

ORDINANCE NO. 2011-01

TOWN ROAD ACCOMMODATION ORDINANCE

Whereas, the town regulates the use and occupancy of highways under Chapters 82 & 86 and section 182.017, Wis. Stats..

Whereas, the purpose of this ordinance is to prescribe the policies and procedures that shall be met by any utility whose facility currently occupies, or will occupy in the future, any Town Highway or bridge over which the Town has maintained jurisdiction; additionally, this ordinance shall also prescribe the policies and procedures that shall be met by any other persons or entities who propose to construct any other facilities, including manure storage and transportation facilities, wherein any component of such facilities will occupy any Town Highway or bridge over which the Town has maintained jurisdiction.

NOW THEREFORE, IT IS ORDAINED by the Town of Hartland Town Board:

1. **AUTHORITY.** This ordinance is adopted pursuant to Chapters 82 & 86 and sections 182.017(1r) & 182.017(9) Wis. Stats..
2. **APPLICABILITY OF PERMIT REQUIREMENT.** The permit requirement of Paragraph 3 of this ordinance shall apply whenever any utility, persons or entity proposes to place any component of any facility, including lines, cables, piping, and appurtenant implements of such facility, within the right-of-way of any Town Highway or upon any bridge over which the town has maintained jurisdiction; the provisions of this ordinance shall apply irrespective of whether such facility component is proposed to be installed above the ground or beneath the ground within the Town Highway right of way.
3. **PERMIT REQUIREMENT.** Any utility, persons or entity who propose to construct any facility, wherein any component of such facility will occupy any Town Highway or upon any bridge over which the Town has maintained jurisdiction, shall obtain a permit from the Town before any use or occupancy of the Town Highway is allowed.
4. **REQUIRED INFORMATION.** Applicants shall submit their requests for a permit to the Town Clerk. Each permit request shall contain adequate drawings showing the proposed location of facility components proposed to be placed within the Town Highway right-of-way or upon the bridge over which the town has maintained jurisdiction. The drawing details shall include dimensions of the proposed facility components in relation to the right-of-way lines and to the edge of the traveled way. Additionally, for any highway crossing, a cross-section detail in the drawing showing overhead clearance or depth of bury is required.
5. **TIME PERIOD FOR APPROVAL.** The Town shall approve or deny a permit application no later than 60 days after receipt of the application, and, if the Town fails to do so, the Town shall be considered to have approved the application and granted the permit. If a Town denies a permit application, the Town shall provide the applicant a written explanation of the reasons for the denial at the time that the Town denies the application.

6. STANDARDS FOR APPROVAL. Before approving any permit, the applicant shall demonstrate in their application submission to the satisfaction of the Town the following:

A. That such use and occupancy does not adversely affect the transportation function of the affected highway/bridge or materially impair their safety, operational, or visual quality of the same.

B. That such use and occupancy is not in conflict with the provisions of federal, state or local laws or regulations.

C. That such use and occupancy will not significantly increase the difficulty or future cost of highway construction or maintenance.

D. That such use and occupancy does not adversely affect the structural integrity of the affected highway/bridge.

7. ADDITIONAL CONDITIONS. It shall be the right of the Town to impose additional restrictions or requirements, supplementary to those stated within the applicant's permit application, where the Town deems the same necessary to meet the standards set forth in Paragraphs 6.A.-D. of this ordinance.

8. PERMIT FEE. The fee for each Town Road Accommodation permit shall be \$250.00 and this fee shall accompany the permit application. Payment of this fee is non-refundable in all respects, with no refunds being made to the applicant even if the application is ultimately withdrawn by the applicant or denied by the Town.

The foregoing ordinance was adopted at a regular meeting of the Town of Hartland Board held on 8-7-11

Introduced: Supervisor

[Signature]

Seconded: Supervisor

[Signature]

[Signature]

Robert Woldt Sr. - Chairman

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Attest:



Roy Brodhagen - Clerk

PUBLICATION DATE: 8-14-11

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Additional conditions

The following conditions and or requirements shall be incorporated as a part of the above referenced accommodation ordinance.

For piping required to pass within the right of way and or traversing below a Town Highway, permit applicants must, in accordance with the provisions of Paragraph F of the Town of Hartland Town Road Accommodation Ordinance, provide and/or perform the following conditions and /or requirements:

Applicants shall:

1. Provide complete drawings including
 - a. Plans,
 - b. Sections
 - c. Elevations
 - d. Materials specifications
 - e. Construction notes specific to their project
2. Drawings shall provide all information required to allow for a complete understanding of the project to the reviewer as well as all information required for the contractor to construct it. This shall include but not be limited to:
 - a. Location of piping run to include:
 - i. Geographic location per standard practice
 - ii. Depths of inlet and outlet for each straight run section of piping
 - iii. Location of all turns - both vertical and horizontal- with elevations
 - iv. Locations and details of all thrust blocks as required for force main piping
 - v. Maximum design working pressure of the force main system as applicable
 - b. Size(s) of proposed piping.
 - c. Materials specifications including ASTM testing requirements and minimum useable and ultimate strengths of each material to be used in the construction.
 - d. All applicable MSDS sheets for materials used during the construction, which will cause exposure to the public either during or at any time after the construction.
 - e. Signature and seal provided by a Professional Engineer, licensed in the State of Wisconsin, verifying compliance with all State of Wisconsin requirements for this construction.

Materials

1. Piping passing through the right of way of any Town Highways shall, at a minimum, be C900 PVC - SDR 11.
2. Piping passing directly under a Town Highway shall be HDPE piping.

3. HDPE piping shall be supplied with a stainless steel stiffener at all transitions from PVC to HDPE piping.
4. Concrete used in sealing, stabilizing or vertically or horizontally supporting any portion of the project shall have a minimum 28 day compressive strength of 3000 psi. Any concrete that is to be subject to subfreezing temperatures shall be air entrained to 5-7 percent air content.
5. Submittals for the substitution of "or equal" products must be submitted to the Town Board no later than one week prior to a regularly scheduled Town Board meeting. Approval of substitute materials must be received in writing from the Town Board prior to making any substitutions.

Performance

1. All piping below Town Highways shall be "directionally bored" using HDPE piping
2. All piping below road must be placed such that the top of the piping is a minimum of six (6) feet below the lowest portion of the roadway profile.
3. All piping below road right of way must be placed such that the top of the piping is a minimum of four (4) feet below the lowest portion of the roadway profile.
4. At the discretion of the Town Board, the minimum piping depth as listed above may be modified to deeper depths by the Town Board if consideration of future improvements deems it necessary.
5. All HDPE joints shall be fully welded.
6. The HDPE piping shall extend a minimum of five (5) feet on each side of the existing roadway.
7. Piping through the road right of way may be open trench installed provided backfill materials are placed and compacted in lifts of no more than 12 inches and to a level equal to or greater than 90 percent of the maximum dry density of the backfill material as established by the Modified Proctor Test.

Testing

1. All testing as prescribed below shall be contracted and paid for by the applicant.
2. All testing results shall be submitted to the Town Board for review and approval. Non approved test results shall require repair, rework, or replacement and retesting of the tested item to bring it into compliance.
3. All Piping system passing through any portion of the road right of way shall be hydrostatically tested. The pipe shall be filled and pressurized to a level equal to 1.5 times the maximum design pressure of the system. The pressure must be held for a minimum of 2 hours.
4. All concrete shall be tested at 7, 14, and 28 days. Additional testing for earlier release for use of the concrete may be performed at the discretion of the applicant.
5. Modified Proctor tests shall be performed on all distinct backfill materials.