



Town of Troy

Walworth County, Wisconsin

N8870 Briggs Street, East Troy, Wisconsin 53120

Office (262) 642-5292 Fax (262) 642-5227

[mail: clerktreas@townoftroy.com](mailto:clerktreas@townoftroy.com)

STATE OF WISCONSIN

TOWN OF TROY

WALWORTH COUNTY

ORDINANCE NO. 2022-02

AN ORDINANCE TO REPEAL AND AMEND ORDINANCE 96-2 AND CREATE A REVISED ORDINANCE TO REGULATE TOWN ROADS AND DRIVEWAYS.

WHEREAS, the Town Board finds that it is necessary and in the Public interest to regulate the design, location and construction of town roads, as well as private vehicular access points and in order to ensure that proposed and constructed improvements and consistent with the public safety and welfare,

NOW, THEREFORE, the Town of Troy, Walworth County, Wisconsin, **DOES ORDAIN AS FOLLOWS:**

Section 1. REPEAL. the Town of Troy Ordinance Number 96-2 entitled "Town Roads & Driveway Specifications" is hereby repealed and amended as follows:

Section 2. TABLE OF CONTENTS.

I.	Intent	Page 02
II.	Abrogation and Greater Restrictions	Page 02
III.	Interpretation	Page 02
IV.	Severability	Page 02
V.	Definitions	Page 03
VI.	Acceptance as Town Road	Page 04
VII.	Application	Page 04
VIII.	Standards	Page 05
IX.	Final Inspection	Page 07
X.	Access to Roads and Driveway Construction	Page 07
XI.	Penalty	Page 09
XII.	Rescind Prior Inconsistent Ordinances	Page 09
XIII.	Adoption and Effective Date	Page 10
XIV.	Exhibit A: Cross Section	Page 11

I. **Intent:**

The purposes of this Ordinance are to promote the health, safety, and general welfare of the Town of Troy, to give notice to all parties as to what types of roads the Town of Troy will and will not accept, and to supplement County road standards and establish specifications and regulations regarding construction, reconstruction, alteration and upgrading of roads by any private party or entity where it is intended that such road will be dedicated to or deeded to the Town so as to become a town road, and further to enhance the general safety of roads and promote efficiency, to lessen congestion, to facilitate proper drainage, to promote sound road construction standards, and to prescribe and regulate the construction and maintenance of driveways which abut upon or interface with town roads, and to provide for the administration and enforcement of the Ordinance including provision for penalties for the violation of same.

II. **Abrogation and Greater Restrictions:**

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, or permits previously entered into pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern hereafter.

III. **Interpretation:**

In interpreting and applying this Ordinance, the provisions of this Ordinance shall be liberally construed in favor of enforcement of this Ordinance. The provisions of this Ordinance shall apply except where specifically limited by state law and to extent of such limitation, state law shall apply.

IV. **Severability:**

If any section, clause, provision, or other portion of this Ordinance is judged unconstitutional or invalid by a Court of competent jurisdictions, the remainder of this Ordinance shall not be affected thereby and only such invalid or unconstitutional clause shall be affected. If any application of this ordinance to a particular structure, or to land or water in a particular case, is adjudged unconstitutional or invalid by a Court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water within the township not specifically included in said judgment.

V. Definitions:

1. **Approach:** That portion of road extending 100 feet on each side of a culvert or bridge.
2. **Base Course:** The layer or layers of specified or selected material of designated thickness placed on a subgrade to support a surface course.
3. **Cul-De-Sac:** A road or way with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
4. **Culvert:** Any structure not classified as a bridge which provides an opening under any roadway.
5. **Drainage:** To make gradually dry, by trenches, channels, ditches and tiles or other means.
6. **Gradient:** The rate of rise or fall of the surface of the roadway measured along the centerline expressed as a percentage. Thus a 1% grade will rise or fall one foot in 100 feet. The slope of a road or other public way, specified in percent.
7. **Highway, Street, or Road:** A public way for the purpose of vehicular travel, including the entire area within the right of way.
8. **Plans:** The approved plans, profiles, typical cross sections, working drawings and supplemental drawings, or exact reproductions thereof, which show the location, character, dimensions, and details of the work to be done.
9. **Right-of-way:** A general term denoting land, in a strip, acquired for or devoted to a highway, street or road. A right-of-way is typically 66 feet in width.
10. **Roadbed:** The graded portion of a road within top and side slopes, prepared as a foundation for the pavement structure and shoulders.
11. **Roadway Width:** The portion of a right-of-way for vehicular use, including shoulders.
12. **Shoulders:** The portions of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
13. **Subgrade:** compacted soil below the stone base course layer.
14. **Surface Course:** The final course of material put down over which traffic passes, exclusive of shoulders which includes an asphalt binder course and asphalt surface course.
15. **Surface Width:** The portion of the right-of-way over which traffic passes, exclusive of shoulders.
16. **Town Road:** A road or way over which the public generally has the right to pass, over which the Town Board has the direct authority and supervision.
17. **Single Purpose Road:** Any road, driveway or way which primarily serves a single parcel of property and is determined by the State of Wisconsin, Department of Transportation, to be ineligible for highway aids to the Township.

VI. Acceptance as Town Road:

Complying with the standards and specifications set forth herein does not guarantee an owner or any party that said road will be accepted by the Town of Troy. Single purpose roads as defined in Section V shall not be accepted regardless of construction standards followed unless or until such roads meeting the standards set forth in this Ordinance are eligible for highway aids to the Town as determined by the State of Wisconsin, Department of Transportation, as same rules exist at the time of the passage of this Ordinance or as same may be from time to time hereafter amended. The Town reserves the right to refuse to accept any road, unless otherwise required by state law, and the passage of this Ordinance shall not be construed as an agreement by the Town of Troy to accept any and all roads meeting the specifications set forth herein. If it is clear at the outset that the proposed road or alteration will not meet the requirements of this Ordinance or will not be eligible for highway aids, no initial permit shall be granted. If changes occur following the construction and acceptance of the road which render the road ineligible for highway aids, the Town reserves any rights it has pursuant to law to revoke acceptance or abandon said road or alteration as a town road.

VII. Application:

Any owner of land upon which there shall be constructed, altered, or upgraded any road, intended to be offered, deeded, or dedicated in any way to the Town of Troy, shall make application in writing to the Town Board of the Town of Troy and shall submit to said Board a description of the proposed road or alteration, together with a scale drawing of same. Upon receipt of application and drawing, the Town Board or its designee will proceed to examine all aspects of the proposed road or alteration applied for and, if approved by the Town Board, the owner shall be given a permit to proceed, which permit shall be conditional upon final inspection and approval by the Town Board or its designee as hereinafter set forth. The Town Board or its designee shall have the right to supervise throughout the course of such construction or alteration.

VIII. **Standards:**

The following are the minimum standards for proposed construction, alteration, or upgrading of roads governed by this Ordinance.

1. **Standard Specifications:** Standard Specifications for road and bridge construction, as published by the Department of Transportation of the State of Wisconsin (2022 and as later amended) shall apply to all roads within the Town of Troy, except where specifically modified by this Ordinance and except as modified in the Typical Cross Section drawing attached hereto denoted "Exhibit A" the provisions of which are made a part of this Ordinance as if fully set forth herein and are requirements of this Ordinance as if herein detailed.
2. **Roadway Preparation:** After clearing, all areas of soft, yielding, or spongy subgrade shall be excavated and backfilled with suitable pit run gravel, or similar materials, so as to insure a stable foundation. The foundation (earth subgrade, subbase course or base course, as the case may be) shall be so prepared and constructed that it will have, as nearly as practicable, uniform density throughout. All topsoil and organic material shall be removed from the subgrade. The road subgrade shall be proofrolled with a minimum 55,000-pound load driven slowly over the area. Deflections greater than 3/4-inch shall be repaired.
3. **Gradient:** The minimum grade of any road shall not be less than one half of one per cent, nor in excess of ten (10%) per cent, except as otherwise approved by the Town Board.
4. **Drainage:** Storm water drainage facilities shall be constructed in accordance with the Walworth County Stormwater Standards. The roadway must be constructed with proper drainage provisions to provide for adequate conveyance of water. When it becomes necessary to make a lateral trench leading from the main drainage course, then the additional land necessary for the removal of accumulated water must be provided to the Town in a manner approved by the Town Attorney. Erosion controls shall be provided, and the Town Board may require additional measures to be taken when it is deemed necessary.
5. **Base Course:** Shall be a minimum of 10-inches thick constructed in a minimum of two lifts. Material shall be 1 1/4-inch Base Aggregate Dense conforming to WisDOT Standard Specifications Section 305. The road base course shall be proofrolled with a minimum 55,000-pound load driven slowly over the area. Deflections greater than 1/2-inch shall be repaired.
6. **Asphalt Binder Course:** Shall be a minimum of 2.25-inches thick HMA type 3 LT 58-28 S conforming to WisDOT Standard Specifications Section 460.

7. **Asphalt Surface Course:** Shall be a minimum of 1.75-inches thick HMA type 4 LT 58-28 S conforming to WisDOT Standard Specifications Section 460.
8. **Aggregate Shoulders:** Shall be a minimum of 2-feet wide and 4-inches thick, materials shall be 3/4-inch Base Aggregate Dense conforming to WisDOT Standard Specifications Section 305.
9. **Curves:** The minimum center line radius for any curve shall be at least 100 feet.
10. **Cul-De-Sac:** Shall have a minimum right of way radius of 100 feet and minimum surface course radius of 86 feet with three (3) foot gravel shoulders.
11. **Ditches:** All ditches shall be covered with a minimum of four (4) inches of salvaged topsoil to attain final grade and shall be either seeded or sodded to assure the prevention of erosion after construction. Additional erosion control measures may be required by the Town Board.
12. **Flooding:** No proposed town road which shall be subject to flooding or inundation shall be approved.
13. **Culvert:** All culverts must be reinforced concrete pipe or corrugated metal pipe with a minimum of 20 feet in length and a minimum of 15 inches in diameter with flares and grates on each end. All culverts must have 3/4 to 1 1/4-inch base aggregate dense gravel as pipe bedding and cover material.

IX. Final Inspection:

Upon completion of a proposed town road, the Town Board or its designee will proceed to make a final inspection which will include random sampling sites chosen by the Town Board or its designee to be performed by independent contractor and to be paid for by the contractor or owner before accepting or rejecting the road as the case may be. If the road is rejected, then corrections must be made as recommended by the Town Board or its designee before final inspection can be made again. If final acceptance is made either initially or after corrections, then the owner will convey to the Town Board, by sufficient and proper Warranty Deed, all land necessary and required by the terms of this Ordinance. The Town Board shall not accept any road unless the road has been fully completed and finally approved

X. Access to Roads and Driveway Construction:

1. **Approval Required:** No person shall access any public or town road other than upon a driveway which meets the specifications set forth in this Ordinance. No person shall construct or reconstruct or alter any driveway leading into a public highway or town road without first obtaining a driveway permit from the Town Board or its designee. Such permit shall require said person to adhere to the construction standards set forth hereinafter. "Driveway" as used in this section is defined as any access point from any parcel of land to or from a public highway or town road.

2. Specifications for Driveway Construction

a. **Driveway Culverts:** No construction equipment or materials may be used or deposited on any parcel of land within the Town if any town road may be adversely affected thereby without there first existing at the site a suitable driveway with suitable culverts constructed so as to permit ingress and egress from the town road of construction equipment, or for the purpose of delivery of materials. The Town Road Commissioner of the Town of Troy shall determine whether or not a culvert is necessary to be included. When such culvert is necessary to be included, it shall be determined by the Road Commissioner what minimum size such culvert shall be in order to comply with this section. Such driveway shall be so constructed as to protect the road edge of the town road or roads affected.

b. **Loading and Unloading Equipment and Materials:** Driveways constructed, or already existing driveways shall be utilized exclusively by all persons performing improvements or depositing materials upon land within the boundaries of the Town whenever any town road may be affected adversely thereby. No construction equipment, barring accident, may be loaded or unloaded on the traveled portion of any

town road. No construction equipment may be loaded or unloaded at a distance so close to the town road that the town road is affected adversely thereby.

- c. **Driveway Drainage:** All driveways shall be constructed so as not to drain surface or other waters onto the surface of any town road. Adequate drainage of surface waters must be taken into consideration when the driveways are constructed.
- d. **Width:** No driveway shall exceed 26 feet in width at the edge of the right-of-way.
- e. **Interference with Intermeations Prohibited:** At road intersections a driveway shall not provide direct ingress or egress to or from the road intersection area and shall not occupy areas of the roadway deemed necessary by the Town Board for effective traffic control or for highway signs or signals.
- f. **Interference with Road:** No driveway shall extend out into the road further than the near edge of the roadway and under no circumstances shall such driveway apron extend into the surface area. All driveway entrances shall be so constructed that they shall not interfere with the drainage of roads, side ditches, or roadside areas or with existing structures on the right-of-way. When required by the Town Board to provide for adequate surface water drainage along the road, the property owner shall provide any necessary culvert pipe at his expense.
- g. **Number of Access Points Limited:** The permittee shall be limited to the access point as designated by the Town Board after inspection of site and written approval of said site location and after approval of size, construction, and maintenance. The driveway shall be as near as possible at a right angle to the roadway and shall be so located that there is a minimum of 400 feet of sight distance along the road in each direction unless otherwise approved by the Town Board. The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway entrances. Side ditches and roadside areas shall be restored in a neat, workmanlike manner and shall be subject to the requirements of "ditches" defined at VIII. 10. Driveway surfaces shall connect with the road pavement in a neat, workmanlike manner.

XI. Penalty:

Any person or entity who fails to comply with the provisions of this Ordinance or any order of the Town Board or its designee issued in accordance with this Ordinance shall, upon conviction thereof, forfeit not less than \$10.00 or more than \$200.00 together with the cost of prosecution for each violation. In certain circumstances, where monetary penalty is not sufficient to protect the interest of the Town of Troy and thus provides no satisfactory remedy, injunctive relief together with the cost and reasonable attorneys' fee incurred in the obtaining of same shall be available against the violator. Each day a violation exists or continues shall constitute a separate offense and be subject to a separate penalty amount set forth herein.

XII. Rescind Prior Inconsistent Ordinances:

Upon the effective date of this Ordinance as hereinafter set forth, all prior Ordinances for the Town of Troy which govern the same subject matter governed by this Ordinance are, to the extent inconsistent with this Ordinance, rescinded and of no further force and effect.

XIII. Adoption and Effective Date:

This Ordinance shall be effective upon adoption and publication as provided by law.

Adopted this 13th day of October, 2022

Town of Troy

John Kendall
John Kendall, Town Chairman

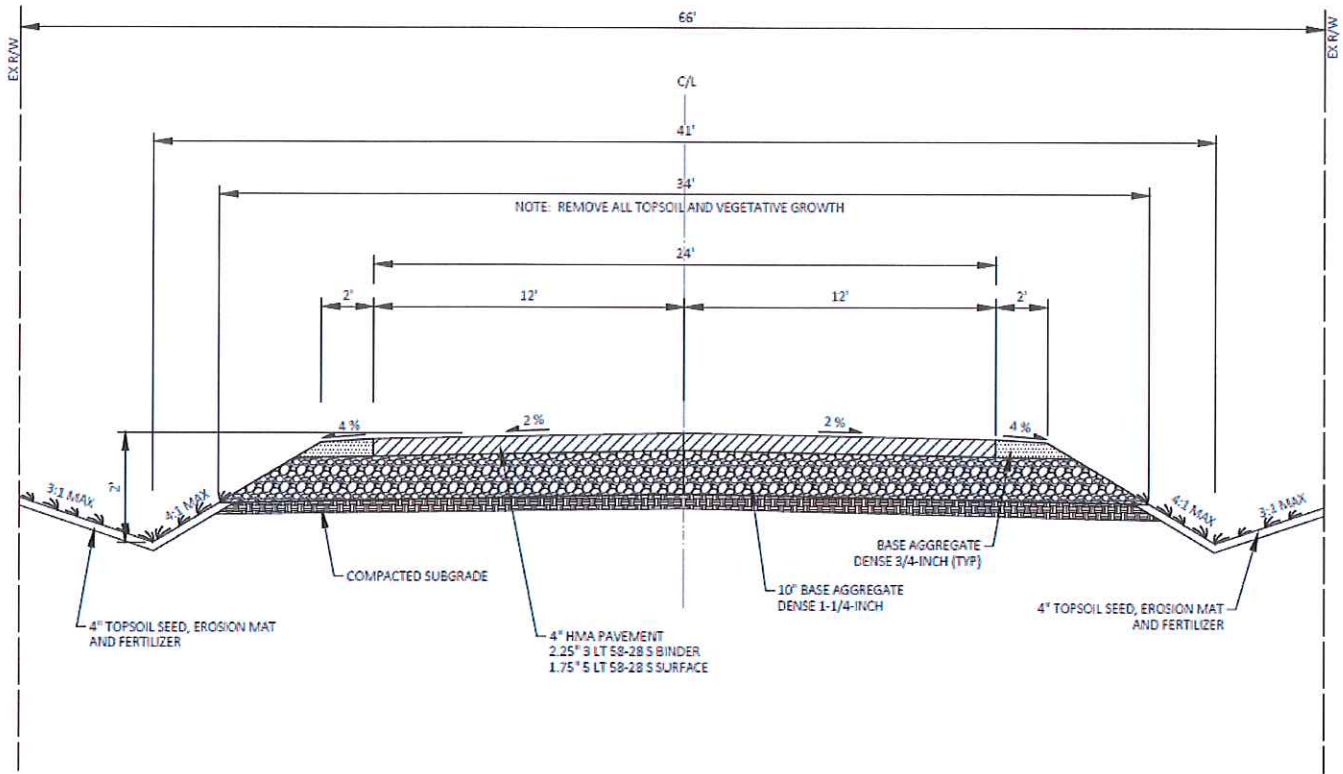
ATTEST:

Michael Ramps

Michael Ramps, Town Clerk / Treasurer

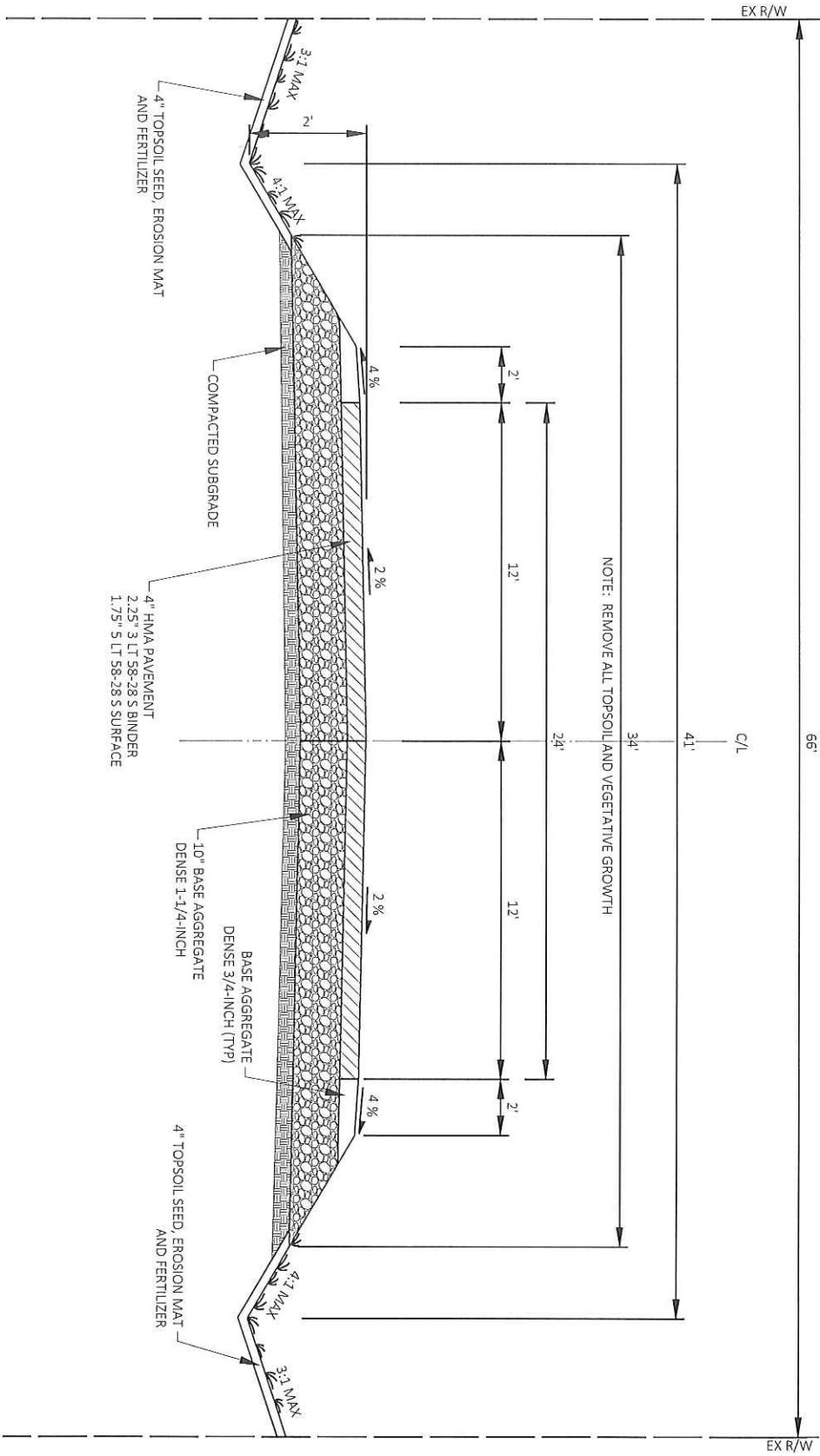
XIV. Exhibit A: Typical Cross Section:

EXHIBIT A



TYPICAL CROSS SECTION - 24' WIDE PAVEMENT
TOWN OF TROY

EXHIBIT A



**TYPICAL CROSS SECTION - 24' WIDE PAVEMENT
TOWN OF TROY**