

# TOWN OF MONROE ROAD ORDINANCE

THE TOWN BOARD OF THE TOWN OF MONROE does hereby ordain as follows:

## SECTION 1. INTRODUCTION AND PURPOSE.

- A. Title. The title of this ordinance shall be known as the "Town of Monroe Road Ordinance."
- B. Purpose. There is great demand for new housing sites to be located within the Township of Monroe, and with new housing sites there is also a need for new roads or accesses to service such housing sites. The purpose of this ordinance is to accommodate anticipated traffic and afford satisfactory access to police, fire protection, snow removal, sanitation, and road maintenance equipment to such new housing sites by requiring certain minimum road specifications. It is also the purpose of this ordinance to lay out the procedures and requirements to potential developers and current residents that desire to dedicate their private roads or access to become official Town Roads.
- C. Severability. The provisions of the 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 applicability thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.
- D. Effective date. This ordinance shall take effect and be in force on 11/1/10, after its passage by the Town Board on 10/21/10 and publication or posting on 10/27/10.

**SECTION 2: DEFINITIONS.** In this Ordinance, unless the context otherwise requires, the following terms are defined as follows:

- Planning Commission: means the Town of Monroe Planning Commission.
- Private Road: means a way, a shared driveway, a common drive or an access easement, not dedicated to the general public for public use but for 3 or more land owners abutting such access. A Private Road is maintained by and at the expense of the landowner(s) that use such access.
- Roadbed: means the foundation laid of crushed rock or other material to support the surface of the Town Road.
- Road Security Deposit: means a sum of money paid to the Town of Monroe by the developer or land owner(s) to protect existing Town Roads from damage caused by the developer or land owner(s) during any phase of construction of a new proposed Town Road or Private Road.
- Roadway Verification Certification Form: means a statement issued by the Town Board and signed by the Town Chairman that the Private Road or Town Road has been constructed properly and in accordance with the Town of Monroe Road Ordinance.
- Town Board: means the Town Board of Supervisors for the Town of Monroe.
- Town Road: means a way established and adopted by the Town Board for the use of the general public, and over which every person has a right to pass and to use it for all purposes of travel or transportation to which it is adapted and devoted. A Town Road is maintained by and at the expense of the Town of Monroe.

### SECTION 3: CREATION, ALTERATION OR MODIFICATION OF ROADS.

- A. Approval Required. No person shall establish, construct, modify or alter a Private Road or Town Road without first filing an application and obtaining the appropriate permit from the Town Board. If the use of the Private Road or Town Road changes, a new permit must be applied for, and permit fees paid, unless waived by the Town Board.
- B. Expiration of Permits. All Road Permits expire one year after issuance.
- C. Proper Completion of Private Road or Town Road. Upon completion of the Private Road or Town Road according to the specifications of this Ordinance (unless waived by the Town Board), the Town Board shall issue a Roadway Verification Certification Form to the developer, land owner(s) or its designee.

### SECTION 4: MINIMUM TOWN ROAD AND PRIVATE ROAD DESIGN SPECIFICATIONS

- A. Minimum Town Road and Private Road Design Specifications. Unless greater requirements are required by the Wisconsin Statutes or Green County Code, all Private Roads and Town Roads must meet the following minimum specifications:
  - 1) The right-of-way of the road shall have a minimum width of 66 feet.
  - 2) The Roadbed shall be 26 feet in width and all top soil shall be removed. The Roadbed shall consist of a gravel base with 2 separate layers. The bottom layer shall contain 9 inches of 3 inch rock and the top layer shall contain 5 inches of 3/4 inch gravel.
  - 3) The road shall have a minimum of 3 foot wide shoulders and such shoulders shall consist of gravel leveled to the elevation of the blacktop road surface. The finished grade of the ditches must be brought to the elevation of the top of the shoulders, and provide for adequate drainage. All ditches must be seeded as soon as possible, with proper erosion control.
  - 4) The slope of the road shall not exceed 10% within 100 foot intervals. The slope at any intersection shall be a maximum of 3% within 200 feet of the intersection. The road shall contain banked corners which shall be positively sloped.
  - 5) The road surface shall have a 2% crown.
  - 6) The radius of any curve shall be a minimum of a 45-foot inside radius.
  - 7) All necessary culverts must be put in place under the Roadbed. The minimum size of the culvert shall be no less than 18 inches in diameter.
  - 8) Any cul-de-sac shall have a minimum of 50 feet radius and have a paved surface of 20 feet in width. All cul-du-sacs shall have a minimum 2% crown but not to exceed 5%.

B. Inspection(s) Required.

1) Inspections.

- i. The Roadbed gravel depth shall be inspected after each layer is finished.
- ii. Core samples of the Roadbed may be taken at the discretion of the Town Board or designee.
- iii. The grade of the road shall be inspected at 100-foot intervals with no interval exceeding a 10% slope.

2) Notice. Unless a shorter time period is agreed by the Town Board or its designee, the land owner or developer shall provide 3 days advance notice of the date and time of the inspection to the Town Board so that the Town Board or its designee can observe the inspection.

3) Inspectors. All inspectors shall contain proper certifications and shall be approved by the Town Board prior to any inspection.

4) Cost of Inspection. All costs of any inspection shall be sole the responsibility of the developer or land owner.

**SECTION 5: APPLICATION FOR PERMIT FOR CREATION OR MODIFICATION OF PRIVATE ROAD.**

A. Application. A developer or land owner(s) may file an application to the Town Board for creation or modification of a Private Road as follows:

1) An original and three copies of a written application provided to the Town Clerk describing the location of the proposed Private Road and the names and addresses of all landowners that abut such Private Road or are within 500 feet of such Private Road. In addition, the developer or land owner shall provide a plat or certified survey map of the proposed Private Road, a topographical map and an aerial photo of the Private Road and the surrounding area in a minimum of 500 feet in all directions from the proposed Private Road.

2) The Private Road shall be required to meet all the minimum road design specifications and inspections as specified in Section 4 of this Ordinance.

3) A nonrefundable fee of \$500.00 for the Road Permit shall be paid to the Town Clerk. The amount of the fee for the Road Permit may change from time to time by a future resolution of the Town Board.

4) A fee of \$1,500.00 for the Road Security Deposit shall be paid to the Town Clerk. The amount of the fee for the Road Security Deposit may change from time to time by a future resolution of the Town Board.

B. Planning Commission. The Planning Commission shall review the application and proposed site and make a recommendation to the Town Board to approve, reject or modify the application for the Private Road.

C. Decision by Town Board. Approval or denial of the application to create or modify a Private Road shall be made at the discretion of the Town Board. The Town Board may require the installation of guardrails, safety equipment, road signs, lighting or other conditions to be born at the cost of the developer or landowner as a condition of approval of the Private Road.

**SECTION 6: APPLICATION FOR ADOPTION OF TOWN ROAD.**

- A. Application. No developer or land owner(s) may file an application to the Town Board for acceptance of a Private Road to become a Town Road unless the following conditions are satisfied:
- 1) An original and three copies of a written application provided to the Town Clerk describing the location of the Private Road and the names and addresses of all landowners that abut such Private Road or are within 500 feet of such Private Road. In addition, the developer or land owner shall provide a plat or certified survey map of the Private Road, a topographical map and an aerial photo of the Private Road and the surrounding area in a minimum of 500 feet in all directions from the Private Road.
  - 2) The Private Road meets all the minimum road design specifications and inspections as specified in Section 4 of this Ordinance.
  - 3) The road surface shall be a minimum of 20 feet wide and shall contain a minimum of 3 inches deep of compacted blacktop or other similar finished product approved by the Town Board.
  - 4) A nonrefundable fee of \$500.00 for the Road Permit shall be paid to the Town Clerk. The amount of the fee for the Road Permit may change from time to time by a future resolution of the Town Board.
  - 5) The Private Road shall consist of a minimum of 7 existing homes, per half mile of roadway, to be considered for adoption.
- B. Planning Commission. The Planning Commission shall review the application and the site and make a recommendation to the Town Board to approve or reject the acceptance of the Private Road as a Town Road.
- C. Decision by Town Board. Approval or denial of Private Road as a Town Road shall be made at the discretion of the Town Board. The Town Board may require the installation of guardrails, safety equipment, road signs, lighting, repair or re-blacktopping of the Private Road, or other conditions to be at the sole cost of the developer or landowner as a condition of approval of the Town Road. The Town Board shall consider the following factors in making its final decision:
- 1) The financial consequences to the Town of Monroe to accept the Private Road as a Town Road when considering the costs of maintaining the road versus the offsetting funds from the State of Wisconsin in the form of state road aids.
  - 2) The current physical condition of the Private Road, the date of blacktopping, the current and historical use of the Private Road and its expected life expectancy, known maintenance issues or problems with the Private Road, and any other condition affecting the physical condition or life use of the road.
  - 3) The current and future capacity of the Town of Monroe to maintain the Private Road.
  - 4) The topography or any special physical characteristics of the Private Road or surrounding area.
  - 5) Safety, site vision, location, and anticipated traffic and use of the Private Road.
  - 6) Whether the Private Road has satisfactory access to police, fire protection, snow removal, sanitation, and road maintenance equipment.
  - 7) Cul-de-sacs are disfavored.
  - 8) Any other factor or consideration deemed important by the Town Board.

## SECTION 7. RETURN OF ROAD SECURITY DEPOSIT.

### A. Damages to Existing Town Roads.

- 1) Damages. If at any phase in the construction of the Private Road, the developer, land owner(s) or its designee causes damage to any existing Town Road, it shall be repaired at the sole cost to the developer, land owner(s) or its designee within the time period as directed by the Town Board. If the damages are not repaired within the time frame directed by the Town Board, the Town Board may fix or may contract with a third party to fix the damaged Town Road and all such costs shall be deducted from the Road Security Deposit. If the damages are greater than the Road Security Deposit, then the Town of Monroe shall send an itemized statement of damages to the developer, land owner(s) or its designee and such amount shall be paid within 30 days.
- 2) Unpaid Damages / Special Assessment. All damages greater than the Road Security Deposit that remain unpaid more than 30 days from the date of the itemized statement shall accrue interest at the rate of 1.5% per month commencing from the date of the itemized statement until paid in full. At the discretion of the Town Board, after providing reasonable notice and the opportunity for a hearing, the Town Board may make a special assessment for the amount of unpaid damages and interest against the land owner causing such damage. The Town Board shall provide a date specific for payment of the assessment, and if not made by such date, the assessment shall be levied against the land owner's property as provided by law. The special assessment becomes a lien against the land owner's property from the date of the levy.

- B. No Damages to any Existing Town Roads. After the Private Road has been constructed and the Roadway Verification Certification Form is signed by the Town Chairman, and if there are no damages caused by the developer, land owner(s) or its designee, to any existing Town Road, then the Road Security Deposit shall be returned to the party posting such deposit. No interest shall be paid by the Town of Monroe for the period that such deposit is held by the Town of Monroe.

## SECTION 8: VARIANCES.

- A. General. Variances from the provisions within this Ordinance may be generated by the Town Board. Nothing in this Ordinance removes the applicant's responsibility to be in conformance with any other State laws, or County or Town ordinances.
- B. Standards to Grant Variance. The standard to be applied by the Town Board when considering a request for a variance under this Ordinance is whether compliance with the strict letter of the restrictions within this Ordinance unreasonably prevents the applicant from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome. To legally grant the variance the Town Board must affirmatively find as follows:
- 1) The proposed variance will not be contrary to the public interest;
  - 2) The property has a special or unique condition;
  - 3) The applicant is prevented from using the property for a permitted purpose or such use will be unnecessarily burdensome.

## SECTION 9: VIOLATIONS OF THIS ORDINANCE.

A person who violates any provision of this Ordinance or fails to comply with any of its requirements shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00, plus costs of the action. A separate offense exists each calendar day during which a violation occurs or continues.

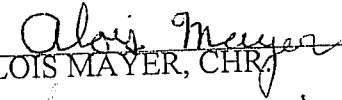
Effective Date:


This ordinance was adopted by the Monroe Town Board on 10/21/10 to take effect on Nov 1, 2010, by a vote of: 3 aye and 0 nay. Motion carried.

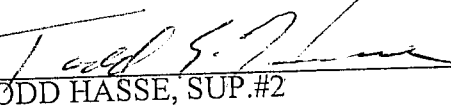
This Ordinance shall be, effective one day after its posting or publication as required by law.  
This ordinance was filed in the office of the Town Clerk and properly posted as required by law on OCT 31, 2010

  
KAREN SUTTER, CLERK

TOWN OF MONROE BOARD

  
ALOIS MAYER, CHR.

  
STEPHEN DIGMAN, SUP.#1

  
TODD HASSE, SUP.#2