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## CHAPTER 10

### ROAD CONSTRUCTION IN NEW SUBDIVISIONS, STREET GRADES AND TOWN ROAD NAMES

#### 10.01 ROAD CONSTRUCTION IN NEW SUBDIVISIONS.

A. The developer or person requesting road construction must submit to the Town Board an application in writing and an approved final plat or certified survey for lands to be serviced.

B. The Town will construct roads in accordance with the following conditions:

1. Design Escrow. The Town's engineer shall design or review all proposed roads, including storm management issues. All costs and expenses incidental to the design and bidding including engineering, permits and other fees associated with the project shall be borne by the person requesting the roadway. Prior to the Town's involvement the person shall submit to the Town the actual escrow money for the estimated amount of the design or review costs as determined by the Town Board. The money will be deposited by the Town Treasurer with the Town's banking institution. The amount shall be sufficient to cover Town payment to all parties under contract with the Town for the road design or review. This money will not be refunded if the project does not proceed to construction.

2. Bidding/Construction. The Town shall bid the work. All construction contracts shall be subject to Wisconsin State Statutes, Public Works Contract Requirements. Unless prior approval is granted by the Town Board, road construction bids will be taken on any of four regularly scheduled bid letting dates. These dates will be on the last Thursday of the month in March, May, July and August. The Town's engineer shall perform on-site inspection and contract administration during construction of the roadways.

3. Construction Escrow. The person who requests the roads shall pay the entire costs of said construction. No later than two weeks after the Bid Date and prior to the Town signing contracts for the project construction, the persons requesting the roads shall provide the funds to the Town in an amount equal to the construction, engineering, administration, contingencies, staking and inspection costs for the project in the following manner:

a. **For Phase I Construction (grading, drainage, gravel base and bituminous binder course paving):**

The escrow amount as determined by the Town Board (120% of the awarded bid amount) shall be submitted to the Town Treasurer for deposit with the Town's banking institution. The Town will make all project payments as the same come due and owing during the course of construction.

b. **For Phase II Construction (bituminous surface paving):**

The escrow amount as determined by the Town Board (110% of the awarded bid amount) shall be submitted to the Town Treasurer for deposit with the Town's banking institution. The Town will make all project payments as the same come due and owing during the course of construction.

4. Credit Account. As approved by the Town, in lieu of the escrow payment for design and construction costs, the Developer may submit a letter verifying an irrevocable credit account to the Town to cover all costs associated with the proposed project. This account shall be so arranged and a special agreement executed between the Developer, the bank and the Town of New Denmark to allow the latter to withdraw monthly amounts from the account sufficient to cover monthly costs to the Contractor under contract with the Town.

C. Building permits will not be issued until the road is constructed to a gravel surface and accepted by the Town.

D. Special Agreements. The person requesting the road construction shall execute any other special agreements deemed necessary by the Town.

#### **10.02 STREET GRADES**

A. PERMIT REQUIRED. No building permit shall be issued for the construction of any new building or excavating work in the Town of New Denmark until the applicant(s) shall have obtained the sidewalk grades on the street or streets adjoining the proposed improvements, or having obtained the grade elevations of the highest road right-of-way adjoining the building site from the Town Building Inspector.

B. PROCEDURE. Before obtaining such grades where none has already been established, the applicant shall pay to the Town Treasurer the sum of \$5.00 and upon being exhibited, the Town Treasurer's receipt, the Town Building Inspector shall then establish such grades for the applicant. If grades are already established, no fee shall be paid by the applicant; but in any event, the applicant must ascertain the grades before issuance of any such permit.

C. CONSTRUCTION WORK TO CONFORM WITH GRADES. No person, before or after obtaining such grades, shall construct any building or do any excavating work except in conformity with the provisions set forth herein.

#### **10.03 STORM DRAINAGE AND GRADING PLAN**

In order to insure positive drainage from all lots within each proposed block so that no surface water will pond within the block, the sub-divider shall submit, at the time of final plat review, a drainage plan for each block within the proposed subdivision. This drainage plan shall include the final grade elevations to be maintained along rear lot lines.

Should the approved drainage plan require grading or the installation of storm sewer drainage facilities within any block or blocks, the sub-divider shall cause such grading or other improvements to be installed at his/her expense at the same time the subdivision roads are being graded.

In order to insure compliance with the approved drainage plan, a covenant shall be included on the face of the final plat referring to the drainage plan and requiring compliance therewith.

At the time of final plat review the sub-divider shall submit one (1) copy of the drainage and grading plan, drawn on the same sheet size as the final plat, to the Town Building Inspector.

It is intended that all buildings shall be constructed at an elevation to be decided upon at the discretion of the Town Building Inspector.

#### **10.04 APPEAL TO TOWN BOARD.**

In case any applicant shall be aggrieved by any action in connection with the issuance of a permit, or the refund of a deposit, or in connection with the application of this Ordinance, he/she shall have a right to appeal to the Town Board by filing notice of appeal containing his/her Post Office address within ten (10) days after such action, and outlining the nature of his/her grievance.

#### **10.05 NONCOMPLIANCE/PENALTY.**

Should repairs or grade levels required under this Ordinance not be completed or complied with within specified deadlines, a permit applicant may be subject to a forfeiture not to exceed \$300. In addition, a permit applicant shall be responsible for the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, he/she may be imprisoned in the County Jail until said costs and forfeiture are paid, but not to exceed thirty (30) days for each violation. The permit applicant is further responsible for the costs of repairs ordered by the Town Board following said applicant's noncompliance with the provisions hereof. Each day violation exists is a separate offense.

#### **10.06 ROAD NAMES.**

In accordance with §82.03(7) Wis. Stats., which requires the assignment of names for each road under the Town's jurisdiction, the road names as shown on the attached plat are hereby assigned, and all future roads will be named when accepted by the Town.