and all other such roads, but excluding driveways, which give access to one or more privately owned properties.

L. **ROADWAY:** The area of the road on which vehicles may normally travel or temporarily park. Includes the paved surface and maintained shoulders between ditches.

M. **SUBDIVIDER:** Any person, firm, partnership, corporation, association, estate, or other legal entity dividing land for residential, commercial, industrial, or recreational development.

N. **SUBDIVISION:** Two or more lots created by survey, plat, or any other means, from one original parcel within a five-year period.

O. **TOWN:** The name Town will mean Town of Stockton, Portage County, Wisconsin, throughout this Ordinance.

P. **UNDEFINED TERMS:** In interpreting any term in this Ordinance, when the term is not defined in the section in question or in this definition section, the ordinary meaning of the term will apply unless the context clearly indicates a different meaning is intended. If a question arises as to the meaning of a term used, the Town Board's definition takes precedence.

SECTION VII: ENFORCEMENT:

The Town shall, by proper legal proceedings, including injunction relief, enforce this Ordinance.

SECTION VIII: UTILITY EASEMENTS:

All roads and driveways are subject to utility easements within Town road or proposed Town road right-of-way.

- A. Utilities are required to bury their lines within ten (10) feet of the paved road surface and a minimum of two (2) feet deep.
- B. Power utility poles are to be put on the outer most section of the Town right-of-way, designated by property lines.

SECTION IX: GENERAL TOWN ROAD SPECIFICATIONS:

The Town shall not accept ownership or responsibility of any kind for a road, nor approve any proposed road (standard or industrial/commercial), or driveway unless the road conforms to the following specifications:

- A. Anytime a road is to be built to Town of Stockton specifications, Town Road Foreman, Town Chairperson, or Designee, is to be contacted (592-4420) a minimum of ten (10) days prior to the start of construction to answer any questions about the specifications.
- B. Upon completion of the sub-grade work, the Town Road Foreman, Town Chairperson, or Designee, is to be contacted (592-4420) again for inspection of the grading for the future road.
- C. After receiving approval to put down the base coarse, the Town Road Foreman, Town Chairperson, or Designee, is to be contacted (592-4420) to insure there is sufficient base coarse put down. Sufficient base coarse for a standard town road is six (6) inches, compacted; twelve (12) inches for an industrial/commercial road, compacted. See Exhibit A attachment to the Town of Stockton Road Ordinance.
- D. Prior to laying the bituminous hot mix, the Town Road Foreman, Town Chairperson, or Designee, will be notified at least three (3) working days prior to the actual date of putting it down. The Town Representative needs to be present at some time during the actual laying of the bituminous hot mix to insure that the Town Specifications are being met (two and one-half (2 1/2) inches compacted to two (2) inches for a Standard Town Road, and two, two and one-half (2 1/2) inch lifts compacted to two (2) inches --four (4) inches total compacted, for a Industrial/Commercial Road.
- E. Proof of ownership of all land is required for the establishment of any

such road to be designated as a public road. If not owned by the developer the property must be obtained by the developer and an easement filed at the Portage County Register of Deed's office prior to issuance of permits. A copy of this documentation must be provided to the Town before any work on the proposed road is started.

F. The developer shall file with the Town Board a surety bond, cashier's check, certified check or letter of credit upon a solvent bank located in Portage County prior to construction of the improvement above. A copy of two legitimate bids from road building firms that are established (with a minimum of 2 years experience) for proposal of costs for construction will need to be on file at the Town Clerk's office before construction can begin. The sum of the bond or check shall be equal to the averaged estimated cost of construction of the above improvements, plus twenty-five (25) percent. Before the return of deposit or release of bond, the Town Board shall formally accept the inspection report and receive evidence of recording of any required survey, easement, plat, or deed provisions. Any interest accrued on a cash deposit shall be returned to the developer, along with the principal, when terms of approval, and acceptance of the roadway, are met.

G. Where a road is to be constructed or brought up to required Town 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 thereof citing the specific corrective action(s) required. If, within sixty (60) days of that notice, corrective action is not complete or the developer and the Town have not reached an agreement, in writing, under which the deficiencies are to be met, the Town shall complete the road or correct the deficiencies and retain sufficient portion of the bond or deposit, including interest, to cover all expenses, including legal and inspection costs.

H. The road must be completed within twelve (12) months of issuance of an applicable permit from the Town of Stockton. An extension to this deadline may be approved by the Stockton Town Board, but may NOT exceed eighteen (18) months from the initial issuance of permit.

I. All roads or driveways shall start from a public road or street of the proposed development and fully comply with ingress and egress requirements in effect at the time.

1. Roads shall intersect each other at nearly right angles as topography and other limiting factors of good design permit, as determined by the Town.

2. Where roads do not intersect at right angles, the minimum angle of intersection shall not be less than sixty (60) degrees.

3. In order to avoid dangerous jogs, roads need to be designed to intersect directly opposite each other or have a minimum centerline offset of one hundred twenty-five (125) feet, unless the Town deems a lesser separation appropriate.

See Exhibit B, C, D attachment to the Town of Stockton Road Ordinance.

J. The roadway shall be crowned with a minimum of a three (3) inch or two (2) percent rise at the centerline (crown), except slopes and curves if no crown is required for drainage. See Exhibit A, B attachments to the Town of Stockton Road Ordinance.

K. Road to be constructed in any new or existing subdivisions of forty (40) or more acres are required to have at least one shoulder paved a minimum of three (3) feet in width to at least the same specifications as standard Town roads, for designated pedestrian and biking paths. All petitions to the Town for roads are on a case-by-case basis, with restrictions as deemed appropriate by the Town Board.

L. All new roads that are constructed to meet other roads, need to have at least one shoulder paved a minimum of three (3) feet in width to at least the same specifications as standard Town roads, for designated pedestrian and biking paths. All petitions to the Town for roads are on a case-by-case basis, with restrictions as deemed appropriate by the Town Board. The Town Board may exercise its discretion when approving any upgrading of an existing town road, in regards to a bike and pedestrian path along that existing town road.

M. All cul-de-sacs, shall have as a minimum, a one hundred and twenty (120) foot diameter road right-of-way and a one hundred (100) foot diameter paved surface with four (4) foot shoulders and have the same road structure as a standard Town road.

It is the Town's intention to not accept cul-de-sacs, and all planning for development needs to incorporate two (2) means of entry and exit for safe travel, emergency management and ease of maintenance for the Town. All petitions to the Town for cul-de-sacs are on a case-by-case basis, with restrictions as deemed appropriate by the Town Board.

1. Cul-de-sacs shall be located no further than one thousand (1000) feet from the farthest point of the turn around right-of-way to the right-of-way of the nearest connecting through road. This length standard shall not be applicable to temporary cul-de-sacs.

a. Temporary cul-de-sacs are allowed only if the official street map for the area shows the continuation of a through road and adjoining landowners agree to the future through road placement.

b. When a permanent or temporary cul-de-sac is abandoned to a through road, the excess right-of-way reverts back to the adjoining property owners of record at the time the cul-de-sac is abandoned. See Exhibit E attachment to the Town of Stockton Road Ordinance.

2. No more than six (6) lots with one (1) driveway per lot shall be permitted on each cul-de-sac.

N. No street or road may interrupt or divert any natural drainage way. To maintain water-free roadways, drainage ways and ditches have been established in the road right-of-ways in the Town of Stockton. Whenever a new road is to be built to Town Specifications, the builder will be responsible to build it in accordance with Wisconsin State Statutes (Chapter 88). In addition, culverts, ditches, erosion control structures, and bridges shall be installed or constructed where the natural hydraulic flow or drainage would be obstructed or constricted by the road, and wherever required to preclude traffic obstruction, flood or erosion damage to properties. A drainage easement shall be shown on any such Certified Survey Map (CSM) or Plat submitted. Properly sized culverts as determined by the Town of Stockton may be required. The top of the culvert shall not be less than eighteen (18) inches below the roadway surface. Bridges and other structures shall conform to standard Wisconsin Department of Transportation specifications.

O. Stumps and brush shall be uprooted to a minimum width of thirty (30) feet on either side of the centerline of the proposed road. Loose stumps, logs, and brush shall be removed from the right-of-way. All rocks larger than twelve (12) inches in diameter need to be removed from the road right-of-way. No logs, stumps or brush shall be buried within the roadbed. Tree branches overhanging in the right-of-way shall be removed to a height of sixteen (16) feet and a width of twenty (20) feet on either side of the centerline.

P. All traveled roadways shall be graded to the full width including side slopes and ditches. Graded and other disturbed areas outside the roadway shall be suitably seeded and mulched or sod laid, with four (4) inches of topsoil in order to provide some protection from runoff. Disturbed ground can be otherwise prepared to prevent erosion until natural vegetation recovers sufficiently to serve this purpose. See

Exhibit A, B attachments to the Town of Stockton Road Ordinance.

Q. To the extent permitted by law, swampy or boggy areas shall be excavated and refilled with gravel or suitable pit-run fill material to a width of fifteen (15) feet on either side of the centerline; and a depth sufficient to insure that the roadway will not heave or displace laterally, as determined by the Town Road Foreman.

R. Curves shall be constructed to a one hundred fifty (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 for safe travel at thirty-five (35) mph under normal dry road conditions. Where topography prevents meeting these requirements, traffic-warning signs (as provided by the Town), such as 'curve ahead' or 'slow' shall be installed at the expense of the developer.

S. Standard traffic safety signs shall be installed on four (4) inches by four (4) inches by ten (10) foot treated posts at intersections, curves with obstructed visibility, and any similar hazard points, at the discretion of the Town Board. Road name signs shall be installed conforming to current Town road signs on two (2) inch diameter by ten (10) foot galvanized posts, with six (6) inches minimum concrete over anchor plates in the ground. The Town will supply these signs at the expense of the developer.

T. To avoid problems with road maintenance, no items and/or protruding materials are allowed in the Town road right-of-way with the exception of fire numbers, mailboxes and traffic signs.

U. The Town of Stockton will require a three (3) year warranty from road building firms to meet the Wisconsin Department of Transportation Road Specifications and Designs for bituminous hot mix.

V. The Town Board will conduct a public hearing on any requested change or deviation from the standards contained in this Road Ordinance prior to voting on the requested change or deviation. Any changes or deviations from these standards require written justification and approval from the Town of Stockton Board prior to construction.

SECTION X: STANDARD TOWN ROAD SPECIFICATIONS:

All specifications as outlined in Section IX (General Town Road Specifications) are applicable to Standard Town Roads (as shown in Exhibit A). In addition, the following specifications are to be met:

- A. A detailed construction plan for the road to be built must be submitted to the Town before construction begins.
- B. The Town of Stockton will inspect the construction of the road at all stages:
 - 1. On-site inspection by the Town's designated personal.
 - 2. Base inspection
 - 3. Base course inspection-crushed aggregate.
 - 4. Asphalt surface.
 - 5. Shoulder course
 - 6. Bore samples may be taken, and if the construction does not meet standard road specification design, the Town of Stockton will not accept it as a Town road.
- C. The twenty six (26) foot roadways shall be under laid with six (6) inches of compacted gravel in accordance with state approved standards. A minimum of eleven (11) *five (5)** months is required between the time the gravel is compacted and the blacktop is laid. ***Town will allow a lesser time between compaction and paving if a compaction test is done and it meets or surpasses compaction standards set by the state.* All roadways shall have a sixty-six (66) foot right-of-way. See Exhibit A, G attached to the Town of Stockton Road Ordinance.
- D. The traveled roadway of twenty (20) feet in width shall be surfaced with two and one half (2-1/2) inches of bituminous hot mix and compacted to two (2) inches. See Exhibit A, F attached to the Town of Stockton Road Ordinance.
- E: See Exhibit A, B, C, D, attached to this Town of Stockton Road Ordinance for typical cross section.

*amended April 24, 2003

** amended April 28, 2008

- F. The three (3) foot shoulders need to be compacted and completed within thirty (30) days after the laying of the bituminous hot mix. After September 30th shoulders must be completed within five (5) working days. See Exhibit A attached to the Town of Stockton Road Ordinance.

- G. The last date for the laying of the bituminous hot mix is September 30th. Any extensions beyond this date needs written approval from the Stockton Town Board.

- H. The bituminous hot mix will be installed in the following sequence:
 - Binder coat
 - Tack spray
 - Service coat
 See Exhibit F attached to this Town of Stockton Road Ordinance for specifications for the bituminous hot mix.

SECTION XI: INDUSTRIAL/COMMERCIAL TOWN ROAD SPECIFICATIONS:

All specifications as outlined in Section IX (General Town Road Specifications) are applicable to Industrial/Commercial Town Roads (as shown in Exhibit A). In addition, the following specifications are to be met:

- A. A detailed construction plan for the road to be built must be submitted to the Town before construction begins.

- B. The Town of Stockton will inspect the construction of the road at all stages:
 - 1. On site inspection by the Town's designated personal.
 - 2. Base inspection
 - 3. Base course inspection-crushed aggregate.
 - 4. Asphalt surface.
 - 5. Shoulder course
 - 6. Bore samples may be taken, and if the construction does not meet the Town's road specification design, the Town of Stockton will not accept it as a Town road.

- C. The thirty-two (32) foot roadways shall be under laid with twelve (12) inches of compacted gravel in accordance with state approved standards. A minimum of eleven (11) months is required between the time the gravel is compacted and the blacktop is laid. ***Town will allow a lesser time between compaction and paving if a compaction test is done and it meets or surpasses compaction standards set by the state.* All roadways shall have a sixty-six (66) foot right-of-way . See Exhibit A, G attached to the Town of Stockton Road Ordinance.

** amended April 28, 2008

- D. The traveled roadway of twenty-four (24) feet in width shall be surfaced in two (2) lifts of two and one half (2-½) inches of bituminous hot mix compacted to two (2) inch for each lift. The total paved thickness, after compaction, will be four (4) inches. See Exhibit A, F attached to this Town of Stockton Road Ordinance.
- E: See Exhibit A, B, C, D, attached to this Town of Stockton Road Ordinance for typical cross section.
- F. The ~~four (4) feet~~ **** three (3)** shoulders need to be compacted and completed within thirty (30) days after the laying of the bituminous hot mix. After September 30, shoulders must be completed within five (5) working days. See Exhibit A attached to the Town of Stockton Road Ordinance.
- G. The last date for the laying of the bituminous hot mix is September 30th. Any extensions beyond this date needs written approval from the Stockton Town Board.
- H. The bituminous hot mix will be installed in the following sequence:
Binder coat, Tack spray, Service coat
See Exhibit F attached to this Town of Stockton Road Ordinance for specifications on the bituminous hot mix.

** amended April 28, 2008

SECTION XII: TOWN OF STOCKTON PRIVATE DRIVEWAY SPECIFICATIONS

Before any work is done on the lot, the base of the driveway should be in place and used as the sole access to the property.

The following minimum specifications shall apply to all new or altered driveways as well as deteriorating driveways being improved:

- A. One driveway allowed for lots with 200 feet or less of frontage width.
- B. Two driveways allowed for lots with over 200 feet of frontage width.
- C. Minimum separation between driveways: 200 feet. Deviations from this standard are allowable at the Town Board's discretion, ~~with the review and input of the Stockton Plan Commission.~~ *** *with the review and input of the Stockton Plan Commission.***

| * amended March 10, 2003 and struck February 23, 2015

D. Minimum driveway width: ~~12-~~16 feet.

E. The surface of the driveway connecting with the paved surface of the road shall slope down and away from the road shoulder a sufficient amount and necessary distance to prevent ordinary surface water drainage from the driveway area from flowing onto the roadway.
See Exhibit B attached to this Ordinance.

F. The only permissible paved driveway surface on Town road right-of-way is blacktop.

G. A private dead-end road (driveway) to any structure shall have a minimum of a one hundred and ten (110) foot diameter roadway turn-around area at the end with no obstructions or adequate area for any emergency response vehicle to turn around.

H. Prior to commencement of any driveway construction, all driveway entries onto a Town road shall be reviewed by the Town Road Foreman, Town Chairperson or Designee (592-4420) for the possible installation of a culvert. Installation of a culvert is at the expense of the developer or private landowner.

I. Maintenance of the driveway shall be the sole responsibility of the property owner.

Furthermore: All driveways shall be constructed in accordance with the above Town requirements and include any other specifications as may be set forth by the Stockton Town Board and this Ordinance.

See Exhibit K, L attachment to the Town of Stockton Road Ordinance for Driveway Permit Application

See Exhibit H, I attachment to the Town of Stockton Road Ordinance for Fire Number application form.

See Exhibit J attachment to the Town of Stockton Road Ordinance for mailbox application and placement form.

Any driveway on County or State Roads needs to be constructed according to the specifications and regulations of those jurisdictions

SECTION XIII: VISION CLEARANCE

There shall be a vision clearance triangle in each quadrant of all intersections of highways, roads, or railroad rights-of-way. Such vision clearance triangles shall be bounded by the highway, road, or railroad right-of-way lines which are located a distance back from the intersection of the right-of-way lines equal to twice the setback required on the intersecting highway or road. In the case of railroads, the setback shall be considered one hundred (100) feet from the centerline of the right-of-way.

- A. Within a vision clearance triangle, no object of natural growth shall be maintained, or permitted to grow between a height of two and one-half (2 ½) feet and ten (10) feet above the elevation of the road or highway grade at the centerline.
- B. Nothing shall be planted, placed, designed or constructed so as to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one highway or road to another.

SECTION XIV: SEVERABILITY

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected.

SECTION XV: EFFECTIVE DATE:

This Ordinance shall become effective the date after publication or posting.

Effective date of this Ordinance: May 7, 2002.

ADOPTED ON April 29, 2002 by a majority of the Town Board by a roll call vote.

Ron Borski Town Chairman

Jeanne Dodge Town Supervisor

Chris Pehoski Town Supervisor

ATTEST: Marie Helminiak Clerk