

CHAPTER 8
PUBLIC WORKS

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8.01 TOWN HIGHWAYS. (1) APPLICATION. Town property owners desiring to construct a Town highway or to upgrade a private road to Town road standards shall first apply to the Town Board. The application shall be filed with the Town Clerk and shall generally describe the route of the proposed Town highway.

(2) TOWN BOARD APPROVAL REQUIRED. Upon receipt of the application, the Town Board shall review the proposed route and, in the event the application is approved by the Board, the applicant may proceed, at his expense, under the supervision and directives of the Town Board, to construct the highway pursuant to Town standards. All proposed Town highways to be dedicated shall connect with an existing Town, County, State or Federal highway.

(3) TOWN HIGHWAY SPECIFICATIONS AND STANDARDS. The applicant shall grade and construct the highway in accordance with Town road specifications and standards established by the Town Board which are on file in the office of the Town Clerk. After each stage of construction is completed, the applicant shall notify the Town Chairperson and shall not proceed to the next stage until the Chairperson or his designee has inspected and approved the completed stage. When the project has been completed, the applicant shall deed the right of way to the Town for highway purposes and the Town Board shall accept the dedication. The applicant shall install road signs on steel posts and anchor plates, as required by the Town Board.

(4) INJURY TO HIGHWAYS (Cr. Ord. #7-06). Any person who shall injure any Town highway by obstructing or diverting any creek or watercourse or sluiceway, or by dragging logs or timber thereon, or by any other act shall be liable in treble damages to be recovered by the Town and the amount recovered shall be credited to the highway maintenance fund. "Highway" includes all public ways and thoroughfares.

8.02 ACCESS DRIVEWAYS. (1) PERMIT REQUIRED. The application for a permit to install an access driveway to a Town highway may be obtained from the Town Clerk and shall be completed, signed and dated by the landowner and filed with the Town Board or its designee.

(2) TOWN BOARD REVIEW. The Town Board or its designee shall inspect and view the location and shall approve or disapprove the proposed project.

(3) REQUIREMENTS. Projects approved by the Town Board shall be constructed in accordance with the requirements established by the Town Board, a copy of which shall be furnished to the applicant with the application. On Town Board, a permit from the other town bordering the road shall also be obtained.

(4) FEE (Am. Ord. #8-06). The fee set forth in the Town Fee Schedule shall be paid by the landowner at the time of filing the application. An additional cash bond in the amount of \$500 for all driveway permits may be required. Said right of way to the satisfaction of the Town Board or its designee. Failure to obtain a permit before installation of a driveway shall cause all fees to be doubled.

(5) PAYMENT OF TAXES. (Cr. Ord. #2012-02). Prior to the review of any permit to install an access driveway to Town highway or road under Chapter 8 of the Town Code the owner must demonstrate to the satisfaction of the Town Board that any property taxes, special assessments, special charges, or other claims owed to the Town of Kewaskum and, if applicable, Washington County have been paid in full

8.03 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 farthest edge of the road shoulder and should be exposed 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.

8.04 DEPOSITING SNOW ON TOWN HIGHWAYS. (1) PROHIBITED. It shall be unlawful for any person to plow, shovel or otherwise deposit or place snow on the maintained portion of any public road within the Town, or to permit such depositing of snow from property occupied by him.

(2)ENFORCEMENT. Violations of this section may be enforced against either or both the owner and occupant of the property from which the snow was removed or the property adjacent to the highway where the snow is found.

(3)PENALTY. Any person found guilty of violating this section shall be subject to a forfeiture, upon conviction thereof, of not less than \$25 nor more than \$200 together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the Washington County Jail until said forfeiture and costs are paid, but not to exceed 30 days.

8.05 MOVING BUILDINGS. See ch. 14 of this Code.

8.06 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. The permit fee for each search is set forth on the Town Fee Schedule on file in the office of the Town Clerk. 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 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 48 hours, make any and all necessary repairs.

8.07 ALTERNATE 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 engineer shall prepare a report as required by sub. (3) below.

(3) **REPORT OF TOWN ENGINEER.** Whenever the Town Board, by preliminary resolution, directs the Town engineer to prepare a report, the engineer 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 engineer 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.

8.08 SPECIAL ASSESSMENT CERTIFICATES. The Town Treasurer shall issue real estate special assessment certificates. The fee for each certificate is set forth in the Town Fee Schedule on file in the office of the Town Clerk.

8.09 MINIMUM WAGE SCALE. (1) ESTABLISHED. The Town Board, in accordance with §66.0903, Wis. Stats., establishes as a wage scale to be paid pursuant to that statute, the greater of the Federal minimum wage or the State minimum wage.

(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.

8.10 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. 25.04 of this Code.