

## **CHAPTER 3**

### **STREETS AND HIGHWAYS**

**3.01 DAMAGE TO STREETS.** No person shall damage or deface any street, highway, sidewalk, public way, park or other public property, or any post, wire, lamp, street sign, traffic sign, tree, grass, vegetation, gutter, drain, manhole or any other appurtenance thereon, except as may be authorized by the Town Board.

#### **3.02 ENCROACHMENTS ON STREETS.**

(a) No person shall erect or maintain any structure or thing on, over or under any street, highway, sidewalk or public way except by permit from the own Board. Application for such a permit shall describe the nature of the encroachment in such detail as the Board may require. The Board in its discretion may issue or deny the permit, and may impose any conditions to such permit it deems appropriate.

(b) Any encroachment on any street, highway, sidewalk or public way shall be maintained so that it does not endanger or obstruct the public.

(c) Any encroachment maintained in violation of this section is declared a nuisance and may be abated by the Town.

#### **3.03 OBSTRUCTING STREETS.**

No person shall obstruct or endanger the free passage or proper use of the public of any street, highway, park or public place, except building materials or merchandise as permitted under this chapter, or as may be permitted by the Town Board.

#### **3.04 DEBRIS IN THE STREET.**

No person shall litter or deposit any foreign matter on any street, highway, sidewalk, park or public place unless permitted to do so by the Town Board.

#### **3.05 PROTECTION OF WORK IN STREETS.**

Any person laying, or making an excavation in, or doing any work in any street, highway, sidewalk or other public place shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work. Suitable lights shall protect barricades at night. Any defect in any pavement shall be barricaded to prevent injury. Any person maintaining any opening or excavation in any such place shall guard such opening or excavation while the same remains open, by proper barricades and lights. No person shall interfere with or disturb any barricades or lights lawfully placed to protect any new pavement or excavation or opening in any street, highway or sidewalk.

#### **3.06 ADVERTISING ON STREETS.**

No person shall paint or post any signs or bills on any trees, poles or other structures in any street, highway, or on the surface of any street, highway, sidewalk or public way. This includes the entire right of way.

**3.07 CONSTRUCTION OF TOWN HIGHWAYS:**

(a) The subdivider or owner desiring to construct a Town highway shall:

(1) First submit profiles and obtain approvals of the established grades on all proposed highways from the Town Engineer, Road Superintendent and Town Board prior to proceeding with any grading operations. The Town Engineer, Road Superintendent and Town Board shall determine the maximum and minimum grades established and the maximum and minimum slope in any cut, or cuts, to be made in connection with the construction of any Town highway, and the type and character and amount of fill necessary for the construction of any such highway, before any grading operations shall be commenced. All highway grades shall conform to the Town Subdivision regulations unless specific site conditions warrant a variance based on the recommendation of the Town Engineer or Road Superintendent and approved by the Town Board.

(2) Install minimum fifteen (15) inch diameter (or equivalent arch size) in the proposed Town highway unless the Town Board or Town Engineer shall otherwise determine that a larger culvert shall be installed. The diameter of any culvert shall be determined by the Town Board and the Town engineer at the time of the approval of the established grade for any such Town highway. Culverts crossing streets shall be a minimum length of forty-four (44) feet and shall have metal end sections, unless otherwise specified by the Town Engineer and the Town Board. Culverts shall be of corrugated metal or reinforced concrete culvert pipe as determined by the Town Engineer and the Town Board.

(3) Establish a minimum of sixty-six (66) feet in right of way width.

(4) Establish the center of the roadbed on the centerline of the land dedicated for road purposes. The grade of said roadbed shall conform to the approved profiles.

(b) Minor Streets.

Minor streets shall be constructed in accordance with the typical street cross-section plan on file in the office of the Town Clerk, and such construction shall be as follows:

(1) Subgrade Preparation.

(A) Remove all unstable material (such as topsoil, mucky soil and peat) to the approved subgrade or below, as site conditions warrant. If the subgrade material is questionable, it shall be excavated and replaced with crushed No. 3 limestone or other suitable fill material as directed by the Town Engineer.

(B) Rock shall be excavated to a point at least twenty (20) inches below finished grade of roads and eight (8) inches below ditch grades. Undrained pockets in the rock shall be drained before the base material is installed.

(C) The road ditches shall be constructed as per the typical cross-section plan on file in the office of the Town Clerk except that deeper and/or wider ditches may be required depending on the area of the contributing watershed.

(D) When grading operations are completed on any town street, and prior to the placement of any gravel, the Town Engineer and Streets & Road Superintendent shall be notified five (5) working days in advance to inspect the roadbed and determine if ready for gravel. The roadbed shall then be proof rolled to detect any areas of insufficient compaction. Proof rolling shall be accomplished by making a minimum of two complete passes with a fully loaded tandem axle dump truck or approved equivalent (minimum of 60,000 LBS GVW). Areas of failure shall be excavated and recompacted. Areas which deflect, pump or roll during the proof roll shall be deemed as failed. Failed areas shall be marked by the Town Engineer and Road Superintendent on the road subgrade. Said failed areas shall be required to be retested in the presence of the Town Engineer or Road Superintendent.

(2) Base Material.

(A) Road subgrade shall be surfaced with five (5) inches of compacted 1½ inch limestone T.B. The base shall consist of a dense compacted base course composed of one or more courses or layers of coarse aggregate of crushed stone, fine aggregate and binder or filler blended as necessary to produce an intimate mixture of the required gradation and stability, with the specifications and in reasonably close conformity with the lines, grades, thicknesses and typical Town cross section.

(B) Aggregates furnished for the work shall conform to the quality and gradation requirements hereinafter set forth. The engineer reserves the right to prohibit the use of crushed stone from limestone deposits having thinly bedded strata or strata of a shaly nature. When aggregates are procured from pits or quarries, the contractor shall comply with the pertinent requirements set forth in these specifications:

- Los Angeles Abrasion of Coarse Aggregate . . . . .T 96
- Specific Gravity and Absorption of Fine Aggregate . . .T 84
- Specific Gravity and Absorption of Coarse Aggregate. .T 85\*
- Soundness of Aggregate . . . . . T 104

\*As revised by the Department's Method T 85-1.

Methods and standards set by the laboratory will be used to determine the acceptability of aggregates relative to excessive quantities of loam, shale, thin and elongated pieces, organic and other deleterious matter.

Field evaluation or laboratory test will be used to determine the acceptability of aggregate relative to excessive quantities of clay lumps. The second application shall be five inches of compacted  $\frac{3}{4}$  inch limestone T.B. or  $\frac{3}{4}$  inch crushed gravel (Division of Highways Gradation #2). If additional gravel is required in the judgment of Streets & the Town Board or Town Engineer to stabilize the road, the same shall be furnished and installed to the satisfaction of the Town Board and the Town Engineer before acceptance, at no cost to the Town of Lisbon.

(C) If gradation tests are necessary for acceptance of the road surfacing material by the Town Board and the Town Engineer, such testing shall be done at the developer's expense.

(D) The contractor shall use the proper steel drum rollers to insure proper compaction. The road base shall be watered and compacted to 95% modified Proctor. A proof roll of the base course shall be performed after completion of road base. Any failures shall be marked by the Town Engineer and Road Superintendent, removed, replaced and recompacted at the developer's expense.

(3) Road Surface.

(A) A 2-inch thick bituminous concrete gradation No. 2 Wisconsin State Highway Commission specifications shall then be applied.

(B) The bituminous materials used shall be asphalt type AC having a penetration grade of 85-100 degrees F.

(C) Bituminous materials for the base course shall be four percent to six percent of the composite mix unless otherwise specified by the Town Board and the Town Engineer.

(1) No paving shall occur on frozen subgrade or when the temperature measured at 3.0 feet above the ground at the site is less than 40°F.

Binder mix shall be spread at a temperature between 230°F and 325°F and surface mixture at a temperature between 250°F and 350°F or at the recommended mix design temperature. At no time shall the temperature fall below 180°F before the bituminous is rolled. When the air temperature is below 50°F, the binder mix shall be spread at a minimum temperature of 250°F.

All material shall be machine laid except in areas that are inaccessible to machine spreaders. The contractor shall maintain a constant cross slope and shall string line either the center joint or edge of pavement.

Where the contractor paves across a structure or in areas of curb and gutter, the contractor shall spread the mixture so that

the finished asphalt surface is about 1/4 inch higher than the edges of the structures.

Asphalt cement shall be type AC, Penetration 85-100 or Viscosity graded AC-10. Asphalt cement shall meet or exceed the following specifications.

Penetration Grade – at 77°F.

| Test   | Penetration Grade |        |
|--|-------------------|--------|
| Penetration 100g, 5 Sec.                           | 120 + 50          | 85-100 |
| Flash point, COC, F(c) min.<br>450(232)            | 425(219)          |        |
| Solubility in trichloroethylene<br>Percent minimum | 99                | 99     |
| Tests on residue from Thin-Film Oven Test          |                   |        |
| Loss on heating, percent maximum                   | 1.3               | 1.0    |
| Penetration, percent of original,<br>Minimum       | 46                | 50     |
| Ductility, 77°F (25°C)<br>5 cm per min. cm. min.   | 100               | 75     |
| Viscosity graded at 140°F (60°C)                   |                   |        |

| <u>Test</u>  | <u>Viscosity Grade</u> |              |
|--|------------------------|--------------|
|  | <u>AC-5</u>            | <u>AC-10</u> |
| Viscosity, 140°F (60°) poises<br>1000±200          | 50±100                 |              |
| Viscosity, 275°F (135°C) CS                        | 175                    | 250          |
| Penetration, 77°F, 100 gm 5 sec. min.              | 140                    | 80           |
| Solubility in trichloroethylene<br>percent minimum | 99                     | 99           |
| Test on residue from Thin-Film oven test           |                        |              |
| Loss on heating, percent                           | 1.3                    | 1.0          |
| Viscosity, 77°F (60°C) poises, max.                | 2000                   | 4000         |
| Ductility, 77°F (25°C) 5 cm                        | 100                    | 75           |

Immediately after the binder or surface course has been placed, it shall be compacted thoroughly and uniformly by rolling

in conformance with Section 405.5.11 of the Standard Specifications. In all places inaccessible to the roller, compaction shall be done with a mechanical tamping machine.

The rolling shall continue until the bituminous course has obtained a density not less than the percent indicated on Table 407.5.5.5 of the Supplemental Specifications.

(2) The first shoulder application, as shown on the Town's typical cross-section plan on file in the office of the Town Clerk, shall then be applied, compacted in place. The material should consist of  $\frac{3}{4}$  inch limestone T.B. or  $\frac{3}{4}$  inch R.A.P. (Recycled Asphalt Product).

(3) After a minimum of one year and a maximum time of two years, unless specified earlier by the Town Board and the Town Engineer, from the completion of the above concrete base course installation, the developer shall thoroughly clean the existing blacktop surface and prime with MC-O at 0.1 gallon per square yard. Roads shall first be inspected by the Town Engineer and Road Superintendent. Any defects in the surface or subgrade must be corrected before resurfacing at no cost to the Town. A  $1\frac{1}{2}$  inch thick bituminous concrete surface course, gradation No. 4 shall then be installed per Wisconsin State Highway Commission specifications. Bituminous material for this course shall be five percent to eight percent of the composite mix unless otherwise specified by the Town Board and the Town Engineer.

(4) The final shoulder application as shown on the Town's typical cross-section plan on file in the office of the Town Clerk shall then be applied, and compacted in place. The shoulder material shall consist of  $\frac{3}{4}$  inch maximum size crushed limestone Traffic Bound material or  $\frac{3}{4}$ " R.A.P. (Recycled Asphalt Product) as specified by the Town Board and the Town Engineer.

(4) Specifications and Maintenance.

(A) All of the above work shall be in accordance with the Wisconsin State Highway Commission specifications, latest edition.

(B) Maintenance of the streets constructed by the developer shall be his responsibility, including the two-year duration between the pavement applications, until the Town Board and the Town Engineer have given final acceptance.

(C) Major and Collector Streets. Major and collector streets shall have a 24 foot wide Bituminous Concrete surface consisting of a  $\frac{1}{2}$  inch base course (placed in two lifts) and a  $1\frac{1}{2}$  inch surface course with 10 foot wide shoulders on either side sloped as per the Town's typical cross-section plan on file in the office of the Town Clerk. The ten (10)

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inch thick base material shall extend below both ten (10) foot shoulders. Road ditch side slopes shall be as per the town's typical cross-section plan on file in the office of the Town Clerk. All materials shall conform to this section.

(1) Acceptance of Town Streets. Streets will not be accepted by the Town before May 1st or after November 1st.

(a) Before final acceptance of any Town street, the owner or developer must furnish sufficient proof to the Town, as the Town Board may require, that all costs for the street construction have been paid for by said owner or developer.

(b) Payment for Improvement. The developer or owner shall pay the Town for all engineering work, road inspections, street signs, culvert posts, and guardrails, as required by the Town within said subdivision. Such street signs, culvert posts, and guardrails shall be obtained and placed by the Town, and the cost of such installation shall be paid by the subdivider.

(2) Grades. Prior to the request for street inspection for acceptance by the Town, the subdivider shall furnish the Town Engineer a written certification from the subdivider's engineers that the streets conform to the location and grades indicated on the approved street construction plans, which have been approved.

(3) Cul-de-sacs. On dead-end streets a turn around or cul-de-sac of not less than 120 feet in diameter right-of-way shall be provided and surfaced to a 45 foot radius. Temporary cul-de-sacs should be to a width determined by the Town Board, Highway Superintendent and the Town Engineer. When land developed adjoins a temporary cul-de-sac, it shall be the responsibility of the developer of such adjoining lands to remove the temporary cul-de-sac realign the existing ditches and restore lawn areas to obtain a continuous roadway.

(4) Slopes, Ditches and Shoulders. All slopes shall be seeded before the road is accepted. All slopes, ditches, roadway and shoulders shall be placed in such a manner as the Town Board and the Town Engineer shall direct to prevent washing out of the same. The shoulder shall be 3 feet wide on each side of the paved portion of the highway per approved cross section or such other width as the Town Board shall determine. In the event that the grade of any proposed Town highway shall be such that it may be subject to washing out by rainfall or surface water drainage, in the opinion of the Town Board and Town Engineer, the Town Board may require that the gutters and side slopes be sodded, or in lieu of sod the Town Board may require rip-rap to be placed to prevent such washing out.

Generally the following guide will be implemented.

(a) Slopes from 0.5% to 3.0% seed and mulch.

- (b) Slopes from 3.0% to 5.0% seed and erosion mat.
- (c) Slopes from 5.0% to 7.0% erosion blanket.
- (d) Slopes greater than 7.0% sod and erosion mat.
- (e) Slopes greater than 10% (approval by Town Board required) sod and rip-rap stilling areas.

(5) Surety Bond. The developer shall execute a surety bond or letter of credit to the Town Board in an amount to be determined by the Town Board and the Town Engineer in a form to be approved by the Town Attorney. Such surety bond or letter of credit shall guarantee that the developer or owner shall pay all costs and expenses for the construction and maintenance of the streets, gutters, side slopes and shoulders thereof, and such bond or letter of credit shall remain in full force and effect until released by the Town Board. Reductions in surety shall be made based on construction completed and the Town Engineers recommendation. Said surety to be in effect until final acceptance of the roadways by the Town.

### **3.08 OPENING IN STREETS AND HIGHWAYS.**

(a) Permit: No person, corporation, or municipal corporation shall excavate or open any public street or highway within the Town of Lisbon or cause the same to be done without first obtaining a permit therefore from the Town of Lisbon. There shall be two types of permits:

(1) For installations generally paralleling or crossing a public street right-of-way, including service laterals which enter or cross the traveled portion of any public street, application shall be made in writing and filed with the Town Clerk for consideration by the Town Board. The Building Inspector shall be paid a fee for inspection of service laterals entering the traveled portion or crossing any public street right-of-way by the Town as determined by the Town Board.

(2) For installation of service laterals not entering or crossing the traveled portion of any public street, application shall be made to the Building Inspector.

Fees in amounts as determined by resolution of the Town Board shall be charged for the respective permits as above described in subsection 3.08(A)(1) and shall be deposited by the applicant with the Town Clerk at the time the application for such permit is made. Fees in amounts as determined by resolution of the Town Board shall be charged for the respective permits as above described in subsection 3.08(A)(2) and shall be deposited by the applicant with the Building Inspector at the time application for such permits are made.

(b) Form of Application: Every such application for a permit shall describe the streets or highways upon which the proposed openings or excavations are to be made and shall locate the proposed openings or excavations on such streets or highways. The application shall further show the length, width and depth of the

proposed openings or excavations in the public streets or highways and shall state the purpose for which such openings or excavations are made. An application shall also give the following information, and other such information as may be required:

- (1) The name of the applicant;
- (2) The address of the applicant;
- (3) The estimated dates that work will commence and be completed;
- (4) Signature of applicant or authorized representative agreeing to conform to all the provisions, rules and regulations of the Town, pertaining to the work or purpose for which the permit is requested.

(3) Town Work Excluded. The provisions of this section will not apply to excavation work under the direction of the Town and by Town employees or contractors performing work under contract with the town necessitating openings or excavations in streets or other public ways, which openings or excavations shall be regulated by contract between the Town and the contractor.

(4) Emergency Excavations Authorized. In the event of an emergency, any person, corporation or municipal corporation controlling any sewer, water main, conduit or other utility in and under any street, and his agents or employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of life, property, health or safety without obtaining a permit as provided herein, provided that such person or corporation or municipal corporation shall apply for a permit required under this section no later than the end of the next succeeding business day, and shall not make any permanent repairs without first obtaining a permit pursuant to the provisions herein.

(5) Conditions of Permit: Any permit issued by the Town pursuant to this section is subject to the following terms and conditions:

(A) Tunneling and Boring. All excavations in the paved portion of any street or highway in the Town shall be done by tunneling or boring methods so that the paved portion of any street or highway will not be disturbed. For purposes of this provision, a paved street or highway shall include concrete pavement, bituminous surfacing and any other street or highway upon which a permanent surface exists. If the Town Board determines that any unusual condition exist which would make it impractical to excavate by tunneling or boring methods at any location upon any public street or highway within the Town, the Board may waive the requirement for tunneling or boring at such location. All excavation material from tunneling or trenching adjacent to the paved portion of any street or highway or otherwise, must be placed where it will cause a minimal inconvenience to the public.

(B) Maintenance of Streets After Completion. Any person, corporation or municipal corporation obtaining a permit as herein

provided shall be required to maintain and repair that portion of any public street or highway in the Town whereon such excavation or opening is made for a period of one (1) year from the date that excavation or opening is closed except that such time may be extended by the Town Board if the excavation or opening has not become stabilized within the period of one year from the date of the opening, and shall keep and maintain the highway or public street whereon such opening was made. In the event that such repairs are not made as herein provided, the Town Board shall order the same made by the person, corporation or municipal corporation obtaining a permit herein provided upon 5 days written notice. In the event that such repairs are not made as herein provided, the Town Board shall cause the repairs to be made and charge the expense thereof to the person, corporation or municipal corporation obtaining the permit.

(C) Protection of the Public. Every person, corporation or municipal corporation opening any public street or highway within the Town will barricade the same in accordance with the applicable portion of the current "Wisconsin Manual of Traffic Control Devices." All reasonable and necessary precautions shall be taken to protect the public from accident or damage to persons or property from the beginning to the end of the work. The person, corporation or municipal corporation obtaining the permit will be held responsible for all damages that may result from his or its negligence in opening the public street or highway and in performing the work incidental thereto, including any claims for damages resulting from his or its negligence in failing to maintain the disturbed portion of the public street or highway for a period of one year from the date the opening is closed, except that such time may be extended by the Town Board if the excavation or opening has not become stabilized within the period of one year from the date of the opening to the satisfaction of the Town Board. The person, corporation or municipal corporation obtaining the permit shall also be liable to the Town for its costs and expenses in defending any action brought against it for damages for damages, and costs of any appeal that may result therefrom including any claim for damage that may result to the Town by reason of failure to keep the public street or highway in repair as herein provided.

(D) The person, corporation or municipal corporation obtaining the permit shall not be liable or otherwise responsible for indemnifying, protecting or holding the Town of Lisbon harmless from and against its own acts and omissions and the consequences thereof.

(E) Bond: Before a permit is granted, the applicant therefore shall execute to the Town of Lisbon and deliver to the Town Clerk at the time the application for such permit is filed, a bond or undertaking in the sum of \$5,000.00 or other such sum as the Town Board may determine with surety or sureties to be approved by the Town Board, conditioned

that he will perform faithfully all work with due care and skill, in accordance with the terms and conditions of this section, and will save the Town of Lisbon harmless from all liability for all damages, costs and expenses and claims of any nature or kind arising out of the unskillfulness or negligence in connection with causing the excavation or opening to be made in any public highway or street in the Town in accordance with the permit granted by the Town Board. Such bond or undertaking shall remain in force and effect until released by the Town Board. No bond or undertaking shall be required from any municipality or public utility.

(F) Notwithstanding anything contained herein to the contrary, no permits shall be issued pursuant to this section except where issuance of the permit has been approved by the Director of Public Works Department, or his designee.

(G) Notwithstanding any provision contained herein to the contrary, no permit shall be issued for the opening of any public street or highway unless the applicant submits a cash or surety bond in the amount of \$2,500.00, or such other amount as may be required by the Town Board, which bond shall remain in effect for a period of not less than two years from the date of issuance, or until the road has been restored to the same condition as existed prior to the issuance of the permit, whichever occurs earlier.