

**Town of Hammond
St. Croix County**

**ROADS, DRIVEWAYS, EROSION AND SEDIMENT CONTROL AND RIGHT-
OF-WAY CONSTRUCTION ORDINANCE**

Revised and Restated

Ordinance Number 2021-02

Date Adopted March 8th 2021

The Town Board of the Town of Hammond, St. Croix County, Wisconsin ("Town") does ordain as follows:

Ordinance Amended.

Ordinance #2013-2, as further amended, is hereby amended and restated as follows:

Ordinance #2017-01, as further amended, is hereby amended and restated as follows:

ARTICLE I. Introduction

1. Purpose and costs.

A. Purpose. To create an orderly and convenient transportation system; to ensure quality construction, inspection and maintenance of public transportation infrastructure; to minimize negative impacts of traffic; to provide safe, affordable public access and efficient public roads; to prevent damage to public roads, graded ditches and driveways through proper drainage; and to adhere as closely as possible to the provisions of the Town Comprehensive Plan as it relates to roads and driveways, available on the Town website

B. Costs. All costs incurred by the Town in administering this Ordinance, including, but not limited to, inspections, engineering services and attorney services, shall be paid by (i) the Developer of all plats and subdivisions, or (ii) if on individual lots due to building construction, the person(s) who hold the driveway, building, right-of-way and/or erosion permits and, if unpaid by either, the owner of the property for which the permit was issued. Costs that are not paid when billed shall be certified on the property tax roll as a special charge under Wis. Stats. § 66.0627 against the property for which costs were incurred.

2. Authority, Jurisdiction and Requirements.

A. Authority. These regulations are adopted under the general police powers authority granted towns with village powers pursuant to §§ 60.10(2)(c), 60.22(3) and 61.34, Wis. Stats., and also pursuant to specific authority granted by §§ 86.07(2) and 66.0425, Wis. Stats., the Town Highway authority granted by Wisconsin Statute Ch. 82, and other applicable statutes and regulations.

B. Jurisdiction. This Ordinance applies to all zoning districts within the Town. Specific standards set forth by the Ordinance apply only to those segments located within the Town right-of-way. Roads, driveways, and other features located within Federal, State or County right-of-ways must obtain approvals from the proper regulating authority of those traveled road segments.

C. Requirements. All Developers, Permit Applicants and Contractors are required to review the Town's Developers Agreement and the Town's Building Code Ordinance for requirements needed to be a developer in the Town.

3. Interpretation.

A. For purpose of administering and enforcing this Ordinance, the terms or words used herein shall be interpreted as follows:

1. Words used in the present tense include the future tense, and words in the singular include the plural, and in the plural include the singular as necessary according to context.
2. The word "shall" is mandatory, not permissive.
3. All distances, unless otherwise specified, shall be measured horizontally.
4. All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.

4. Standard Specifications and Details.

A. Standards. The Town Board, in conjunction with the Town Engineer, use the State Standard Specifications and Details regarding the design of various required transportation improvements, including without limitation those set forth in this Ordinance. Said standard details are hereby adopted and incorporated herein, and are referred to herein as the Standard Specifications and Details. The current Standard Specifications and Details are kept on file in the office of the Town Clerk/Treasurer, and may be amended by the Town

Board by resolution from time to time without the necessity to amend any other provision, part or section of this Ordinance.

B. Construction. Construction shall be in accordance with the Standard Specifications and Details unless a specification is waived by the Town Board in a particular instance because of unique circumstances or if the Town Board specifically accepts a substitute specification as being equal or superior to the Standard Specifications and Details.

5. Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

ACCESS ROADS

Roads designed for low volumes which provide access from low-traffic-generating areas to collector systems. As the lowest-order road, the access road usually carries little through traffic and includes short roads and cul-de-sacs.

ARTERIAL ROADS

Roads which provide rapid speed and movement of high volumes of traffic between communities and activity centers and connect communities to major state and interstate highways.

BEST MANAGEMENT PRACTICE

Structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

BUILDING or BUILDINGS

Refers to any building/structure or buildings/structures constructed on the property.

COLLECTOR ROADS

Roads which provide moderate speed and movement of traffic between Arterial Roads and/or activity centers. A Collector Road's function is to promote the free flow of traffic and therefore should have limited private residential access. Collector Roads are basically local roads which, because of directness of routing and higher capacity, receive higher volume of traffic to be distributed from or collected toward nearby arterial roads.

DRIVEWAY

Access provided to a single lot only from the edge of the traveled road surface of a public road to a private building or to privately owned property that provides vehicular access from the traveled road surface through the property.

ENGINEERING STUDY

A study performed by a registered civil engineer describing and quantifying the analysis, design, costs and feasibility of a road project in the Town. Such study performed by an engineer other than the Town Engineer will be subject to review by the Town Engineer and approval by the Town Board.

EROSION

The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

EROSION AND SEDIMENT CONTROL PLAN

A written description and/or drawing of the number, location, size and other pertinent information of erosion and sediment control measures designed to meet the requirements of this Ordinance submitted by the Developer or applicant for review and approval by the Town.

EXISTING PRIVATE ACCESS ROADS

Those thoroughfares which provide access between a public road within the Town and two or more residences located within the Town. These existing private accesses are not maintained by the Town and are not part of the public system within the Town.

FIELD DRIVEWAY

An access to a field regularly used only for agricultural purposes or to access agricultural land.

LAND USER

Any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

LAND-DISTURBING CONSTRUCTION ACTIVITY

Any man-made change of the land surface, including removing vegetation cover, excavating, filling and grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens, harvesting of trees and landscaping modifications.

LANDOWNER

Any person holding title to or having an interest in land.

PREEXISTING DRIVEWAY

That which is in existence at the time of this Ordinance and serving one (1) or more properties. New development or redevelopment will require the existing driveway to meet the Town's standards pursuant to the Standard Specifications and Details.

RIGHT-OF-WAY (ROW)

Land dedicated to the Town for public road, utility and drainage use. Minimum right-of-way shall be thirty-three (33) feet from centerline of a Town road; however, it may be wider depending on circumstances.

ROADS

Roads within the Town which have been accepted by the Town as public roads and are maintained solely by the Town, and do not include Federal, State or County highways and Existing Private Access Roads.

RUNOFF

The rainfalls, snow melt or irrigation water flowing over the ground surface.

SECURITY

An irrevocable letter of credit, bond, or other cash deposit to be held by the Town for the costs and/or expenses incurred by the Town in connection with any damage as a result of any project under this Ordinance.

SEDIMENT

Settleable solid material that is transported by runoff, suspended with runoff or deposited by runoff away from its original location.

SITE

The entire area included in the legal description of the land on which the Land Disturbing Construction Activity is proposed in the permit application.

SUBCOLLECTOR ROADS

Roads which provide a connection between Access Roads and Collector Roads. A Subcollector Road provides frontage and access to residential and commercial lots but also carries some through traffic to Access Roads.

TEMPORARY DRIVEWAY

Driveway that is placed for a specific purpose, such as logging, but which must be removed at the end of the allocated time approved by the Town.

ARTICLE II. Roads

1. Setbacks.

- A. Pursuant to St. Croix County Zoning Ordinance Section 15.405.4 Access Management & Driveways.
- B. Setbacks: All setbacks shall be a minimum of fifty (50) feet from the right-of-way, except:
 1. Access, One-Way, Cul-de-sacs and Loop Roads in Conservation Design Developments shall be a minimum of thirty-five (35) feet from the right-of-way; and

2. Private Access Roads serving three (3) or more parcels shall be a minimum of eighty-three (83) feet from the right-of-way.

2. Existing Private Access Roads.

- A. Naming/numbering. Existing Private Access Roads are being named or numbered by the Town solely for the purpose of identification, and the naming of these private accesses does not mean that the Town will ever maintain the private accesses as Town roads at any time in the future. The Town does not maintain or accept any liability for said Existing Private Access Roads. The Town does not accept any new Private Access Roads. Existing Private Access Roads are “grandfathered” into this Ordinance.
- B. Owner’s expenses for maintenance. Owners of properties that are served by Existing Private Access Roads are encouraged to determine what expense the owner may be required to pay in order to maintain the private accesses according to the standards required by the Town. The Town does not guarantee that said access is passable for emergency vehicles but it is recommended that such private accesses meet the standards required by the Town.

3. Road and access standards.

A. Design objectives. All roads and road systems shall be designed by registered professional engineers licensed in the State of Wisconsin to meet the following objectives: to permit the safe, efficient and orderly movement of traffic; to meet the needs of the present and future population with a simple and logical pattern; to achieve a sustainable design maximizing the longevity of the infrastructure; to respect natural features and topography; and to present an attractive appearance.

B. Road engineering and erosion control plan. For all road construction by an entity other than the Town, an Erosion and Sediment Control Plan shall be submitted and reviewed by the Town and Town Engineer to assure compliance with this Ordinance. The Plan needs to be approved by the Town Board and St. Croix County prior to project commencement. A schedule of required construction and surfacing shall be submitted to the Town Board as Exhibit E in the Developers Agreement.

4. Collector, subcollector and access roadway specifications.

A. Design and construction standards. All roads serving more than two (2) lots shall be public roads designed and constructed to Town road standards. All roads shall be designed and constructed in accordance with the specifications stated in this Ordinance, including those shown in the Standard Specifications

and Details. Materials and construction methods used shall conform to the provisions set forth in the most current version of the Standard Specifications for Highway and Structure Construction, Wisconsin Department of Transportation and this Ordinance.

B. Road design. The design of roadways and driveways shall produce intersections, grades and other features satisfying the following standards:

(1) Roads at the perimeter of subdivisions shall extend to the subdivision border. Narrow strips of land between the road and the subdivision boundary shall not be permitted unless conditions under which the adjacent parcel can be connected to the road are established.

(2) Provisions shall be made for the extension of dead-end roads to the boundary of the subdivision if possible.

(3) The placement of gravel base of roadway, including driveways, site grading, erosion control and restoration shall be installed in a timely manner in accordance with the Town's Developers Agreement. Time extensions are not allowed without approval of the Town Board and formal amendment to the Developers Agreement.

(4) The base course of asphalt shall be placed in a timely manner in accordance with the Town's Developers Agreement. Generally speaking, the asphalt base course shall be installed during the same construction season as the gravel base. The base course will be one and one-half (1½) inches of compacted asphalt mix. Time extensions are not allowed without approval of the Town Board and formal amendment to the Developers Agreement.

(5) The wear course of asphalt will be one and one-half (1½) inches of compacted asphalt mix. The placement of the wear course of asphalt may be installed when the following criteria are met:

(a) A minimum of ninety (90) days has elapsed from the completion and approval of the base course asphalt.

(b) The roadway has experienced at least one (1) freeze-thaw cycle (fall to spring).

(c) The construction of the wear and base course of the roadway shall not be completed between October 15 and May 15 without prior approval of the Town Board.

(d) Development improvements shall be completed no later than eighteen (18) months after the approval of a signed Developers Agreement. Time

extensions are not allowed without approval of the Town Board and formal amendment of the Developers Agreement.

(6) Cul-de-sacs shall be designed and constructed as shown in the Standard Specifications and Details.

(7) All erosion control measures and devices must meet the standards of this Ordinance and as shown in the Standard Specifications and Details.

(8) Grading and earthmoving operations shall be scheduled to minimize Site disturbance during the period from November 1 to April 1, when revegetation of exposed ground is difficult.

(9) No more than two (2) roads shall intersect at one (1) point, and no offset intersections shall be allowed. The intersection angle shall not be less than 75°.

(10) In each quadrant of every public street intersection there shall be a visual clearance triangle pursuant to St. Croix County Zoning Ordinance Section 15.405.5 Access Management & Driveways, Intersection Visibility (Vision Triangle).

5. Inspections; dedication and certification; rights of Town.

A. Road inspection. Roads must be inspected by the appointed or contracted Town Board representative during the following designated phases of construction.

(1) At the start.

(2) During subgrade construction.

(3) During subbase construction and after subbase phase.

(4) During base construction and after final base phase.

(5) During asphalt and shouldering.

(6) Final inspection prior to Town Board approval for acceptance.

(7) The Town's inspection expenses shall be paid by the Developer or owner.

B. Dedication, certification and acceptance:

(1) The Town will only accept roads that comply with all the requirements of this Ordinance. Dedications shall be accomplished pursuant to the provisions of §§ 236.10(3) and 236.29, Wis. Stats.

(2) The Town will do a final visual inspection of the roadway prior to acceptance.

(3) A one (1) year maintenance guarantee agreement including providing Security to the Town, in a form and amount satisfactory to the Town based on the Town Engineer's estimate of potential repair costs, shall be in effect for all roadways constructed within the Town and will be required to assure the Town that the entire roadway, shoulder area and erosion control measures will not fail in any manner.

(4) The engineer under whose direction the approved plans were submitted shall supply the Town with a stamped and signed certification that the roadway has been constructed in substantial compliance with the approved plans and this Ordinance. The Town reserves the right to hire a separate engineering inspector for any phase of the roadway construction, with the expense to be paid by the Developer or Owner.

C. Road names. The Town reserves the right to name the public roads.

D. Rights of the Town.

(1) No construction shall begin until the preliminary plat for any subdivision has been approved by the Town at a regularly scheduled Town Board meeting.

(2) The Town Board maintains the rights to have the Developer or Owner redo any work that does not meet the specifications.

(3) The Town Board will not accept any work that has not complied with the inspection schedule as stated above in Section 5(A).

(4) If work has been completed without the necessary inspections, the Town Board maintains the right to hire an engineer, at the Developer or Owner's expense, to ensure the work completed thus far is satisfactory.

(5) If any work is not completed in the time frame or within the specifications of this Ordinance, the Town reserves the right to finish the construction at the expense of the Developer, using the Security. Any work not covered by the Security will be paid by the Developer or Owner.

ARTICLE III. Driveways

1. Requirements.

A. Driveway required. All buildings hereafter erected or moved into the Town and any other new building shall have driveway access to said building from a public road. Such driveway shall meet the requirements of this Ordinance.

B. Driveway modification. The Town Board reserves the right to make such changes, additions, repairs and/or relocations within statutory limits to the Driveway or its improvements on the right-of-way as may at any time be considered necessary to facilitate the relocations, reconstruction, widening and maintaining of the highway or to provide proper protection to life and property on or adjacent to the Town road.

C. Indemnity. The applicant, his/her/its successors and assignees, agree to hold harmless the Town and its duly appointed representative against any action for personal injury or property damage sustained by construction of the Driveway authorized by the Town permit.

D. Town maintenance. The Town does not assume any responsibility for repair or maintenance of any Driveway, including repair, maintenance or replacement of culverts in the road right-of-way. All such repairs, maintenance or replacement are the responsibility of each property owner.

E. Winter operations. The Town does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of windrows of such material, upon any portion of any Driveway along a Town road, even though snow, ice or sleet is deposited or windrowed on said Driveway by the Town's authorized representatives engaged in normal winter maintenance operations.

2. Permits; fees.

A. Driveway permit.

(1) A Driveway permit shall be obtained, and a copy issued to the applicant before commencement of any driveway construction in the Town. No Driveway permit shall be issued until a completed application has been made, including site plan and field marked with flags and/or stakes, and approved by the Town Building Inspector. Driveways that exit onto a County road or State highway need County or State approval.

(2) Field Driveways are exempt from the permit requirement unless they are being rebuilt to accommodate new construction of a building. Field Driveways need Town approval before being constructed.

(3) Any person prior to and at the time of seeking a Driveway permit must have a legal interest in the parcel for which the permit is being applied and the Owner's permission.

(4) Driveway Permits are valid for twenty-four (24) months from the date of approval. All approved construction must be completed before the permit expires or construction must stop until a new permit is obtained.

B. Fees. The fees for a Driveway permit shall be set by the Town Board and shall be payable at the time of application for the permit. The fee for a Driveway permit covers one (1) inspection for Driveway location and one (1) inspection for compliance with this Ordinance. Each additional inspection required due to failure to comply with this Ordinance will require prepayment of a fee to be set by the Town Building Inspector.

3. Specifications; inspections.

A. Specifications.

(1) St Croix County Ordinance 15.405.

(2) Specifications. All Driveways shall be designed and constructed as shown in the Standard Specifications and Details.

(3) All Driveways shall be designed and maintained by the owner(s) to not obstruct or impair drainage in ditches or roadside areas.

(4) All Driveways shall be designed and maintained by the owner(s) to prevent surface water drainage from the Driveway area to the roadway.

(5) All Driveways shall be designed to allow reasonable access by emergency vehicles. Based on standards recommended in the International Fire Code, every driveway should have twelve (12) feet of driving surface (if asphalt pavement is desired by owner), fifteen (15) feet of road base width, twenty (20) feet of horizontal clearance and fourteen (14) feet of vertical clearance to allow ingress and egress by emergency vehicles. Driveway owner(s) are responsible for trimming trees and bushes to maintain clearances for emergency vehicle access. A Field Driveway is exempt from this requirement.

(6) Driveway access openings for vehicular ingress and egress shall be sufficiently wider at the intersection with the road and within the right-of-way for safe turning movements and cover over a culvert, when needed. Driveway access openings shall have a minimum width of twenty (20) feet and a maximum width of twenty-four (24) feet at the right-of-way line and fifty (50) feet at road way surface.

(7) All Driveways shall be a minimum distance of ten (10) feet between the driveway and lot line as measured from the edge of driveway to the lot line and in the bulb of a cul-de-sac.

(8) Only one (1) Driveway per parcel is allowed.

(9) Driveway shall be constructed to maintain adequate sight distance at intersection with road. A clear, obstruction-free vision triangle of thirty (30) feet from the centerline shall be maintained on each side of the driveway. No building, fence, structure and/or vegetation preventing a line of sight through the triangle may be placed.

(10) Driveways shall be less than two percent (2%) slope within the right-of-way to maintain adequate line of sight and stopping distances. The Driveway surface shall initially follow the existing shoulder grade and shall slope away from the Town road.

(11) All Driveway construction must meet standards of this Ordinance and as shown in the Standard Specifications and Details.

(12) All culverts shall meet the following standards:

(a) The engineering design shall determine if a culvert is deemed necessary.

(b) Culverts outside the right-of-way may be necessary for proper drainage and safe emergency vehicle access.

(c) The culvert shall be installed and maintained by the property owner. Replacement of a damaged or worn culvert is the responsibility of the property owner.

(d) The culvert shall be of a size to provide proper drainage under the driveway entrance along the town road. Minimum culvert size shall be eighteen (18) inches in diameter with standard apron end walls.

(e) Minimum cover over the culvert shall be six (6) inches measured from the top of the pipe to the top of the crushed aggregate.

(f) Any disagreements regarding the need for a culvert or needed size of the culvert shall be referred to the Town Board for a final decision and determination.

(13) Erosion control measures shall be designed and constructed as shown in the Standard Specifications and Details.

(14) No retaining walls and embellishments of any kind including rocks, timbers or other similar treatments are permitted within the right-of-way.

B. Inspection and approval:

(1) The inspection and approval of any Driveway site shall be a prerequisite to the issuance of a Driveway permit. The location and complete and final construction of any Driveway shall be subject to the approval of the Town Building Inspector.

(2) Any Driveway authorized to be constructed by issuance of a permit under this Ordinance shall be constructed to specifications in this Ordinance and approved by the Town Building Inspector. The intent is to eliminate the tracking of mud, clay or other soils onto the asphalt surface and to prevent construction damage to the adjoining road surface and to provide adequate access for emergency vehicles.

(3) Any damage to Town roads due to the project shall be repaired by the Town and charged against the Security. Any unpaid balance remaining shall be paid by the applicant within thirty (30) days of a written invoice from the Town. Any amount not paid within that time frame shall be charged against the property and placed on the tax roll pursuant to § 66.0627, Wis. Stats.

4. Temporary Driveways.

A. Short-term events. A Temporary Driveway may be allowed to accommodate short-term events or activities such as parking or logging.

B. Applying for permit. The owner and also the applicant, if not the owner, must apply for a Temporary Driveway permit and approval from the Town Board.

C. Extension. A Temporary Driveway permit shall be issued until completion of the project for a maximum of six (6) months. An extension may be granted by the Town Board to accommodate weather or other reasonable delays caused by conditions outside of the owner's control.

D. Cash deposit. In addition to meeting all of the Driveway standards and specifications in Section 3 above, the owner or applicant shall provide a removal and repair cash deposit to be held by the Town. The deposit shall be an amount set by the Town Board up to ten thousand dollars (\$10,000.00) to cover the cost of the Temporary Driveway removal, re-grading, seeding, vegetation and associated administrative costs such as advertising and bidding.

E. Removal. Within thirty (30) days of the expiration of the Temporary Driveway permit, the Temporary Driveway and any culvert shall be immediately removed and the ditch and right-of-way graded and seeded to match the grade and cover prior to installation. Sufficient vegetation shall be established by the expiration of the Temporary Driveway permit. If not, additional restoration may be required. The Town's representative shall be contacted to inspect the restoration prior to any return of deposit.

F. Funds. Funds collected and in excess of actual costs needed to remove and restore the Town right-of-way shall be returned to the owner or applicant.

5. Road damage deposit.

The Town requires the Security to curtail road damage and costly repairs resulting from construction and other heavy equipment loading, unloading and using the Town roads as access to private properties during construction periods. Permits for driveway and/or building construction must be obtained prior to construction of any new dwellings and/or structures, additions to existing dwellings or any structures on the property. Pursuant to § 86.02, Wis. Stats., the Town is authorized to collect treble damages from any person who damages a Town roadway.

A. Security. The Security, as identified in the Town's fee schedule, shall be required with each Driveway, Temporary Driveway, and/or building permit issued for the construction of any structure (be it a driveway, dwelling, addition or accessory building) that may involve the use or travel of equipment or load factors which exceeds normal usage and may cause damage to Town road surfaces and shoulders.

B. Subcontractors. The permit holder shall be responsible for notifying subcontractors of this Article and shall be held responsible for the road damage, regardless of whoever may cause such damage, as long as the damage is caused by vehicles using the road to access property for construction related to the building or driveway permit.

C. Payment of damage. Any damage to Town roads due to the project shall be repaired by the Town and charged against the Security. Any unpaid balance remaining shall be paid by the applicant within thirty (30) days of written invoice from the Town. Any amount not paid within that time frame shall be charged against the property and placed on the tax roll pursuant to § 66.0627, Wis. Stats.

ARTICLE IV. Erosion, Sediment Control and Stormwater Management

1. Intent; purpose; applicability; authority.

A. Intent. The intent of this Article is to require erosion and sediment control practices that will reduce the amount of sediment and other pollutants leaving the construction sites during all Land-Disturbing Construction Activities, and to ensure appropriate stormwater management systems.

B. Purpose. It is the purpose of this Article to preserve the natural resources; protect the quality of the waters of the State and the Town; and protect and promote the health, safety and welfare of the people, to the extent practicable, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams and wetlands.

C. Applicability.

(1) This Article applies to, but is not limited to, the following Land-Disturbing Construction Activities, except as provided under Subsection C(2) below:

(a) A construction site requiring, ten thousand (10,000) square feet or more of Land-Disturbing Construction Activity.

(b) Activities involving grading, removal of protective ground cover or vegetation, excavation or land filling.

(c) Road construction and activities involving the laying, repairing, replacing or enlarging of an underground pipe or facility.

(2) This chapter does not apply to the following:

(a) Land-Disturbing Construction Activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Commerce under COMM 21.125 or COMM 50.115, Wis. Adm. Code.

(b) A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Chapter 40, Code of Federal Regulations, Part 122, for Land-Disturbing Construction Activity.

(c) Non-point discharges from agricultural facilities and practices.

(d) Non-point discharges from silviculture activities.

(e) Routine maintenance for project sites under five (5) acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(3) Notwithstanding the applicability requirements in Subsection C(1) above, this Ordinance applies to construction sites of any size that, in the opinion of the Town, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increase water pollution by scouring or the transportation of particulate matter or that endanger property or public safety.

D. Authority. The requirements of this Ordinance do not preempt more stringent erosion and sediment control and stormwater management requirements that may be imposed by any of the following:

(1) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under § 281.16, Wis. Stats.

(2) Targeted nonagricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under § NR 151.004, Wis. Adm. Code.

2. Erosion, sediment control measures and stormwater management.

A. Design criteria, standards and specifications of erosion and sediment control measures. All erosion and sediment control measures required to comply with this Article shall meet the design criteria, standards and specifications based on the following. If technical standards contained in the following documents conflict, the governing document shall be determined based on the order presented. Those technical standards with the highest priority shall prevail.

(1) Applicable design criteria, standards and specifications identified in the Wisconsin Construction Site Erosion and Sediment Control Standards.

(2) Applicable design criteria, standards and specifications identified by St. Croix County Land and Water Conservation Department.

(3) Applicable design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Subchapter V of Chapter NR 151, Wis. Adm. Code.

(4) Applicable design criteria, standards and specifications identified in the Wisconsin Department of Transportation Specifications and Facility Design Manuals.

(5) Applicable design criteria, standards and specifications identified by the Town Engineer.

B. Maintenance of erosion and sediment control measures. All erosion and sediment control measures necessary to meet the requirements of this Article shall be maintained by the applicant or subsequent landowner during the period of land disturbance in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

C. Site erosion and sediment control.

(1) Channelized runoff from adjacent areas passing through the construction site shall be diverted around disturbed areas, if practical. Otherwise, a sedimentation basin shall be constructed with a surface area of at least one percent (1%) of the area draining to the basin and at least three feet of depth. Sediment shall be removed periodically to maintain a depth of three feet. The basin discharge rate shall also be sufficiently low so as not to cause erosion along the discharge channel or the receiving water.

(2) Tracking of sediment onto a public or private road shall be removed by the end of each workday. Each site shall have graveled roads, drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Sediment not removed in a timely manner is subject to removal by the Town; the cost of such removal to be charged to the property owner.

(3) All activities on the Site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

(4) All disturbed ground left inactive for fourteen (14) or more days shall be stabilized by seeding and mulching or other equivalent control measures. The methods chosen to stabilize the soils shall be suitable enough so that they provide adequate protection of the soil until the time of vegetation establishment. Suitable conditions are considered as those that prevent rills on the soil surface and maintain sheet flow.

(5) Rip-rap pursuant to the Standard Specifications and Details shall be provided at the discharge points of all pipes flowing into surface waters within twenty-four (24) hours.

(6) Areas of concentrated flow discharging to surface waters or off-site property shall be stabilized within two hundred (200) feet of the surface water or off-site property within a period of twenty-four (24) hours.

(7) During roadway and driveway construction, silt fence, sediment logs, triangular silt dikes or equivalent control measures shall be placed along all sides of the Site.

D. Design criteria, standards and specifications of stormwater management. Stormwater management shall be submitted over the signature and seal of a registered professional engineer. The application materials shall require the registered professional engineer to commit control features shown on the approved plans, and to certify over the professional seal of the registered professional engineer that the "as built" conditions substantially conform with the approved plans. This certification shall not release the subdivider from the responsibility to construct in accordance with approved plans until Town inspections have been made, and approval of "as built" conditions has been given by the public agencies. If technical standards contained in the following documents conflict, the technical standards with the highest requirements shall prevail.

(1) Applicable design criteria, standards and specifications identified by St. Croix County ordinances.

(2) Applicable design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources.

(3) Applicable design criteria, standards and specifications identified in the Wisconsin Department of Transportation Specifications and Facility Design Manuals.

(4) Applicable design criteria, standards and specifications identified by the Town Engineer.

3. Permit and erosion, sediment control plan and stormwater management plan.

A. Prior approval. No construction shall commence without receiving prior approval of an Erosion and Sediment Control Plan and stormwater management plan for the construction activity and a permit from the Town and approval from St. Croix County Planning and Zoning Committee. An application for a permit shall be submitted along with an Erosion and Sediment Control Plan, stormwater management plan and application fee. If this construction is part of a plat or certified survey map, the application, plans,

and application fee must be submitted with the preliminary plat and certified survey map. By submitting an application, the applicant is authorizing the Town and its agents to enter the Site to obtain information required for the review of the Erosion and Sediment Control Plan.

B. Site management and control measures. Content of the Erosion and Sediment Control Plan and stormwater management plan shall consist of a Site map on a scale of at least one (1) inch equals one hundred (100) feet showing the Site and immediately adjacent areas; lakes, streams, wetlands and other watercourses and any floodplains and floodways; predominant soil types; vegetative cover; natural drainage patterns on and immediately adjacent to the Site; locations and dimensions of roads and driveways; Site topography at a contour interval not to exceed five (5) feet; Site construction plan, including locations and dimensions of all proposed Land-Disturbing Construction Activities, all temporary dirt stockpiles, all construction site management control measures necessary to meet the requirements of this Article, schedule of anticipated starting and completion dates of construction activity, including the installation of construction site control measures needed to meet the requirements of this Article and provisions for maintenance of the construction site control measures during construction.

C. Town review. Within forty-five (45) days of receipt of the application, Erosion and Sediment Control Plan, stormwater management plan and application fee, the Town shall review the application and plans to determine if the requirements of this Article are met. If the Town approves the plans, it will issue the permit. If the conditions are not met, the Town shall inform the applicant and may either request more information or disapprove the plan and not issue the permit.

D. Financial guaranty. Permits shall be valid for a period of time as approved by the Town. As a condition of the approval and issuance of the permit, and if St. Croix County is not the overseeing entity, the Town shall require the applicant to provide Security to guarantee a good faith execution of the approved control plan and any permit conditions in the amount of one hundred twenty percent (120%) of the cost of constructing the improvements of erosion and sediment control practices.

E. Stop-work order.

(1) The Town may post a stop work order if:

(a) Any Land-Disturbing Construction Activity regulated under this Article is being undertaken without a permit.

(b) The Erosion and Sediment Control Plan is not being implemented in a good faith manner.

(c) The conditions of the permit are not being met.

(2) If the applicant does not cease the activity or comply with the Erosion and Sediment Control Plan or permit conditions within ten (10) days, the Town may revoke the permit. Ten (10) days after posting a stop-work order, the Town may issue a notice of intent to the applicant of the Town's intent to perform the work necessary to comply with this Article. After fourteen (14) days from issuing the notice of intent, the Town may commence corrective measures, and the costs of the work performed by the Town shall be paid for by the Security.

F. Inspection. The applicant shall inspect, or cause to be inspected, the control measures within twenty-four (24) hours after each rain of one-half (½) inch or more which results in runoff during active construction periods. At least once each week, the applicant shall make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection and a description of the present phase of the construction of the site.

ARTICLE V. Rights-of-Way

1. Permit requirements.

A. Permits required. Except as otherwise provided in this Ordinance, no person may obstruct, construct or excavate in any Town right-of-way without first having obtained the appropriate right-of-way permit from the Town, or other applicable regulating authority, to do so.

(1) Excavation permit. An excavation permit is required by a registrant to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities therein, to the extent and for the duration specified therein.

(2) Obstruction permit. An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of the right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

B. Permit extensions. No person may excavate or obstruct the right-of-way beyond the date or dates specified on the permit unless a permit extension is granted before the expiration of the initial permit.

C. Permit display. Permits issued under this Ordinance shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the Town.

D. Standards. All construction and location of utilities must conform to the Standard Specifications and Details.

2. Patching and restoration.

A. Timing. The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the applicant or when work was prohibited as unseasonable or unreasonable.

B. Patch and restoration. The applicant must patch and restore its own work. The work consists of restoring the surface and subgrading portion of the right-of-way.

C. Standards. The applicant shall perform patching and restoration according to the standards and with the materials specified by the Town and shall comply with Wisconsin Construction Site Best Management Practices Handbook, which are adopted as a part of this Article.

D. Duty to correct defect. The applicant shall correct defects in patching or restoration performed by the applicant or its agents. Upon notification from the Town, the applicant shall correct all restoration work to the extent necessary, using the method required by the Town. All work shall be completed within five (5) calendar days of receipt of the notice from the Town, not including the days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable.

E. Failure to restore. If the applicant fails to restore the right-of-way in the manner and to the condition required by the Town, or fails to satisfactorily and timely complete all restoration required, the Town shall notify the applicant in writing of the specific alleged failures and shall allow the applicant ten (10) days from the receipt of said written notice to cure said failure or failures, unless otherwise extended by the Town designee. In the event the applicant fails to cure, the Town may, at its option, perform the necessary work, and the

permittee applicant shall pay to the Town, within thirty (30) days of billing, all costs to restore the right-of-way and inspection and engineering.

3. Rural Address Sign and mailboxes within right-of-way.

A. Rural Address Sign. Placement of a rural address sign within the town road right-of-way shall meet the following standards:

(1) Address signs/fire numbers shall be placed on the right side of the driveway, when facing the driveway from the road and at the edge of the right-of-way line.

(2) The address signs/fire numbers shall be kept clear of obstruction.

B. Mailbox and Newspaper Box Placement. See Town website for clarification. www.townofhammond.com.

Article VI. Waivers; Variances; Violations and Penalties; Severability

1. Waivers.

A. Hearing by Town Board. The Town Board shall hear requests for waivers from the literal provisions of this Ordinance in instances where strict enforcement would be impractical or unduly burdensome because, and only because, of circumstances unique to the individual property under consideration and only when it is demonstrated by the applicant that the waiver would be in keeping with the spirit and intent of this Ordinance.

B. Waiver considerations. In addition to the requirements above, in granting a waiver the Town Board shall consider all of the following findings:

(1) That the purpose of the waiver is not based exclusively upon a desire to increase the value of the income potential of the parcel of land.

(2) That granting of such waiver is necessary for the preservation and enjoyment of substantial property rights of the applicant and the alleged uniqueness or special circumstances have not been created by any person having an interest in the waiver.

(3) That granting of such waiver will not, under the circumstances of the particular case, materially adversely affect the health, safety or general welfare of persons residing or working in the neighborhood of the property and will not, under the circumstances of the particular case, be

materially detrimental to neighborhood aesthetics or injurious to the property or improvements of the neighborhood.

- (4) That the waiver cannot be based on a mere inconvenience, a financial hardship or a self-created hardship for the applicant if the strict letter of the regulation were carried out.
- (5) That a waiver shall provide only the minimum relief necessary to alleviate the hardship.

C. Waiver procedure. An application for a waiver shall follow the procedure below:

- (1) The Town Plan Commission and the Town Board shall receive the waiver application from the applicant at least fourteen (14) days before the Town Plan Commission meeting where the waiver application will be considered. The application shall be on a form available in the office of the Town Clerk/Treasurer and the submittals shall include all the appropriate documents.
- (2) Application materials shall be complete in order to allow the Town Clerk/Treasurer to publish the waiver proposal.
- (3) The application shall fully state all facts relied upon to support the waiver and shall include drawings, studies, plans or other information that will aid the Town Plan Commission and Town Board in reviewing the decision.
- (4) The Town Board shall review and approve or disapprove the application within sixty (60) days of receipt based on compliance with this chapter and any other relevant Town codes.

D. Decision on waiver. The decision by the Town Board regarding the waiver shall follow the procedure below.

- (1) The decision shall receive the appropriate signatures and attachments from the Town Clerk/Treasurer and be filed with the County Zoning Administrator.
- (2) A copy of the decisions shall be provided to the applicant.

2 Variance.

A. Basis for variance. Applicant must state specifically the basis for requesting the variance.

- B. Appealing denied approval. Applicant must state whether the appeal is from a decision of the Town Engineer, Building Inspector/Zoning Administrator, or decision of the Town Board.

The Town Engineer/Building Inspector/Zoning Administrator is to supply a letter with the application that clearly states the reason the applicant was originally denied approval. In addition, the Town Engineer/Building Inspector/Zoning Administrator is to supply specific dimensions and/or measurements of property needed for a variance.

(For example: "proposed garage would not meet easterly side yard setback on property of twenty-five (25) feet, proposed garage is shown fifteen (15) feet from property line, as shown on attached site plan" ... etc.)

- C. Relevant zoning code. Applicant must state from which item of the Zoning Code the variance is being requested.
- D. Necessity for variance. Applicant must state specific reasons for the request and be prepared to show evidence that the request should be approved by illustrating that a property could not be used if a variance is not granted or that granting of the variance would be a better use of the property than currently allowed by the Town's Ordinance.
- E. Witnesses. Applicant may provide witnesses to substantiate the request either in person or in writing.
- F. Maps. Applicant shall provide maps or pictures to the Town Board to illustrate the request.
- G. Additional materials. Applicant shall present pertinent materials to the Town Board who will ascertain if submittal materials are adequate. If so, the Town Board will schedule a hearing date approximately two (2) weeks from receipt of proper materials and information.
- H. Fees. A Special Meeting fee at the current extra meeting rate will be charged per Town Board member and Clerk/Treasurer for a Town Board hearing. The fee must be paid to the Town Clerk/Treasurer prior to the hearing. The current fee can be found on the Town website Fee Schedule.

3. Violations and penalties.

- A. Violations. No person, corporation or organization shall violate any provision of this Ordinance. Any person, corporation or organization who or which fails to comply with the provisions of this Ordinance shall forfeit the Town Board approved fee for the violation, plus the costs of prosecution for the violation.

B. Penalties. If the violation is not corrected within ten (10) working days of notice of violation, said person, corporation or organization shall forfeit the fee plus the costs of prosecution for the violation for each day a violation exists or continues. Each day shall constitute a separate offense. The Town may institute appropriate action or proceedings to enjoin any violation of this chapter or to require any person, corporation or organization to comply with this chapter.

4. Severability.

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

5. Effective Date.

This Ordinance shall replace and previous ordinances and be effective upon adoption and publication or posting, as provided by law.

Adopted by the Town Board this 8th day of March, 2021

Voted For 4 Voted Against 0 Not Voting 1

Signed: Paul Hueg
Town Chair

Attested: Andre Auel
Town Clerk/Treasurer

Date Published: mm/dd/yyyy 03-10-2021
Date Effective: mm/dd/yyyy 03-11-2021

Supervisors:
Kent Wynveen
Paulette Anderson
Bob Aune
Joe Miller