

CHAPTER 8

PUBLIC WORKS

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8.01 ROAD OPENINGS; ACCESS DRIVEWAYS.

- 1) **PERMIT REQUIRED.** The permit application to install an access driveway, and associated culverts, to a Town highway shall be obtained from the Town Clerk, and approved by the Town Board or its designee, before any groundbreaking or construction.
- 2) **PERMIT FEES.** A fee, in accordance with the most recently adopted Fee Schedule for the Town of Sparta, shall be paid by the landowner at the time of the issuance of the permit. Failure to obtain a permit before installation of driveway shall cause all fees to be doubled.
- 3) **BOND REQUIRED.** An additional cash bond, in accordance with the most recently adopted Fee Schedule for the Town of Sparta, for all driveway permits shall be required. Said bond shall be refunded upon completion and restoration of the right-of-way to the satisfaction of the Town Board or its designee.
- 4) **TOWN BOARD REVIEW.** The Town Board or its designee shall inspect and view the location and shall approve or disapprove the proposed project. The permit application shall be returned to the Town Clerk with the appropriate fee.
- 5) **REQUIREMENTS.** Projects approved by the Town Board shall be constructed in accordance with requirements established by the Town Board, a copy of which shall be furnished to the applicant with the permit. On Town line roads, a permit from the other town bordering the road may also be required.
- 6) **BARRICADES.** Proper barricades, signs, flags, lights and flagmen shall be provided and maintained at all locations where construction and maintenance work interferes with normal traffic use of the highway. They shall conform to the standards of the current issue of the Wisconsin Manual of Traffic Control Devices.
- 7) **HOLD HARMLESS AGREEMENT.** The applicant and his successors or assigns agrees to hold harmless the Town and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason or exercise of this permit.
- 8) **CONSTRUCTION STANDARDS.** The proposed construction and the exercise of this permit shall conform to the requirements of the Wisconsin statutes and to any regulations imposed by any legally constituted body having jurisdiction.
- 9) **TOWN RESERVES RIGHT TO MAKE CHANGES.** The Town reserves the right to make such changes, additions and relocations within statutory limits on the right-of-way as may at any time be considered necessary to permit the relocation, reconstruction, widening and maintaining of the highway or to provide proper protection to life and property on the highways.
- 10) **RESPONSIBILITY FOR COSTS.** The entire cost of constructing, maintaining, removing or replacing the facility installed under this permit shall be the sole responsibility of the applicant and his successors and assigns.

- 11) ROADWAY TO BE KEPT OPEN DURING CONSTRUCTION. The roadway shall be kept open for traffic and the indicated number of lanes shall be provided. There shall be no interference with traffic due to the placing of excavated material or machinery on the lanes kept open for traffic.
- 12) REPAIR OF ROADWAY. All damages to the highway, as a result of the construction of the facility, shall be repaired and the roadway surface, shoulders, slopes, ditches, culverts, etc., shall be restored to a condition acceptable to the Town at the sole cost and expense of the applicant.
- 13) TRENCHES. Where the permitted work involves open trenching and/or tunneling, sheeting and shoring shall be provided as necessary to prevent caving of surrounding soil.
- 14) BACKFILLING. All excavations shall be backfilled with suitable granular material and compacted. Any subsequent settlement or heaving shall be repaired to the satisfaction of the highway's maintaining authority.
- 15) BASE REQUIREMENTS. Six (6) inches of compacted crushed stone base course shall be placed upon subgrade before the bituminous surfacing is restored.
- 16) DRIVEWAY SLOPE. The slope of driveways shall be at least six (6) inches below the elevation of the Town road surface at a distance of fifteen (15) feet away from it.
- 17) SLOPE RESEEDING. Any disturbed banks or slopes shall be reseeded.
- 18) PENALTY. Any person who shall violate any provision and/or requirement of this section shall, upon conviction, be subject to a forfeiture as provided in sec. 1.07 of this Code.

8.02 OBSTRUCTIONS AND ENCROACHMENTS PROHIBITED.

- 1) GENERAL. No person shall encroach upon or in any way obstruct or encumber any street, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subs. (3) and (4) below.
- 2) TREES AND SHRUBBERY. No trees or shrubbery shall be planted in the right of way. All trees or shrubbery planted in violation of this subsection shall be removed by the Town and the cost of such removal shall be charged to the property owner.
- 3) MAILBOX AND NEWSPAPER BOX PLACEMENT. Mailboxes and newspaper boxes shall be placed no closer than the outermost edge of the road shoulder and should be exposed fifteen (15) feet on each side of the mailbox, or newspaper box, during the snow season.
- 4) EXCEPTIONS. The prohibition of sub. (1) above shall not apply to the following:
 - a) Public utility encroachments duly authorized by State law or the Town Board.
 - b) Temporary encroachments or obstructions authorized by permit granted pursuant to §66.0425, Wis. Stats.

8.03 SEARCH FOR GOVERNMENT MARKERS.

- 1) **PERMIT REQUIRED.** No person shall, in a search for any government marker or section stone, cut into or remove any portion of a Town road without first obtaining a permit from the Town Clerk. Said permit shall set forth the exact location of any digging to be done and the length of time said permit is valid.
- 2) **PERMIT FEE.** A fee, in accordance with the most recently adopted Fee Schedule for the Town of Sparta, shall be paid by the permittee at the time of the issuance of the permit. In addition, the permittee shall reimburse the Town for the cost of restoration and repair of the Town roads to their original condition.
- 3) **HOLD TOWN HARMLESS.** The permit holder shall erect the proper safeguards such as caution signs, lights, barricades, etc., at the locations as set forth on the permit, which shall remain in place for a period of forty-eight (48) hours after completion of work by the permit holder, or until the Town has repaired the road. In addition, the permit holder shall carry liability insurance in an amount satisfactory to the Town Attorney to hold the Town harmless for any highway defects or negligence resulting from such search.
- 4) **NOTIFICATION OF COMPLETION OF WORK.** The permit holder shall notify the Town Clerk of completion of work and the Town shall, within forty-eight (48) hours, make any and all necessary repairs.

8.04 ALTERNATIVE SPECIAL ASSESSMENT PROCEDURE.

- 1) **AUTHORITY.** As provided in §66.0701, Wis. Stats., the procedure set forth in this section may, in addition to other methods provided by law, be used to levy special assessments for any public work or improvement.
- 2) **PRELIMINARY RESOLUTION.** Whenever the Town Board shall determine that any public work or improvement shall be financed in whole or in part by special assessments levied under this section, it shall adopt a preliminary resolution setting forth the following:
 - a) Its intent to exercise its police powers for the purpose of levying special assessments for the stated municipal purpose.
 - b) The limits of the proposed assessment district.
 - c) The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied.
 - d) The number of installments in which the special assessments may be paid, or that the number of installments will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.

- e) The rate of interest to be charged on the unpaid installments or that the rate of interest will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.
 - f) The terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property or that such terms will be determined after the public hearing by sub. (4) below, and will be included in the final resolution.
 - g) The Town Chairperson required by sub. (3) below.
- 3) REPORT OF TOWN CHAIRPERSON. Whenever the Town Board, by preliminary resolution, directs the Town Chairperson to prepare a report, the Chairperson shall prepare a report consisting of the following:
- a) Preliminary or final plans and specifications for the public works.
 - b) An estimate of the entire cost of the proposed work or improvements, except that when the Town Board determined by preliminary resolution that the hearing on such assessments shall be held subsequent to the completion of the work or improvements, the report shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of such costs.
 - c) A schedule of the proposed assessments.
 - d) A statement that each property against which the assessments are proposed has been inspected and is benefited, setting forth the basis of such benefit.
 - e) Upon completion of the report, the Town Chairperson shall file a copy of the report with the Town Clerk.
- 4) INCORPORATION OF STATUTORY PROVISIONS. The provisions of §66.0703, Wis. Stats., including those related to notice, hearing and the adoption of a final resolution, shall, to the extent not inconsistent with this section, apply to special assessments levied under this section.
- 5) LIEN. Every special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the Town Board determining the amount of such levy.

8.05 SPECIAL ASSESSMENT CERTIFICATES. The Town Treasurer shall issue real estate special assessment certificates. The fee for each certificate shall be in accordance with the most recently adopted Fee Schedule for the Town of Sparta.

8.06 TOWN POLICY REGARDING WINTER ROAD MAINTENANCE. The Town maintains a Winter Road Maintenance Policy Plan, which was originally adopted by resolution of the Town Board on August 13, 1996, and as may be amended by the Village Board from time to time. A copy of the Winter Road Maintenance Policy Plan may be obtained from the Town Clerk.

8.07 MUNICIPAL PREVAILING WAGE AND HOURS SCALE FOR PUBLIC WORKS PROJECTS.

- 1) ESTABLISHED. The Town Board, in accordance with §66.0903, Wis. Stats., establishes a prevailing hours of labor and wage scale to be paid pursuant to that statute.
- 2) NOTICE TO CONTRACTORS. Any notice to contractors soliciting bids for any contract involving any Town highway, street or bridge construction shall include a notice indicating that the wage scale has been established by the Town and that the contract between the Town and the contractor shall specify the minimum wage scale as set forth in this section.
- 3) NONAPPLICABILITY. Refer to §66.0903(5), Wis. Stats.

8.08 PENALTY. Any person who shall violate any provision of this Chapter or any rule, regulation or order made hereunder shall be subject to a penalty as provided in sec. 1.07 of this Code.

8.09 thru 8.99 RESERVED.