

## Chapter 317

### STREETS AND SIDEWALKS

**[HISTORY: Adopted by the Town Board of the Town of Erin as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Land division and subdivision development — See Ch. 235.

#### ARTICLE I

##### Deposit of Snow on Roadway

**[Adopted 5-10-1982 by Ord. No. 82-2]**

##### **§ 317-1. Unlawful deposit of snow.**

It shall be unlawful to throw, leave or deposit, in the maintained portion of any Town roadway, snow which has been removed from property adjacent to such roadway.

##### **§ 317-2. Enforcement; responsibility for compliance.**

This article shall be enforceable against:

- A. Either or both the owner and/or occupant of the property adjacent to that portion of the highway in which snow is found in violation of § 317-1 hereof; and/or
- B. Either or both the owner or occupant of the property from which the snow, found in violation of § 317-1 hereof, was removed.

##### **§ 317-3. Violations and penalties.**

Any person, firm or corporation who shall be found guilty of violating any of the provisions of this article shall be required to pay a forfeiture of not less than \$50 for each offense, together with the cost of prosecution, and in default of payments of such forfeiture shall be imprisoned in the County Jail of Washington County, until such forfeiture and all costs, including subsequent costs, have been paid, but not for a greater period than 30 days.

#### ARTICLE II

##### Road Construction

**[Adopted 10-20-1983 by Ord. No. 83-5]**

##### **§ 317-4. Title.**

This article shall be known as the "Road Construction Code of the Town of Erin," and will be referred to hereinafter as "this code."

**§ 317-5. Purpose.**

The Town Board of the Town of Erin, Washington County, Wisconsin, hereby declares it is in the best interest of the public welfare, landowners and residents alike, that a prescribed procedure and requirements be established and set forth for the construction of roads in the Town of Erin, Washington County, Wisconsin.

**§ 317-6. Road construction proposal.**

- A. No person, firm, corporation or other entity shall commence to construct a road or private drive in the Town of Erin, which road the Town of Erin shall be expected to accept, until the requirements following shall be complied with:
- (1) A diagram showing the area to be serviced by the road (scale one inch equals 100 feet).
  - (2) Topography; contour interval two feet.
  - (3) Location of area by government lot, quarter section, etc.
  - (4) Width and length of proposed road.
  - (5) Proposed drainage.
  - (6) All drawings in triplicate and according to good engineering practice.
  - (7) Filing fees paid.

**§ 317-7. Construction requirements.**

The final approval of a road diagram shall not constitute the acceptance of the road by the Town of Erin. All roads shall be constructed in accordance with this code, and shall be in conformity with good road construction practices and shall meet the following requirements:

- A. All roads shall be graded, the roadbed surfaced, and the shoulders built in accordance with the Exhibit A appended to this article.<sup>1</sup>
- B. The minimum width of a road right-of-way shall be 66 feet. Cul-de-sac or roads which do not end at an intersection shall be constructed to the standards of Exhibit B at the end of this chapter. Culs-de-sac with a center planting circle shall be permitted only if conveyances covering lot properties bordering on the cul-de-sac carry a restrictive covenant that the owners of said lots shall, in common, maintain said center circle.
- C. Roads shall be surfaced as shown in Exhibit A.
- D. 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 surveyors stating that the streets conform to the grades as indicated on the profile

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<sup>1</sup>. Editor's Note: The Standard Cross Section is included at the end of this chapter.

maps which have been approved.

- E. When grading operations are completed on any Town street and prior to placement of any aggregate base, the Town Engineer shall be notified five working days in advance to inspect the roadbed and determine if the roadbed is ready for gravel with a proof roll of the subgrade.
- F. Streets shall be constructed as per typical street cross section for the Town of Erin, Exhibit A.
  - 1. For a typical Industrial Cross-Section, Exhibit A shall be revised and upgraded as follows:
    - a. 80ft. right-of-way required.
    - b. Asphalt binder shall be increased to two lifts of 2 ¼" E-1, 19mm.
    - c. The road shoulder shall be 5ft wide.
    - d. The paved road width shall be 30ft.
- G. Streets will not be accepted by the Town before May 1 or after November 1 except by permission of the Town Engineer.
- H. The Town Board shall have final acceptance of any Town street. Before final acceptance of any Town street, the owner or developer must furnish sufficient proof to the Town as the Town Board shall require that all costs for the street construction have been paid for by said owner or developer.
- I. The cost of all engineering work, street signs, culvert posts and guard rails, as required by the Town, shall be paid by the developer.
- J. The developer shall execute a letter of credit to the Town to be approved by the Town Attorney for the entire construction of the proposed roads and drainage facilities. The letter of credit shall include all construction along with all applications as required above and it shall be in an amount determined as adequate by the Town. This letter of credit shall remain in effect until approval of said roads has been given by the Town.
- K. The total right-of-way area outside of the gravel portion of the highway shall be graded, covered with topsoil and seeded; the Town Board shall reserve the right to require erosion matting to be installed on slopes and ditches.
- L. On street or road intersections where one street or road is 100 feet in width, a vision corner shall be created which shall be a triangle two sides of which (consisting of the intersecting road or street boundaries) shall be 60 feet and where both intersecting streets are less than 100 feet in width, the vision corner shall be a triangle two sides of which (consisting of the intersecting road or street boundaries) shall be 30 feet.
- M. No structure of any kind shall be permitted within a vision corner which exceeds a

height of 2-1/2 feet above the elevation of the intersection, except for necessary highway and traffic signs, public utility lines and open fences through which there is clear vision, nor shall any plant material be permitted which obscures safe vision of the approaches to the intersection. There shall be no plantings on the road right-of-way.

- N. All electric and telephone utility lines within a road right-of-way shall be installed underground and a map, showing the location of such lines, shall be filed with the Town Clerk. This provision shall be subject to or subordinate to other requirements of the Town concerning the method of installation and location of such lines, or the issuance of permits for such installations.
- O. All owners shall as part of the road construction install street signs giving the names of the streets and any abutting streets. Said street signs shall be of the type and quality of style of the road signs as established by the Town of Erin, and all letters shall be uniform with standards set by the Town of Erin. All street names shall be Irish. A list of Irish names available for use shall be available from the Town Clerk; however, owners shall not be limited to the suggested names. Safety signs shall be installed in accordance with state specifications.<sup>2</sup>
- P. Street grades. The grades of streets shall not exceed 10% unless approved by the Town Engineer.
- Q. Any requirements herein shall supersede any prior ordinances regarding Town roads.
- R. Culvert installation and roadway access. No person shall make any excavation or fill or install any culvert or make any other alteration in any Town highway or in any manner disturb any highway without an access permit
  - (1) Application.
    - (a) Every application for a permit for excavation or fill, installation of a culvert, or any other alteration in any Town highway shall be upon forms provided by the Zoning Administrator and shall be accompanied by with supporting data pertinent to review as may be required by the Town Board in the filing of the application. Any requests for a permit for excavation or fill, installation of a culvert or any other alteration on other than Town highways shall be obtained from the highway authority maintaining the highway.
  - (2) Limitations and standards.
    - (a) No access to a roadway shall be permitted within 100 feet of the

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

intersection of the right-of-way lines on an arterial street intersecting with another arterial street, or within 50 feet of the intersection of the right-of-way lines of any other street intersecting with an arterial street.

- (b) In acting upon applications for access permits the Town Board or its designee shall, giving due regard to road surfaces, topography, visual obstructions, road grades, speed limits, traffic patterns and the development of nearby areas, determine whether the proposed access location is consistent with public safety, sound planning principles and the logical extension of roads and public service.
- (3) Culvert size. All culverts, drain pipes, or other similar conduits placed on, in and along the public right-of-way of the Town road to provide private driveway access or for any other reason shall be of sufficient size and constructed in such manner and of such materials as to provide adequate provision for the flowage of water naturally accumulating or flowing along the ditches and rights-of-way of such roads. Such culverts shall not be less than 15 inches in diameter and shall be of sufficient length so as to prevent injury to persons or property in the use of the roadways or the entrances to or exits from the roadways over and across such culverts. The Town Board is vested with the authority to determine the size and length of the culvert required in excess of the minimums herein prescribed. End culvert pieces or sections, when required, shall be of the type designated by the Town Board.
- (4) All culverts shall be galvanized corrugated metal or reinforced concrete culverts of such dimensions as approved by the Town Board, which shall also approve their location. Endwalls at the ends of culverts shall be constructed of concrete or other suitable material, approved by the Town Board, to prevent erosion. Minimum of 15 inches diameter or larger may be specified at the discretion of the Town Board. [Amended 11-28-1983 by Ord. No. 83-7]
- (5) Driveway openings shall be separated by a minimum distance of 30 feet and shall be at least 15 feet from any lot line.
- (6) Where, due to particular circumstances, the Town Board determines that the culvert is not needed at the time of initial approval but may be needed at a future time, the Town Board may postpone the requirements for a culvert, provided that the property owner gives the Town, pursuant to § 66.0627, Wis. Stats., an acceptable waiver and consent for the imposition and collection of special charges related to the future installation of such culvert.<sup>3</sup>
- (7) Culvert installation. The Town shall provide and install each culvert placed in the right-of-way of a Town road. The culvert shall be installed in accordance with the access permit and with sufficient gravel placed thereon to afford safe ingress and egress prior to the use thereof. Any needed restoration shall be the responsibility of the property owner.

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (8) Repairs and replacement of existing culverts. The Town Board shall investigate existing culverts or other drainpipes placed within the right-of-way of the Town roads and, if it determines that an existing culvert is not properly maintained, has deteriorated or been damaged so as to impede the proper flowage of water, it may order the culvert to be repaired or to remove same and replace it with a culvert meeting the requirements of this chapter.
- (9). Road or right-of-way damage.
  - (a) The permit holder shall be liable for all damages to the road surface or any portion of the road right-of-way which may result from any ingress or egress of the culvert to the lot, or any portion of the right-of-way abutting the property described on the permit.
  - (b) If any culvert is installed or any excavation, fill or any other alteration is made in violation of this chapter, the highway may be restored to its former condition by the Town and cost of materials, labor, and equipment incurred by the Town shall be billed to the abutting property owner and, if not paid within 30 days, shall be a special assessment to be collected as a tax against the real estate property.
  - (c) All debris carried onto any Town highway shall be removed by the responsible party immediately or be subject to the provisions of § 86.07, Wis. Stats.
- (10). Culvert fees.
  - (a) Every application for an access permit shall be accompanied by a fee, as established by the Town Board in the Town Fee Schedule.
  - (b) Upon approval, the applicant shall pay a fee, as established by the Town Board in the Town Fee Schedule, for the normal installation of a fifteen-inch-by-twenty-four-foot culvert. An additional cost shall be assessed for all installations in excess of the minimum herein described.<sup>4</sup>
  - (c) The property owner shall pay the actual costs for the repair or replacement of an existing culvert as ordered by the Town Board.<sup>5</sup>

#### **§ 317-8. Acceptance of roads by Town.**

- A. The owner shall request inspection of roads as the construction work progresses. Inspection shall be done by the Town Board. Thereafter, the owner shall file a petition with the Town Board requesting acceptance of the road. The Town Board shall then request any additional information it deems necessary prior to acceptance

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<sup>4</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>5</sup>. Editor's Note: Original Sec. 1.46, Subsection I, Penalties, which previously followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now § 235-43, Violations and penalties.

of the road as a Town road.

- B. At the time of filing of the petition for the acceptance of the road, the owner shall deposit with the Town Clerk a sum of money based on \$0.75 per foot for the linear feet of the road or street to be accepted by the Town, said sum to be held by the Town to assure and guarantee the road that the Town is accepting. The said sum shall be held by the Town for a period of 12 months from the date of acceptance of the road or street by the Town, and the Town shall use such portions of the money deposited as the Town shall deem necessary to repair, maintain, and complete and correct any defects in the road and street during the twelve-month period. At the expiration of 12 months from the date of acceptance by the Town of the road or street, all unused money shall be returned to the depositor.
- C. All property owners requesting acceptance of roads by the Town shall deposit with the Town Clerk a sum of money sufficient to pay for the necessary road upgrade(s) to be done in accord with specifications established by the Town Board for such roads.
- D. No building permit shall be issued to an owner of a parcel of land until the road or street which provides access to the parcel has been dedicated to the Town, except as is provided in § 317-8 of this article.

**§ 317-9. Violations and penalties.** <sup>6</sup>

Any person, firm or corporation who shall be found guilty of violation of the provisions of this code shall be required to pay a forfeiture of not less than \$100 nor more than \$200, together with the cost of prosecution, and in default of payment of such forfeiture, shall be imprisoned in the County Jail of Washington County until such forfeiture and all costs including subsequent costs have been paid, but not for a period greater than 30 days.

ARTICLE III  
**Road Names and Address Numbers**  
[Adopted 1-16-2006 by Ord. No. 06-01]

**§ 317-10. Appropriate road signage on all roads.**

- A. A double-sided diamond grade reflective aluminum sign, with a point on the end opposite the post, shall be used. It shall be white, outlined in green. The Town logo shall be on the end closest to the pole. Road names shall be in green, in upper/lower case format. The north or west number shall also appear on the sign.
- B. The post shall be four-sided square green post with a pointed white cap.
- C. Private roads. The colors on the sign shall be reversed from public road signs. Additionally, a sign "private road" shall be affixed below and parallel to the road sign.

**§ 317-11. Public roads.**

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<sup>6</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

All public roads within the Town of Erin shall be named, have appropriate Town signage, and addresses consistent with that road name. All names shall be of Irish origin, and may be in the English or Gaelic language. Names must relate to Irish history, or be a current place or feature name on a map of the Republic of Ireland. All names shall be approved by the Town Board. The name shall not duplicate or be substantially similar to any road name already existing in the Town.

- A. Exception. If a new road will be a continuation of an existing road, it should receive the name of the existing road.
- B. Only one of the following suffixes per public road name shall be used: avenue, boulevard, circle, court, drive, lane, road, trail, way.
- C. The Town Board may assign road names to state and county highways within the Town.

**§ 317-12. Private driveways and roads.**

- A. A private driveway serves one to three lots, and shall not be named, unless there exists a private road built to Town specifications, is paved and has a sixty-six-foot right-of-way.
- B. A private road, regardless of right-of-way or specifications, serves four or more lots, and shall be named, have appropriate Town signage, and addresses consistent with that road name. All names shall be of Irish origin, and may be in the English or Gaelic language. Names must relate to Irish history, or be a current place or feature name on a map of the Republic of Ireland. The names shall be approved by the Town Board. The name shall not duplicate or be substantially similar to any road name already existing in the Town.
- C. Private road suffixes.
  - (1) Paved: same as public road.
  - (2) Nonpaved (gravel): grade.

**§ 317-13. Assignment of addresses.**

- A. Addresses will be assigned by the Road Foreman (or any substantially similar position), in consultation with the Town's Emergency Management Director.
  - (1) A predominately north/south road will be assigned all north/south numbers.
  - (2) A predominately east/west road will be assigned all east/west numbers.
  - (3) Addresses will be based on lot position/driveway entrance upon the road. They should sequentially follow the grid system.
  - (4) Only one number (west or north) will be assigned to each address.
  - (5) The letter abbreviation "N" or "W" will not be used as part of the address.
  - (6) The odd numbers will be reserved for the west and south sides of the road.

(7) The even numbers will be reserved for the east and north sides of the road.

- B. Grid coordinates are as follows: point of beginning: baseline east and south: The furthest easterly and southern point in the City of Milwaukee, Washington County, Wisconsin; where Washington, Waukesha, Milwaukee, and Ozaukee Counties intersect. West numbers are assigned from 5300 to 7700. North numbers are assigned from 100 to 2,500. There are no east or south numbers.

**§ 317-14. Nonconforming road names.**

At the adoption of this article, there are several nonconforming road names in the Town. The following non-Irish names are permitted:

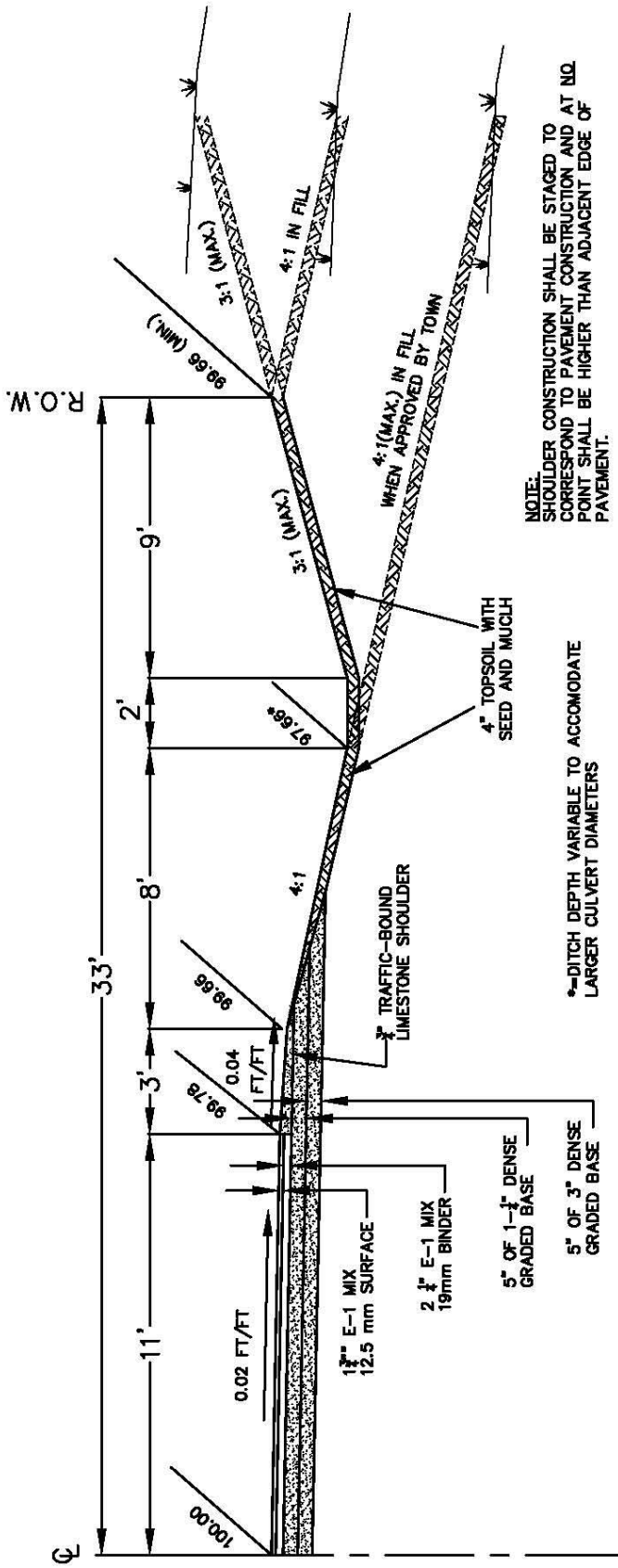
Carmel Road (private)  
Cemetery Lane (private)  
Clearwater Beach Road  
County Line Road  
Government Hill Road (private)  
Hall Road  
Heather Lane  
Hillview Road (private)  
Hogsback Road  
Holy Hill Road  
Log House Road  
Monches Road  
North Shore Drive (private)  
Pleasant Hill Road  
Powder Hill Road  
Roosevelt Road  
Roundstone Road (private)  
Schraufnagel Drive (private)  
St. Augustine Road  
Station Way Road (private)  
Taylor Road  
Washington Road

**§ 317-15. Name change procedure.**

- A. Petition signed by at least 90% of the residents living on the road must be presented to the Town Board. The Town Board may vote on a change at its discretion. The Town will not be responsible for any costs associated.
- B. Naming of an existing state or county trunk highway requires only Town Board action.
- C. The Town Board may change a name based on a vote of the Board.

**§ 317-16. Current road names.**

A list of current road names is on file with the Town Clerk.



**Subgrade Preparation:**

- Remove unstable material such as topsoil, unstable soils and peat.
- Bedrock to be excavated to a point at least 20 inches below finished grade of roads and 8 inches below ditch grades. Undrained pockets in the bedrock shall be drained before the base material is installed.
- The road ditches shall be constructed as per the typical street cross-section.

**Base Material:**

- The lower granular base course shall consist of 5 inches of compacted 3-inch crushed limestone. If additional stone is required (in the judgement of the Town Engineer) to stabilize the road, 2-inch clear limestone shall be added to undercut areas, with appropriate geo-fabric.
- The upper base course shall consist of 5 inches of compacted 1 1/4-inch crushed limestone. If additional stone is required in the judgment of the Town Engineer to stabilize the road, the same shall be furnished and installed to the satisfaction of the Town Engineer and staff before acceptance, at no cost to the Town.
- If gradation tests are determined by the Town Engineer or staff to be necessary for acceptance by the Town, such testing shall be done at the developer's expense.

**Road Surface:**

- A 2-1/4-inch thick bituminous concrete base (binder) course, Type E-1, 3/4-inch (19.0mm), or per the current edition of WisDOT specifications as published from time to time, shall be installed for residential use. The bituminous base course shall be increased to 3-1/2 inches for collector, arterial, commercial and industrial streets.
- A 1-3/4-inch thick bituminous concrete, Type E-1, 3/8-inch (9.5mm), per the current edition of WisDOT specifications, shall be installed as the surface course, subject to:
  - A minimum of one year following base course installation.
  - When authorized by the Town.
- The first shoulder application as shown on the Town's typical cross-section, shall consist of 3/4-inch crushed limestone. Four (4) inches of topsoil shall be placed on the outside of this first lift of stone shoulder application.
- The Town Engineer may require asphalt Types E-0.3, or E-3 depending on anticipated traffic.
- When the final lift of bituminous surface is installed, then the final shoulder application, as shown on the Town's typical cross-section, shall be applied and compacted. This material shall consist of 3/4-inch crushed limestone, T.B. material, or 1/2-inch reclaimed asphalt, if permitted by the Town.

**EXHIBIT "A"**  
**TOWN OF ERIN**  
**TYPICAL RURAL RESIDENTIAL CROSS SECTION**  
 NOT TO SCALE

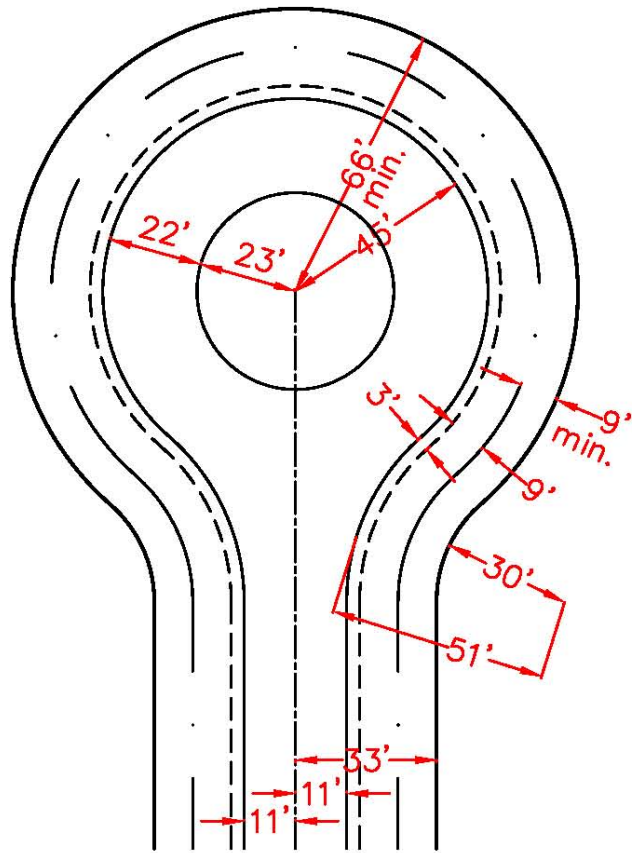


EXHIBIT "B"  
TOWN OF ERIN  
TYPICAL CUL DE SAC DETAIL  
AND SECTION

NOT TO SCALE