

# TITLE 6

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## Public Works

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# Title 6 – Chapter 1

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## Public Works

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### **Sec. 6-1-1 Statutory Public Works Authority.**

Without limitation because of enumeration, the Town Board may:

- (a) **Acquire Lands.** Notwithstanding §60.10(2)(e), Wis. Stats., acquire lands to lay, construct, alter, extend or repair any highway, street or alley in the Town of Oshkosh.
- (b) **Streets, Sewers and Water Mains.** Provide for laying, constructing, altering, extending, replacing, removing or repairing any highway, street, alley, sanitary sewer, storm sewer or water main in the Town.
- (c) **Sidewalks.** Provide for construction, removal, replacement or repair of sidewalks under §66.615, Wis. Stats.
- (d) **Lighting Highways.** Provide for lighting for highways, as defined under §340.01(22), Wis. Stats., located in the Town.

**State Law Reference:** §60.50, Wis. Stats.

### **Sec. 6-1-2 Payment for Public Works; Special Assessments.**

The Oshkosh Town Board may levy and collect special assessments and charges under §66.60, Wis. Stats., and Title 3, Chapter 2, of this Code to pay for all or part of the cost of any public work or improvement. Special assessments may be paid under §66.54, Wis. Stats. Reassessments shall be under §66.635, Wis. Stats.

**State Law Reference:** §60.51, 66.54, 66.60 and 66.635, Wis. Stats.

### **Sec. 6-1-3 Burning or Deposit of Rubbish on Highway Right-of-Ways Prohibited.**

It shall be unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, machinery, garbage or other waste or rubbish in or on the right-of-way of any highway located in the Town of Oshkosh, Winnebago County, State of Wisconsin, or to burn any material of any nature in or on the right-of-way of any

such highway or road, and particularly the paved portions thereof, in the Town of Oshkosh, except as specifically authorized by the Town Board.

## Title 6 – Chapter 2

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### Laying Out and Construction of Town Highways and Roads

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#### **Sec. 6-2-1 Application to Lay Out and Construct Highway.**

An application under this Chapter to lay out and construct a new Town highway (other than as part of a new subdivision or plat, although the standards in Section 6-2-12 shall be applicable), may be filed by six (6) or more resident freeholders of the Town. Said application must be in writing and it may be delivered to any Supervisor or the Town Clerk. The application shall contain a complete description and a survey map of the property in question. New streets and roads in subdivisions and plats shall be constructed pursuant to the Town subdivision ordinance and this Chapter where it is not in conflict with the Town subdivision ordinance.

**State Law Reference:** §80.02, Wis. Stats.

**Cross-Reference:** Title 14 and Land Division and Subdivision Code

#### **Sec. 6-2-2 Restrictions on Laying Out Highways.**

- (a) No Town highway shall be laid out through or upon any cemetery without the consent of those having the control of the cemetery.
- (b) No Town highway shall be laid through or upon any structure, yard or enclosure used for educational or charitable purposes.
- (c) No Supervisor shall act in laying out, altering, widening or discontinuing any highway in which he/she may be personally interested.

- (d) When the laying out of a highway would require the construction of a bridge costing more than One Thousand Dollars (\$1,000.00), exclusive of donations, the order of the Supervisors laying out such highway shall not be effective unless approved by the electors of the Town, and an estimate by the Wisconsin Department of Transportation shall be conclusive of the cost of such bridge for the purposes of this Section.
- (e) Without the consent of the owner, no Town highway shall be laid out through or upon any garden or orchard or any building or fixture used for trade or manufacture or any other building or fixture or the yard or enclosure necessary to the use thereof, when the damage thereby caused thereto, exclusive of the damage to the land, exceeds Three Hundred Dollars (\$300.00).

**State Law Reference:** §80.02, 80.03 and 80.04, Wis. Stats.

### **Sec. 6-2-3 Procedure After Application is Filed.**

- (a) On application made pursuant to Sec. 6-2-1 above, the Town Board shall prepare a notice fixing therein a time and place at which they will meet and decide upon the application.
- (b) The notice shall specify as near as practicable the highway proposed to be laid out, widened, altered or discontinued and the tracts of land through which the highway passes.
- (c) If the application is for discontinuance, the notice shall specify the tracts of land abutting on the highway, which will be benefited or injured by such discontinuance.
- (d) When the description in the aggregate exceeds two hundred (200) words in length, the notice may state that such descriptions are contained in the application as provided in §80.02, Wis. Stats., and shall give the name and address of the Town Clerk to whom the application has been delivered.

**State Law Reference:** §80.05(1), Wis. Stats.

### **Sec. 6-2-4 Duties of Applicants After Application is Fixed.**

- (a) Applicants shall at least ten (10) days prior to date of hearing give notice by registered mail to all occupants and owners of record of lands through which the highway may pass.
- (b) Applicants shall give notice to the Wisconsin Department of Natural Resources by registered mail.
- (c) Applicants shall give notice to the Board of Soil and Water Conservation District by registered mail.
- (d) Applicants shall publish the notice as a Class 2 notice under Ch. 985 of the Wisconsin Statutes.
- (e) Failure of applicants to comply with this Section will invalidate the entire proceeding.

**State Law Reference:** §80.05(2), Wis. Stats.

**Sec. 6-2-5 Proceedings After Notice.**

- (a) The Supervisors shall meet at the time and place stated in the notice pursuant to Sec. 6-2-3(a).
- (b) The Supervisors are to be satisfied that all notices as required by this Chapter and the Laws of the State of Wisconsin have been complied with.
- (c) The Supervisors shall personally examine the highway, which is the subject of the application and shall hear any reason that may be offered for or against laying out, widening or altering the highway.
- (d) The Supervisors shall, after complying with Subsections (a), (b) and (c) above, decide upon the application and shall grant or refuse the same, as they deem best for the public good.
- (e) The Supervisors may adjourn said hearing from time to time, not exceeding in all thirty (30) days from the time of the first meeting, giving public notice of the time and place of such adjournment and by filing forthwith of such adjournment in the office of the Town Clerk.

**State Law Reference:** §80.06, Wis. Stats.

**Sec. 6-2-6 Order, Award and Recording.**

- (a) When Supervisors lay out, alter, widen or discontinue any highway, they shall make and sign an order therefor, incorporating therein a description of the highway and cause survey thereof to be made when necessary.
- (b) Damages are to be awarded to landowner pursuant to Sec. 6-2-7 hereafter and §80.09 and 80.10, Wis. Stats.
- (c) The order and award of damage shall be filed and recorded in the office of the Town Clerk within ten (10) days after the date fixed by the notice or adjournment for deciding upon the application.
- (d) If the Supervisors fail to file the order and award within ten (10) days, they shall be deemed to have decided against the application.
- (e) A certified copy of the order shall be transmitted by the Town Clerk to the Winnebago County Highway Commissioner.

**State Law Reference:** §80.07, Wis. Stats.

**Sec. 6-2-7 Damages.**

- (a) The applicant(s) shall secure a release of damages from all occupants and owners of record and file it with the Town Clerk. The damages sustained by any person upon whose land any highway be laid out, widened or altered shall be fixed by agreement signed by the owner and the Supervisors and be filed in the Town Clerk's office. Such agreement and every release of damages given shall

bar any further claims for damages by the owner and all persons claiming under him. A land conveyance shall accompany the release of damages, which shall be properly recorded with the Winnebago County Register of Deeds.

- (b) If any owner does not so agree with the Supervisors as to his/her damages or does not deliver to the Supervisors a written release of all claims for damages, the Supervisors shall, at the time of making the highway order, assess the damages and make a written award specifying the sum awarded by them to each owner. The award shall be signed by the Supervisors and be filed in the Town Clerk's Office with the order laying out, widening, altering or discontinuing the highway.

**State Law Reference:** §80.09 and 80.10, Wis. Stats.

### **Sec. 6-2-8 Appeals.**

- (a) **Appeal From Highway Order** shall be pursuant to §80.17, Wis. Stats.
- (b) **Appeal From Award of Damages** by owner shall be pursuant to §80.24, Wis. Stats.

**State Law Reference:** §80.17 and 80.24, Wis. Stats.

### **Sec. 6-2-9 Payment of Construction Expenses.**

All expenses involved in the preparation, construction and dedication involved in highway construction under this Chapter shall be borne by the applicant(s).

### **Sec. 6-2-10 Preliminary Inspection.**

Prior to the design, preparation and construction of any roadway to be dedicated to the Town of Oshkosh, the applicant shall notify the Town Chairperson or Town Clerk. An on-site meeting will then be arranged to be attended by the Town Board, the Town Engineer and the applicant. Plans must be provided in order for the Town Engineer to check the design and the drainage.

### **Sec. 6-2-11 Performance Bond.**

At the option of the Town Board, the applicant(s) shall prepare the highway (grade, ditch, and gravel, etc.) one year and surface it the next year in order to further compact the roadbed. If so, the applicant(s) shall provide a bond or irrevocable letter of credit, which would enable the Town to finish the road, in case of default by the applicant(s). The performance bond, irrevocable letter of credit that would enable the Town to finish the road, in case of default by the applicant(s). The performance bond, irrevocable letter of credit, or cash escrow agreement shall be equal to one hundred ten percent (110%) of the Town Board's or Town Engineer's estimated cost of the required improvements adjusted for inflation. If the required improvements are not complete

within the eighteen (18) month period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Town and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Town Board, at its option, may extend the bond period for any additional period not to exceed one (1) year; however, the initial bond shall be required to run one (1) year beyond the initial date of acceptance of improvements.

## **Sec. 6-2-12 Minimum Highway Design Standards.**

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Base Course.** The supporting base material of the roadway, including shoulders.
  - (2) **Drainage.** The gradual drying of a Town highway by a system of ditches, channels, trenches and gradients.
  - (3) **Grade.** The rate of descent or descent of roadway.
  - (4) **Highway.** The road or way over which the public generally has a right to travel, including the entire right of way of dedicated and accepted Town highways.
  - (5) **Roadbed.** The whole material of a Town highway which has been laid in place as required by this Section and is ready for acceptance by the Town for travel.
  - (6) **Surface.** The top of the roadbed.
- (b) **Applicability.** This Section shall be applicable to all Town highways laid out by the Town, dedicated and accepted by the Town Board after effective adoption of this Section. This Section shall apply to all highways dedicated in plats for proposed subdivisions submitted for review pursuant to Ch. 236, Wis. Stats., private highways or roads donated to the Town, and any other highways to be accepted by the Town Board as Town highways.
- (c) **Minimum Design Standards.** Except as the Town Board otherwise may provide after consideration of anticipated traffic characteristics and traffic patterns, all Town highways shall have a right of way of sixty-six (66) feet in width and shall have a base course of thirty (30) feet in width. The minimum paved width of the surface shall be twenty (20) feet, without curb and gutter. The grade shall not exceed ten percent (10%). In addition, all Town highways shall be constructed as follows:
- (1) The roadbed shall be completely cleared, grubbed of trees, stumps, roots, fence posts and vegetation, and stripped of topsoil.
  - (2) The highway shall be excavated so that a roadbed having proper grade and drainage may be constructed in reasonable conformity with plans and specifications approved by the Town Board for such highway.
  - (3) All fill, backfill or rock fill shall be compacted to the degree that no further appreciable consolidation is evidenced under the action of standard road compaction equipment.

- (4) A crushed, aggregate base course of gravel or crushed stone with a filler of sand or similar mineral matter shall be placed on the roadbed as follows:
- (a) Gradation No. 1: Six (6) inches of two (2) to two and one-half (2 ½) inch stone, uniformly graded from coarse to fine, twenty-eight (28) feet in width, applied at the minimum rate of one hundred thirty-three (133) tons per one hundred (100) running feet.
  - (b) Gradation No. 2: Six (6) inches of three-fourths (¾) inch crusher run gravel, uniformly graded from coarse to fine, twenty-two (22) feet in width applied at the minimum rate of seventy-seven (77) tons per one hundred (100) running feet.
- All of the above shall be compacted separately with a vibrating compactor or equivalent equipment.
- (5) Drainage shall include ditches and culvert pipe sufficient for adequate drainage of surface water, including runoff, which may be reasonably anticipated from foreseeable weather and development in any drainage area which may be affected. The back slope of ditches shall extend no closer than two (2) feet from any right of way line. Ditches shall be at least twelve (12) inches deep except that at driveways and road intersections they shall be at least eighteen (18) inches deep. Private driveway culverts shall be no less than fifteen (15) inches in diameter by twenty-four (24) feet in length.
- (6) Dead end roads shall provide a means for the traveling public and maintenance equipment to turn around safely and conveniently with a graveled circle having a radius of at least sixty (60) feet, and a right of way circle having a radius of at least eight (80) feet.
- (7) The surface shall be crowned with a side slope from the centerline outward for all gradations of one inch in three and three-fourths feet (1": 3.75").
- (8) Within one (1) year after dedication the road surface shall be paved with 3 ½ - 2 course of bituminous material and aggregates in accordance with Wisconsin standard specifications for road and bridge construction. By resolution the Town Board may establish regulations for deferral of completion of this requirement.
- (9) Elevations for culverts, drainage and road surfaces shall be approved by the Town Board.
- (10) Bridges shall meet the minimum standards of applicable state and federal law. In the event that the Town Board determines that construction of a bridge would be of a size and cost which would create a hardship to the owner of land who otherwise would be required to construct such bridge, the Town Board may accept a highway constructed as required by this Section, except that part extending one hundred (100) feet from each side of such bridge, as to which the Town may reserve the right to charge or assess the owner a portion, but less than all, of the costs of such bridge construction, and the Town may then proceed to construct such bridge.

- (d) **Authority for Higher Standards.** The road design standards established in Subsection (c) are intended to be minimum design standards. The Town Board shall have the discretion to impose higher design standards where it determines that local conditions or anticipated traffic conditions require higher standards.
- (e) **Time for Construction.** Construction of Town Highways shall occur only between May 15 and October 15 of each year.
- (f) **Limits on Building Permits.** No building permits may be issued for construction to be serviced by roads intended to be Town highways under this Section until the Town Board has inspected and approved roadbed construction in accordance with this Section, subject only to completion of paving.
- (g) **Final Acceptance.** Final acceptance of a road as a Town highway for purposes of continuing maintenance and repair shall not occur until one (1) year after inspection and approval of roadbed under Subsection (f). Prior to that time, the developer or person responsible for construction of the roadbed shall maintain it in the same condition as existed on inspection and approval; provided, however, that at the expiration of such one (1) year period and before such final acceptance, the surface also shall be double paved. No final acceptance shall occur unless the Town first shall have accepted a warranty deed for such highway.
- (h) **Application and Inspection Fees.** By resolution the Town Board from time to time may establish road application and inspection fees for the purpose of defraying the reasonable expenses of enforcing this Section, not in excess of Seventy-five Dollars (\$75.00) per day or portion thereof. Such resolutions may provide for advance payment of such fees and for their refund in whole or in part.

### **Sec. 6-2-13 Final Inspection.**

Upon completion of the proposed highway, the Town Engineer will proceed to make final inspection, accepting or rejecting road as the case may be. After all of the provisions of this Chapter have been complied with, the roadway or easement will be inspected by the Town officials and, at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for or arrangements have been made for the payment through written instrument by the subdivider. If the road is rejected, corrections shall be made as recommended by Town Board, upon the Town Engineer's recommendation, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall turn over to the Town the deed of all land necessary for the road as previously mentioned.

## Title 6 – Chapter 3

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### Road Excavations; Trees

6-3-1	Excavations of Streets, Alleys, Public Ways and Roads
6-3-2	Regulations Governing Excavations and Openings
6-3-3	Trees and Shrubbery Obstructing View at Intersection or View of Traffic Signs; Tree Removal; Fences
6-3-4	Injury to Trees and Shrubs Prohibited
6-3-5	Deposit of Rubbish and Stones on Highway Right-of-Way Prohibited
6-3-6	Placement of Rural Mailboxes
6-3-7	Mailbox Replacement

#### **Sec. 6-3-1 Excavations of Streets, Alleys, Public Ways and Roads.**

- (a) **Permit Required.**
- (1) No person, partnership, utility or corporation, or their agents or employees or contractors shall make or cause to be made any opening, excavation or boring in or under any public street, public road, public alley, public way, public ground, public sidewalk or Town-owned easement or fill or alter any culvert or construct or install additions or extensions to its existing facilities within the Town of Oshkosh without a permit therefor from the Town Chairperson or Clerk, or their designee.
  - (2) The utility or contractor shall submit to the Town a written request for a utility construction/street excavation permit and a plan of the proposed alteration, boring, extension or addition, showing its location and details of construction, including specified depth, method of excavation, open out or auguring, provisions of restoration and whatever the Town would deem necessary for review and consideration. In being issued a permit the utility or contractor agrees to be bound by the regulations of this Section and Section 6-3-2.
- (b) **Fee.** The fee for an excavation or opening permit shall be in accordance with the Town Board's current fee schedule. The fee shall be paid to the Town Clerk, who shall issue a receipt therefor.
- (c) **Insurance Required.** A permit shall be issued only upon condition that the applicant submit to the Town satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than One Million Dollars (\$1,000,000.00) per one (1) person. One Million Dollars (\$1,000,000.00) for one (1) accident and property damage coverage of not less than One Million Dollars (\$1,000,000.00).

- (d) **Bond.**
- (1) Before a permit for excavating, boring or opening any street or public way may be issued, the applicant must sign a statement in that he will indemnify and save harmless the Town of Oshkosh and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he/she may make as near as can be to the state and condition in which he/she found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Town Board for a period of one (1) year, and that he/she will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drain laying adopted by the Town Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Town. Such statement shall also guarantee that if the Town shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one (1) year.
  - (2) Whenever the Town Board shall find that any such work has become defective within one (1) year of the date of completion, it shall give written notice thereof to the contractor stating the defect, the work to be done, the cost thereof and the period of time deemed by the Town Board to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the Town for the cost of doing the work as set forth in the notice.

## **Sec. 6-3-2 Regulations Governing Excavations and Openings.**

- (a) **Frozen Ground.** No openings in the streets, alleys, sidewalks or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Town Chairperson or Town Clerk, or their designee.
- (b) **Removal of Paving.** In any opening or excavation, all paving materials shall be removed with the least possible loss of injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- (c) **Protection of Public.**
  - (1) Every opening and excavation shall be enclosed with sufficient barriers. Sufficient warning lights shall be kept on from sunset to sunrise. Such lights shall be spaced so as to give adequate warning of the existence of the opening and of piled excavated materials. No open flame warning pots shall be used. Except by special permission from the Town, no trench shall be excavated more than two hundred fifty (250) feet in

advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet where pipe or conduit has been laid.

- (2) All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Town in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
- (d) **Replacing Street Surface.** In opening any public street, public alley, public sidewalk, public way, public easement or public ground, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which, in the opinion of the Town, is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed. In refilling the opening, the earth must be laid in layers not more than six (6) inches in depth and each layer mechanically rammed or tamped to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. Trenches shall be compacted to ninety-five (95%) Modified Proctor, with test results from a certified soil tester filed with the Town Engineer. The Town may elect to have the opening for any street or sidewalk repaired by the Town, in which case the cost of making such repair and of maintaining it for one (1) year shall be charged to the person making the street opening.
- (e) **Notice.** It shall be the duty of the permittee to notify the Town Chairperson and/or Town Clerk, or the Town Engineer when requested by the Town, and all private individuals, firms and corporations affected by the work to be done at least twenty-four (24) hours before such work is to commence. The Clerk and/or Chairperson, or the Town Engineer when requested by the Town, shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.
- (f) **Validity of Permit.** Unless the work shall be commenced within thirty (30) days of the issuance of the permit, the permit shall be void, and a new permit must be obtained and an additional fee charged. The Town may extend the time limitation for good cause. The utility or contractor shall have present at the site of construction and during the restoration period a copy of the construction plans and Town permit.
- (g) **Backfilling.** Reconstruction shall be in accordance with the current cross-section or according to Town Standards, whichever is stricter. If the surface is not restored as required, the Town may restore the surface and bill the permittee therefor; the Town shall perform such work and bill the cost thereof to the permittee.
- (h) **Emergency Excavation.** In the event of an emergency, any person, firm or corporation, owning or controlling any sewer, gas main, water main, conduit or

other utility in or under any public street, alley easement, way or ground and his agents and employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person, firm or corporation shall apply for an excavation permit not later than the next business day.

- (i) **Excavation in New Streets Limited.** Whenever the Town Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the Town Board, the Town Engineer shall notify in writing each person, utility, Town department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within ninety (90) days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five (5) years after the date of improvement or repaving unless, in the opinion of the Town Board, an emergency exists which makes it absolutely essential that the permit be issued.
- (j) **Exception.** The provisions of this Section shall not apply to excavation work done by Town employees or contractors performing work under contract with the Town except that the safety precautions under Subsection (c) hereof shall be complied with.

### **Sec. 6-3-3            Trees and Shrubbery Obstructing View at Intersection or View of Traffic Signs; Tree Removal; Fences.**

- (a) **Obstruction of Intersections.**
  - (1) **Purpose.** No person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two (2) or more roads, streets or alleys in the Town of Oshkosh any hedge, shrub or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
  - (2) **Traffic Visibility.** On a corner parcel, no fence, wall, hedge, planting or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner parcels and a line joining the points along said street lines twenty-five (25) feet from the point of intersection. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.
- (b) **Obstruction of Signs.** It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the Town. It shall be the duty of every owner of such tree, brush, shrubbery or vegetation to remove such obstruction.

- (c) **Abatement Procedure.** Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel, and the Town Clerk shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specified, it shall be lawful for the Town to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof shall be assessed to the owner.
- (d) **Trees on and Adjacent to Highway.**
  - (1) **Removal of Fallen Trees.** If any tree falls from adjacent land into any highway, the owner or occupant of the land shall immediately remove the tree from the highway. If the tree is not removed by the property owner following notice from the Town, the Town may remove from any highway any fallen tree or trees therein and charge the cost thereof to the property owner pursuant to §66.60(16), Wis. Stats.
  - (2) **Planting Trees and Shrubs in Highway.** Any person owning or occupying land adjoining any highway may, with the approval of the Town Board, plant, cultivate and maintain trees, shrubs or hedges on the side of the highway continuous to and within ten (10) feet of his land. Such trees, shrubs or hedges shall be cut or removed only by the owner or occupant of the abutting land or by the public authority having control of the highway.
- (e) **Cutting or Injuring Trees on Highway.** No person shall cut down, break, girdle, bruise the bark or in any other manner injure any public or private trees, shrubs or hedges growing within the highway, except as the owner thereof or the public authority maintaining the highway may cut down, trim and remove trees, shrubs and hedges for the purpose of and conducting to the benefit and improvement of the owner's land or the highway facility. When it is necessary for trees in a road right-of-way to be removed, the adjacent property owner shall have a right of first refusal to have the wood.
- (f) **Fences.** No person shall build or reconstruct any fence within the public road right-of-way.

**State Law Reference:** §86.03, Wis. Stats.

### **Sec. 6-3-4 Injury to Trees and Shrubs Prohibited.**

- (a) No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Town Board in the case of a public tree or shrub, do or cause to be done by others any of the following acts:
  - (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
  - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.

- (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same.
- (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
- (5) Attach any sign, poster, notice and other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the Town may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
- (6) Cause or encourage any fire or burning near or around any tree.
- (b) All trees on any parkway or other publicly owned property near any excavation or construction of any building, structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees.

**State Law Reference:** §86.03, Wis. Stats.

**Sec. 6-3-5            Deposit of Rubbish and Stones on Highway Right-of-Way.**

It shall be unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, machinery, garbage or other waste of rubbish in or on the right-of-way of any highway located in the Town of Oshkosh, without written permission of the Town Board for temporary use.

**Sec. 6-3-6            Placement of Rural Mailboxes.**

Rural mailboxes are prohibited on the right-of-way of all highways within the Town of Oshkosh except as hereinafter provided:

- (a) Mailboxes are approved only if they are of a construction or design approved by the United States Postal Service or previously approved by the Postmaster.
- (b) Newspaper tubes are permitted only if provided by the newspaper and are of a construction or design that will not present a hazard to the public use of the right-of-way.
- (c) A nameplate bearing the name and address number of the mailbox owner shall be permitted on each box.
- (d) The support for the mailbox and newspaper tube shall adhere to the standards governing construction of mailbox supports as established by the Wisconsin Department of Transportation and shall not constitute a hazard to the public use of the right-of-way.
- (e) Mailbox and newspaper tubes must be located on the side of the road required by the United States Postal Service and so that the door to the mailbox or

protruding end of the newspaper tube is at least one (1) foot from the paved portion of the highway.

- (f) The owner of each mailbox and/or newspaper tube shall, within twenty-four (24) hours after the end of each snowfall, remove all snow and ice which has fallen or accumulated in front of said mailbox and/or said newspaper tube and shall remove the snow for a distance of fifteen (15) feet to each side of said mailbox and/or newspaper tube.
- (g) No other object of any kind shall be attached to the mailbox, newspaper tube or their supports. No other objects, including, but not limited to, landscaping boulders or fences may be placed on the right-of-way.
- (h) This Section is not intended to and shall not be construed to create any affirmative duty on the part of the Town of Oshkosh to locate and remove obstructing mailboxes.

### **Sec. 6-3-7 Mailbox Replacement.**

- (a) The Town of Oshkosh will replace mailboxes damaged on the Town road system where it has been determined that:
  - (1) Physical damage, which can be proven and documented by the owner or the Town, was caused by actual Town equipment contact.
  - (2) The mailbox is of standard design and placed in conformance with U.S. Post Office standards.
  - (3) The existing installation, mailbox and mailbox post were in good repair.
- (b) The Town of Oshkosh will not replace mailboxes damaged on the Town road system where it has been determined that:
  - (1) The mailbox was not of standard design, or not placed in conformance with U.S. Post Office standards, even though it may have been damaged by Town equipment.
  - (2) The mailbox, post and installation were not in good repair.
  - (3) Evidence indicates that the weight of plowed snow resulted in the damage to the mailbox and/or post.
- (c) The replacement mailboxes by the Town of Oshkosh shall be limited to a Twenty-five Dollar (\$25.00) payment. Special decorative mailboxes and/or posts will not be provided. If the owner wishes to install a decorative mailbox and/or post that meets standards, it shall be at the owner's expense.

## Title 6 – Chapter 4

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### Driveways; Culverts

- 6-4-1 Culvert Requirements
- 6-4-2 Driveway and Culvert Location, Design and Construction Requirements

#### Sec. 6-4-1 Culvert Requirements.

- (a) **General Requirement.** No person shall construct any driveway or private road in a public right-of-way of the Town of Oshkosh without installing a culvert in full compliance with this Section. Included within the scope of this requirement are commercial driveways.
- (b) **Culvert Permit Approval Required.**
  - (1) No person shall construct or maintain any driveway across any ditch, sidewalk or curb or enter any road without first obtaining a culvert permit from the Town Chairperson or designee.
  - (2) There shall be a Three Hundred Dollar (\$300.00) fee for a culvert permit issued. Said fee will be applied towards the cost that is billed to the applicant for the entire cost of time and materials for the installation of a culvert. In addition, when installation of any culvert has begun without first obtaining a permit therefore as required herein, the Town Chairperson shall have the power and authority to stop work until a permit has been procured.
  - (3) No building permit shall be issued nor excavation begun, where a culvert will be installed, unless prior thereto a permit for a proper size and type of culvert first be obtained from the proper Town authority. The actual placing and covering of the installed culvert shall be completed and approved by the Town Chairperson or his/her designee.

#### Sec. 6-4-2 Driveway and Culvert Location, Design and Construction Requirements.

- (a) **General Requirements.** The location, design and construction of driveways shall be in accordance with the following:
  - (1) **General Design.** Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or

using it shall have adequate sight distance along the street. Driveway approaches shall be at least (10) feet apart except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.

- (2) **Number.** The number of driveways to serve an individual residential or commercial property fronting on a street shall be one (1), except where deemed necessary and feasible by the Town Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street, and driveways may be approved for commercial and other use areas where deemed reasonable.
  - (3) **Island Area.** The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection (a)(5).
  - (4) **Driveway Approach to Town Road.**
    - (a) The sides of the apron, at least to the culvert, should be beveled down to grade so as to have no abrupt surface that could damage a snowplow or create a hazard to any vehicle that should travel off the pavement.
    - (b) No barricade, fence or guard that extends higher than the roadbed may be constructed in the area from the pavement to the center of the culvert.
  - (5) **Relocation of Utilities.** Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Town Board necessary before any utility may be relocated and the driveway installed.
  - (6) **Variances.** Any of the above requirements may be varied by the Town Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.
- (b) **Prohibited Driveways and/or Filling.**
- (1) No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the Town of Oshkosh except as permitted by this Section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which is in non-conformance with this Chapter.
  - (2) No driveway shall be closer than twenty-five (25) feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Town for effective traffic control or for highway signs or signals.
  - (3) The grade of that portion of any private driveway located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.

- (4) Drainage from driveways shall run into adjacent ditches and not onto the road pavement.
- (5) Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town.
- (6) The placement of lawn sprinkler pipes in a road right-of-way is prohibited.
- (7) No driveway constructed within any road right-of-way shall be surfaced with any material other than blacktop or gravel.
- (8) Whenever concrete exists over a culvert in a Town road right-of-way that services the adjacent property owner, that property owner shall bear all expenses to remove the concrete and resurface. This shall apply to all existing concrete installations over culverts.
- (9) In addition to penalties otherwise provided by this Code, any driveway installed or maintained contrary to the provisions hereof may be removed pursuant to §86.04, Wis. Stats., as constituting an unauthorized structure or object encroaching upon a highway.

(c) **Type and Size of Culvert.**

- (1) The Town Chairperson, upon receipt of a culvert application, will visit the site where the culvert is to be installed and designate the size in diameter and length of the culvert to be installed. In the event of a disagreement between the owner and the authorized Town representative, the property owner may request the Town Board to review the matter and determine the required size. If the property owner does not follow the guidelines set forth in this Section and has the culvert set by persons not authorized by the Town Board, the Town Board will order the culvert removed at the expense of the property owner.
- (2) Only galvanized steel culverts and galvanized steel end walls shall be allowed for installation in the Town of Oshkosh. The minimum length of any installation shall be twenty-four (24) feet of actual culvert pipe and the maximum length shall be forty (40) feet of actual culvert pipe. Installations shall require end walls on both ends of the culvert pipe.
- (3) This Section shall apply to all new installations retroactive to and after March 1, 1997 and shall also apply to all replacement installations after that date.

(d) **Method of Installation and Procedure.**

- (1) The Town of Oshkosh is limited to absorb the payment of initial (first time) culvert setting installations costs only, excluding the cost of the culvert product itself and materials. The Town of Oshkosh reserves the right to determine, by vote of the Town Board, whether the Town will pay for other culvert product or setting installation cases on an individual basis. The Town of Oshkosh will not pay for culvert product, installation costs of replacement or resetting of existing culvert for cosmetic or aesthetics reasons. Reasons which would be considered by the Town Board must be a of a drainage problem nature. Land in the Town right-of-way and designated easements, in all cases and regardless of who is paying for the setting of culvert, the setting of culvert must be ordered by and done

through the Town of Oshkosh to assure that the culvert is laid to the correct pitch.

- (2) Upon notification to the property owner by the local authority, the property owner must purchase, at his/her own expense, the proper size culvert pipe and end walls and enough three-fourths (3/4) inch crusher run stone to complete installation. Property owners must purchase the culvert and end walls from a place of their choice as long as the culvert and end walls meet Town specifications.
- (3) After purchase of the culvert, property owners must get instructions from the Town Chairperson regarding property installation of the culvert and end walls.
- (3) All culverts and end walls must be set at the same time by the contractor designated and ordered by the Town of Oshkosh. If ditching is necessary to ensure proper installation, the Town of Oshkosh reserves the right to pass the cost of the ditching on the property owner.
- (4) The culvert must be set at least three (3) feet from the property line and three fourths (3/4) inch crusher run stone can be used to cover the culvert from the side yard property line.
- (5) A minimum of eight (8) inches of stone must be placed on the top of the culvert. In the event that eight (8) inches of cover would bring the grade level too high, the installation of an arch (oval) culvert pipe may be required by the Town Board or approving authority representing the Town.
- (6) Bedding and filling must be around and beneath the pipe. The Town Board may approve alternate types of gravel or stone but in no event shall dirty, clay or other loose ground be used.
- (7) If it is necessary to bill the property owner for ditching, setting of culvert, or for the Town's contractor to hand dig relating to the culvert installation or any other expense beyond routine culvert installation, payment shall be made thirty (30) days after billings. Failure to pay will result in the charge being added as a special assessment on the tax roll.

**DRIVEWAY INSPECTION REPORT: (TOWN OF OSHKOSH)**

Date of Request: \_\_\_\_\_

Requested by: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Lot or Parcel Description: \_\_\_\_\_

Proposed Driveway Location: \_\_\_\_\_

Intended Use: \_\_\_\_\_

Stopping Site Distance Available: \_\_\_\_\_

Posted Speed Limit: \_\_\_\_\_

Stopping Site Distance Required at Posted Speed Limit: \_\_\_\_\_

Remarks: \_\_\_\_\_

Drainage Consideration: \_\_\_\_\_

Date Inspected: \_\_\_\_\_

Inspected by: \_\_\_\_\_

**NOTE:** Stopping site distance for driveways is measured with an eye height of 3.5 feet above the pavement and an object height of 0.5 feet above the shoulder elevation.

Required stopping distance  $d = 1.47 Vt + \frac{V^2}{30[f \pm G]}$

V = Speed in miles per hour

t = Reaction time (2.5 seconds)

f = Coefficient of skidding friction for wet pavement

G = Grade in feet per feet (- for down hill, + for up hill)

## Uniform Numbering System

6-5-1	Numbering System Established
6-5-2	Base Lines Established
6-5-3	Base Line Numbers to Begin at Zero; Exceptions
6-5-4	Explanation of Numbering Sequence
6-5-5	Streets Not Extending to Base Line
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6-5-10	Responsibility of Owner to Procure Numbers
6-5-11	Refusal to Number Building; Penalty

### **Sec. 6-5-1          Numbering System Established.**

There hereby is established a uniform system of numbering houses and buildings fronting on all streets, avenues and public ways in the Town of Oshkosh, and all houses and buildings shall be numbered in accordance with the provisions of this Chapter.

### **Sec. 6-5-2          Base Lines Established.**

- (a)    **Base Line for Streets Running East.** West Jackson Drive Road shall constitute the base line for numbering along all streets running east and west.
- (b)    **Base Line for Streets Running North.** South Witzel Avenue to the center of the Fox River, and the center of the Fox River to Lake Winnebago shall constitute the base line for numbering all streets running north or south.

### **Sec. 6-5-3          Base Line Numbers to Begin at Zero; Exceptions.**

- (a)    The numbering of each street shall begin at the base line with zero, except that on streets running north or south the numbering shall be in consecutive sequence with numbering in the City of Oshkosh on the Witzel Avenue base line.
- (b)    The Town Board shall number streets which run diagonally to either the north-south or east-west base lines so as to conform to the general plan of this Chapter as nearly as possible.
- (c)    The Town Board shall number streets which may run in any other direction than provided in Subsections (a) and (b) so as to conform to the general plan of this Chapter as nearly as possible.

- (d) The Town Board shall assign one hundred (100) numbers to each block where practicable, as to provide a uniform system of numbers running away from each base line. Where blocks of different lengths occur on opposite sides of a street, the numbers on both sides shall be assigned on the basis of the shorter block. Assignment of numbers by the Town Board shall be upon whatever intervals are practicable.

**Sec. 6-5-4 Explanation of the Numbering Sequence.**

- (a) All lots and houses on the north and east sides of the streets shall be numbered with even numbers, and all lots and houses on the south and west sides of all streets shall be numbered with odd numbers.
- (b) Where any building has more than one (1) entrance serving separate occupants, a separate number shall be assigned to each entrance serving a separate occupant. Buildings fronting on more than one (1) street shall have a number assigned only to the main entrance unless other entrances serve separate occupants.

**Sec. 6-5-5 Streets Not Extending to Base Line.**

All streets not extending through to the base line shall be assigned the same relative numbers as if they did extend to the base line.

**Sec. 6-5-6 Survey and Assignment of Numbers.**

- (a) **Designation of Numbers.** The Town Board shall cause there to be assigned to each house and building located on any street, avenue or public way in the Town of Oshkosh its respective number under the uniform system provided by this Article. Assignment shall be based upon a survey of such houses and buildings.
- (b) **Numbers to Be of a Minimum Size.** The numbers shall be not less than three and one-half (3-1/2) inches in height by not less than two and one-half (2-1/2) inches in width. Where practical, they shall be in black enamel vitrified tile. The numbers shall be placed as provided by this Chapter within sixty (60) days after notification of assignment of numbers to the owner and occupant of each house and building.
- (c) **Numbers to Be Conspicuously Placed.** The numbers shall be placed immediately above, on or at the side of the proper door of each building so that they can be seen clearly from the street. Whenever a building is situated more than fifty (50) feet from the street right-of-way, the number of such building shall be displayed conspicuously at the right-of-way, near the walk, driveway or entrance, or upon the gatepost, fence, tree, mailbox or other appropriate place so as to be clearly visible from the street.

**Sec. 6-5-7            Distinctive Numbers.**

Where only one (1) number can be assigned to any house or building, the owner, occupant or agent thereof who shall desire distinctive numbers for the upper and lower portions of the house or building, or for any part thereof fronting on any street shall use the suffix "A", "B", "C", et cetera, as may be appropriate.

**Sec. 6-5-8            Plat book to Be Kept.**

In order to facilitate correct numbering, a plat book of all streets, avenues and public ways within the Town of Oshkosh, showing the proper numbers of all lots, houses or buildings fronting upon all such streets, avenues and public ways shall be kept on file in the office of the Town Clerk. This record shall be open to inspection during the office hours of the Clerk.

**Sec. 6-5-9            Town Clerk to Inform of Number Assignment.**

The Town Clerk shall inform the owner, occupant, or agent thereof, of the number or numbers assigned to each lot, house or building pursuant to Section 4-6-7. In addition, where any person subsequent to the effective date of this Chapter shall apply for an unassigned number, the Town Clerk shall notify such party of the proper assignment as determined by the Town Board within twenty (20) days of such application.

**Sec. 6-5-10          Responsibility of Owner to Procure Numbers.**

Whenever any house or building shall have a number or numbers assigned to it, it shall be the responsibility of the owner thereof to procure the correct number or numbers and to fasten the number or numbers so assigned upon the house or building in accordance with Sections 4-6-6 and 4-6-7.

**Sec. 6-5-11          Refusal to Number Building; Penalty.**

- (a) If the owner of any house or building required to be numbered by this Chapter shall fail, neglect or refuse to attach proper numbers after assignment, in accordance with this Chapter, the Town Clerk shall serve such owner with a notice requiring compliance with this Chapter within ten (10) days after service of such notice. Failure to comply with this Ordinance within the time provided by such notice shall constitute a violation of this Chapter.
- (b) Violation of this Chapter shall subject the owner to a forfeiture as provided in Section 1-1-6.