

# TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

## CHAPTER 08 - PUBLIC WORKS

### 08.01 DEFINITIONS

- (1) "Culvert" means any device for the drainage of water which is installed under or along, a highway or driveway within the town limits. A culvert may be constructed of metal, concrete or similar materials that meet the specifications of the Wisconsin department of transportation.
- (2) "Driveway or private road" has the meaning specified in s. 340.01(46), Stats.
- (3) "Highway" has the meaning specified in s. 340.01(22), Stats.
- (4) "Highway Superintendent" means the person designated by the town board, under s. 81.01, Stats.; having the duties specified in s. 81.03, Stats.
- (5) "Right-of-way" has the meaning specified in s. 340.01(51), Stats.
- (6) "Roadway" has the meaning specified in s. 340.01(54), Stats.; and may be applied to driveways and highways alike.
- (7) EFFECTIVE DATE
  - (a) The original ordinance was adopted on 21 Feb 1994.
  - (b) This section shall take effect upon passage and publication.

### 08.02 DRIVEWAY PERMITS

#### (1) APPROVAL REQUIRED

- (a) No person shall establish or construct a driveway, highway, or other access, from any parcel to any highway required to be maintained by the town; without first applying for, and receiving, a driveway permit from the highway superintendent.
- (b) As a condition of permit approval, the town shall require the applicant to provide the following:
  1. A permit fee, in an amount set by resolution of the town board, to reimburse the town for costs incurred by them in reviewing, inspecting, and monitoring such work.
  2. A deposit, in an amount to be set by resolution of the town board, to ensure proper construction, completion of work, and absence of damages to town rights-of-way. The deposit shall be in the form of: i) a bond from a surety company acceptable to the town; ii) cash; iii) certified or cashiers check. Upon completion of the work and inspection by the highway superintendent, the town shall refund the deposit in a timely manner, less any damage, repair, completion or excess inspection costs.
  3. When requested, a certificate of insurance naming the town as an insured and holding the town free from all liability by reason of injury to third persons or property, and to pay any and all damages and costs arising from such work.
- (c) The highway superintendent shall approve the location and specifications of the driveway following a review of the application and the on-site conditions; based on the Dane county driveway siting criteria in effect on the date of application.
- (d) The applicant may appeal the decision of the highway superintendent to the town board, at a regularly scheduled board meeting. The board shall make a final decision only after having viewed the on-site conditions, and hearing any testimony presented.

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(e) For any multiple access driveway there must be a common joint agreement between all property owners on the driveway stating that the cost of maintenance will be equitably shared by the property owners. The agreement must state that maintenance includes, but is not limited to plowing, tree trimming, drainage control, erosion and grading, and that if the property owners do not abide by the agreement, the town may provide services on an emergency basis with special charges assessed to each property owner. If such special assessments are not timely paid, then the special charges shall be added to the tax roll. Equipment fees will be determined at the current Dane County Highway Department's equipment rental rate and personnel costs will be according to the Town of Cottage Grove Highway Departments' personnel that are utilized.

### (2) SPECIFICATIONS

(a) Each driveway regardless of length, which serves a developed or undeveloped parcel within the town limits, shall have a culvert along the ditch-line, unless an alternate installation is approved by the highway superintendent.

1. The culvert shall be sized such, that it will adequately carry the expected storm water runoff; and shall be the equivalent of a circular pipe 15 inches or more in diameter;
2. Each culvert shall have a flared end-section, or a head-wall at both ends. Head-walls required by this section, shall be installed so that they do not create a traffic hazard, or interfere with the snow removal operations of the town;
3. Each culvert shall be 24 feet or more in length, unless the site conditions justify the highway superintendent to authorize an alternate length;

*NOTE: Due to the nature of the existing highway ditch-lines within the town, consideration should be given to installing an elliptical culvert pipe; to allow the driveway to meet the pavement without excessive rise in elevation, or the need for unnecessary grading along the ditch-line.*

(b) Each driveway which serves a dwelling, commercial building, agricultural building, swimming pool, garage or other outbuilding, which is more than 100 feet but less than 200 feet in length shall be constructed and maintained with:

1. A stabilized base of compacted rock, 6 inches or more in depth;
2. An all-weather roadway of compacted road gravel, asphalt or concrete, 2 inches or more in depth and 16 feet or more in width;
3. An area 8 feet or more from each side of the centerline of the driveway, and a full-width overhead clearance of 14 feet or more in height, free of encroachments, as described in s. 86.04, Stats.;
4. Adequate drainage, including side ditches as necessary; and
5. A grade of 12 percent or less.

(c) In addition to the requirements of (b), each driveway which serves a dwelling, commercial building, agricultural building, swimming pool, garage or other outbuilding, which is 200 feet or more in length shall be constructed and maintained in accordance with the design standards, as described in s. 86.26(1)(b), Stats., with the exception that the driveway need not be dedicated to the town. Driveways 200 feet or more in length shall have an area of 6 feet or more from each side of the edge of the driveway free of encroachments, as described in s. 86.04, Stats.

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(d) All costs of construction, including but not limited to: the cost of the culvert, flared end-sections or head-walls, and any grading and paving required, shall be the responsibility of the landowner of the parcel the driveway serves.

### (3) PENALTY FOR VIOLATION

(4) Violations of this ordinance shall be punishable as class B forfeitures, under s. TCG 25.04.

### (5) EFFECTIVE DATE

(a) The original ordinance was adopted on September 9, 1974 and last amended on November 4, 2013.

(b) For new construction, the provisions of (2) take effect upon passage and publication.

(c) Persons that have driveways which were constructed prior to 20 May 1996, shall have a period of up to one year from the date they are notified in writing of the passage of this ordinance, to comply with the provisions of (2).

(d) This section shall take effect upon passage and publication.

## 08.03 RIGHT OF WAY PERMITS

### (1) APPLICATION AND APPROVAL REQUIRED

(a) No person shall make any excavation or fill or install any culvert or make any other alteration in, under or through any town roadway or in any manner disturb any town right-of-way or bridge without applying for and receiving a permit from the highway superintendent.

(b) The highway superintendent shall review applications for right-of-way permits with the Town Board. Applications shall be made using a form approved by the highway superintendent and the Town Board. The application shall include Exhibit A Right-of-Way Fees, Deposits and Standards, a copy of which is attached hereto and incorporated by reference.

(c) The highway superintendent shall have the authority to approve the location and specifications of any alterations to town rights-of-way. Additional conditions shall be considered and may be incorporated in the right-of-way permit, as determined by the highway superintendent and/or Town Board.

(d) Where prudent or necessary, the town may require review and input from the town engineer. Fees associated with such review shall be paid by the applicant, as set forth in Exhibit A.

(e) As a condition of permit approval, the town shall require and the applicant shall provide the following:

1. Permit Fee. Payment of the permit fee(s) is required prior to commencement of work to reimburse the town for costs incurred by the town in reviewing, inspecting and monitoring work in town rights-of-way. Current fees and standards for such work are set forth on Exhibit A, which is attached hereto and incorporated by reference. The fee amounts set forth on Exhibit A may be amended by resolution of the Town Board.
2. Deposit. A deposit to ensure proper construction, completion of work, and absence of damages to town rights-of-way. The deposit shall be in the form of i) a bond from a surety company acceptable to the town; ii) cash; iii) certified or cashiers check. Upon completion of the work and inspection by the highway

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superintendent, the town shall refund the deposit in a timely manner, less any damage, repair, completion or excess inspection costs. The deposit amounts shall be determined on an application-by-application basis, as set forth on Exhibit A. The deposit amounts may be amended by resolution of the Town Board.

3. Insurance. A certificate of insurance naming the town as an insured and holding the town free from all liability by reason of injury to third persons or property, and to pay any and all damages and costs arising from work in the town right-of-way.

### **(2) DAMAGE TO TOWN RIGHT-OF-WAY; PENALTY FOR VIOLATION**

- (a) Any damage caused to town property and/or right-of-way due to any work done under a right-of-way permit is the responsibility of the permit holder.
- (b) Violations of this ordinance shall be punishable as Class C forfeitures, under s. TCG 25.04.

### **(3) EFFECTIVE DATE**

- (a) The original ordinance was adopted on 19 June 2000. The ordinance was amended on 2 May 2016.
- (b) The ordinance, as amended, shall take effect upon passage and publication as required by law.

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<b>EXHIBIT A</b>		
<b>TO TOWN OF COTTAGE GROVE ORDINANCE s. 8.03</b>		
<b>RIGHT-OF-WAY PERMIT FEES, DEPOSITS AND STANDARDS</b>		
CALCULATION OF PERMIT FEES:	QUANTITY @ \$ PER	AMOUNT
a. Permit to work in town road right-of-way	_____ @ \$55	\$ _____
b. Borings and trenching (small trenching projects)	_____ @ \$45 per boring / trenching	\$ _____
c. Open cut pavement	_____ @ \$220 per open cut	\$ _____
d. Trenching in excess of 1,320 feet (large trenching projects)	_____ @ \$110 X # of lineal feet/1,000	\$ _____
e. Construction of vault or other structure	_____ @ \$110 per vault/structure	\$ _____
f. Engineering fees for Town Engineer's review of nonstandard projects/circumstances	All fees incurred by Town; prepayment of estimate may be required	\$ _____
	<b>TOTAL FEES:</b>	\$ _____
DEPOSIT TO ASSURE PROPER CONSTRUCTION, COMPLETION AND ABSENCE OF DAMAGES (see TCG s. 08.03(1)(e)) Reasonable amount as set by highway superintendent and/or Town Board		\$ _____

**NOTES REGARDING FEES, DEPOSITS AND STANDARDS:**

1. **Permit to work in town right-of-way:** The fee in subsection a. above is required for all permits, and is to be paid per permit prior to commencement of work. Additional fees may be required as set forth in b. to f., and a deposit shall be required to assure completion of work to town standards.
2. **Borings and Trenching:** This fee applies to all borings, whether under the town roadway or parallel to the town road (such as a boring in the drainage ditch). The Town will need to review and monitor all boring and trenching to determine that the proposed location(s) are the best available locations in terms of the public interest in the project. The public interest includes issues such as impact on Town road structure, future drainage ditch cleaning and so forth.
3. **Open Cut Pavement:** This fee applies any time roadway pavement is impacted. If the opening is not large enough for a roller compactor to be used, then a Type II patch. The Type II patch requires a 7 inch thick / high early strength concrete layer beneath the asphalt. (Type II patch detail drawings are available from the Town.) If the Applicant wishes to use an alternate patch type, the alternate must be approved by the Town Engineer. The Applicant shall pay the costs incurred for the Town Engineer's review of patches other than the Type II patch.
4. **Construction of Vault or Other Structure:** This fee applies to all vaults or other structures placed in the right-of-way. It does not apply to utility pedestals that are not installed on a concrete base.
5. **Restoration:** Where open cuts occur or restoration is required, restoration of trench walls shall be sloped (rather than vertical) and trench compaction shall be as good as prior to disruption. The Applicant shall re-use native fill materials below the pavement to the full extent possible to avoid possible differential frost heave.
6. **Engineering fees:** Where Town Engineer review is needed, as requested by the Highway Superintendent and approved by either the Town Board or the Town Chairperson, the Applicant shall pay all such fees incurred within 30 days of the invoice to the Applicant. Prepayment may be required in an amount and as determined by the Town Clerk and/or Town Treasurer, following consultation with the Town Chairperson.

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### 08.04 HIGHWAY DEVELOPMENT

#### (1) APPLICATION PROCEDURE

(a) Any person intending to dedicate to the town any new highway, shall first notify the town board in writing of their intention. The board shall schedule an on-site inspection of the area of the proposed highway; between the town highway superintendent and the applicant. Following this site inspection, the highway superintendent shall make recommendations to the board at their next regularly scheduled board meeting; including an evaluation of the site distance at all intersections, expected increase in traffic flow, storm water runoff and erosion controls, the control of off-site tracking of soil and debris, and other pertinent construction details of the proposed highway.

(b) Applications for highway dedications shall be in accordance with ch. 80, Stats., and shall include a complete legal description of the parcel, a survey and scaled map showing the proposed highway location and elevations, and the land development of the area the highway would serve.

(c) All highways will be constructed in accordance with accepted engineering practices, as specified by the Dane county department of highways for the construction of county highways; and as specified by the Wisconsin department of transportation where appropriate. The town board shall make the final determination regarding which specification will apply to the proposed highway, when there is a conflict between the county and state specifications.

(d) The construction of the highway shall take into consideration the suitability and location of storm water runoff controls and adequate cross-road drainage, in accordance with the provisions of s. TCG 14.02; and any applicable county and state storm water runoff regulation in effect at the time of application. The stabilization of the gravel base course and the initial paving with hot-mix asphalt, shall be completed in accordance with a schedule established by the town board, following a review of any recommendation of the highway superintendent, as specified in (1)(a).

#### (2) EXPENSES AND BONDING

(a) All expenses related to the dedication of the highway, including but not limited to; purchase of land, site preparation and development, preparation of the required documentation specified in 2(b), and the initial application of hot-mix asphalt, shall be borne by the applicant at no cost to the town.

(b) All applications for highway dedications shall be accompanied by a release of damages from the landowner of the parcel over which the highway will be constructed. The applicant shall prepare all legal documents; including those necessary for filing and recording the dedication, and make them available to the town clerk for signatures, at no cost to the town.

(c) Prior to receiving approval of any plat, certified survey, or dedication of any highway, the applicant shall comply with any one of the following:

1. Complete the construction to the satisfaction of the highway superintendent and the town board.
2. Post a bond in an amount to be determined by the town board. The amount of the required bond shall not be for less than the total estimated cost of the project, including the initial hot-mix asphalt paving.
3. Deposit with the town treasurer, the amount specified in 3(c)2. All deposits received shall be in US currency, money order, or cashiers check payable to: the

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Town of Cottage Grove. An itemized receipt shall be provided for all monies received.

### (3) PENALTY FOR VIOLATION

(a) Any person who fails to apply with the requirements of this ordinance, shall be denied town board approval for their application for highway dedication, until such time as the applicant has fully complied with all the provisions of this ordinance.

(b) In addition to, and separate from any liability resulting from any negligent actions; violations of this ordinance shall be punishable as class C forfeitures, under s. TCG 25.04.

### (4) EFFECTIVE DATE

(a) The original ordinance was adopted on 7 May 1973.

(b) This section shall take effect upon passage and publication.

## 08.05 WINTER MAINTENANCE OF PUBLIC AREAS

### (1) PURPOSE AND SCOPE

(a) The purpose of this section is to establish acceptable procedures and guidelines for the winter maintenance, including snow and ice control, of public areas within the town limits; and to provide a uniform understanding of the priorities used to prepare these procedures.

(b) The town intends to keep all town highways in an "open" condition for emergency vehicle traffic, and to maintain adequate traction for pedestrians and vehicles properly equipped for winter driving conditions where ever possible. This does not mean that bare, dry pavement should be expected immediately after each winter storm.

(c) The timing of a storm will influence the scheduling of the removal of accumulations of snow and the controlling of icing conditions. Additionally, each winter storm has its own unique characteristics, including but not limited to: storm intensity, duration, wind velocity, temperature, and moisture content; that can effect the scheduling of maintenance operations.

(d) The concern for public safety and welfare, necessitates that priority be given to some highways over others. In order to provide efficient maintenance operations, it may be required that the highway department partially complete the snow removal and ice control operations in one area, so that they can reach an area of higher priority. The priorities for winter maintenance operations shall be determined by the highway superintendent, and reviewed annually by the town board during the month of November.

### (2) SNOW REMOVAL OPERATIONS

(a) The removal of snow accumulations shall be accomplished through the use of equipment designed and operated to perform the work as economically as possible.

(b) Initial snow removal should be performed by the patrol trucks as soon as the storm and driving conditions warrant safe operations. Plowing and salting operations should be coordinated depending on the nature of the storm. Salt may supplement the effective removal of the snow by the plows.

(c) Heavy equipment, including front end loaders and motor graders, should be utilized when the snow accumulation, or excessive drifting, or both, preclude satisfactory removal by the patrol trucks. All such heavy equipment, owned or contracted by the town, shall only be used on the highway when equipped in accordance with the applicable provisions of ch. TRANS 347.

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(d) Clean-up, including but not limited to: shoulder-to-shoulder cul-de-sac plowing, snow removal from any overpass or bridge, removal of snow embankments which limit sight distances, shall be accomplished as soon as possible following the end of the storm and the priority plowing operations.

(e) Two-way traffic shall be maintained when ever possible during the duration of the storm. If lane closures become necessary due to storm intensity or lack of visibility, the closed areas shall be posted if possible, to warn oncoming traffic, and two-way traffic shall be re-established as soon as practical following the storm.

(f) Generally, a light accumulation of snow of up to 3 inches, on the highway shoulders is acceptable and will not be removed. Should the accumulation reach a depth or consistency that creates a hazard to stray vehicles, or to the rural postal carriers, it should be removed. A false shoulder should not be created when removing this accumulation. It may be necessary to maintain a ridge, or bench at the edge of the graveled shoulder. Winging and benching operations should be restricted to areas where there is a history of lane or highway closures due to drifting.

(g) Replacement or repair of any mailbox, or mailbox support, or both, damaged as a result of being hit by town authorized snow removal equipment will be the responsibility of the town provided the mailbox is constructed, installed, and maintained in compliance with TCG 12.045 Regulation of Mailbox Installation. All claims for replacement or repair shall be submitted to the town clerk within 30 days from the date of the incident.

### (3) ICE CONTROL OPERATIONS

(a) Sanding and salting of highways shall be done only when alternative control methods are not effective; as determined by the highway superintendent.

(b) The use of calcium chloride, or sodium chloride, may have adverse effects on the environment; and may not be effective under certain temperature and sunlight conditions. Accordingly, the use of such chemicals shall be limited to those areas, and at those times specified by the highway superintendent.

### (4) SPECIALIZED PLOWING OPERATIONS

(a) Plowing of private driveways is considered specialized plowing, and will only be done on a per-call basis; following the completion of clearing and clean-up operations described in 2(a-f) and 3(a,b), and after all required equipment maintenance and repair is complete.

(b) All requests for specialized plowing shall be made to the highway superintendent. At no time will the town engage in any contract plowing with any person, or organization.

(c) A fee in the amount specified in s. TCG 07.02(8), shall be established to cover all costs incurred, including wages.

(d) The highway superintendent may provide specialized plowing services in response to a emergency request by the fire department, police department, or EMS service at any time; without charge.

### (5) EFFECTIVE DATE

(a) The original snow plowing policy was adopted on 1 Feb 1988.

(b) This section shall take effect upon passage and publication.

## 08.06 REGULATION OF PRIVATE SNOW REMOVAL

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### (1) REGULATED ACTIONS

No person shall allow snow, or ice, or both, which is removed from private property, to be deposited in any highway or right-of-way within the town limits, in an amount that creates a traffic or safety hazard without immediately removing the accumulation from the highway or right-of-way. This prohibition includes, but is not limited to the following, without exception:

- (a) Pushing, or carrying snow or ice onto the traveled portion of a highway, by either mechanical or manual methods;
- (b) Blowing or throwing of snow or ice onto the traveled portion of a highway; or
- (c) Blowing, pushing, carrying or throwing of snow or ice into the public right-of-way, including ditches, culverts or drainageways in the right-of-way.

### (2) PENALTY FOR VIOLATION

Violations of this ordinance shall be punishable as class B forfeitures, under s. TCG 25.04.

### (3) EFFECTIVE DATE

- (a) The original ordinance was adopted on 1 Feb 1988.
- (b) This section shall take effect upon passage and publication.

## 08.07 MISCELLANEOUS HIGHWAY PROVISIONS

(1) The following statutory references, following the prefix "08", are hereby adopted as offenses under this ordinance; with the exception of any penalty provision. Municipal penalties are limited to those specified in (2).

- 08-86.01 Materials left in highway; penalties.
- 08-86.02 Injury to highway.
- 08-86.021(1) Highways, cultivation of; injury by farm machinery.
- 08-86.022 Obstructing highway with embankment or ditch.
- 08-86.025 Camping on highways.
- 08-86.03 Trees on and adjacent to highway.
- 08-86.04 Highway encroachments 1,2,3.
- 08-86.05 Entrances to highways restored.
- 08-86.06 Highways closed to travel; penalties.
- 08-86.07 Digging in highways or using bridges for advertising.
- 08-86.14 Strength of bridges.
- 08-86.16(2-4) Utility lines on highways; place of poles; penalty.
- 08-86.17 Taking water from highway streams.
- 08-86.19(1-4) Highway signs, regulation, prohibition.
- 08-86.191 Advertising in highways prohibited, where.
- 08-86.192(1-2) Penalty for injuring guide board, markers, etc.

NOTES: <sup>1</sup> For purposes of this ordinance, the referenced 30 day "grace period" shall be replaced with a 5 day period.

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<sup>2</sup> *A mailbox or newspaper box that meets the provisions of s. TCG 08.04(2)(g), shall not be considered an encroachment. Examples of encroachments include, but are not limited to: boulders; brick or other masonry structures; farm implements; fences; headwalls; pipes, poles, or posts; and shrubbery or trees.*

<sup>3</sup> *For purposes of this ordinance, an encroachment which existed as of 12 Nov 1994, which does not interfere with the maintenance of a highway, or create a recognized traffic hazard to persons, vehicles, or both, in the roadway portion of any highway or driveway which serves a dwelling, commercial building, agricultural building, swimming pool, garage or other outbuilding within the town limits; shall be allowed to remain until such time as it is determined to interfere with the maintenance of the highway, or constitutes a recognized traffic hazard, by the town board. Examples of recognized traffic hazards include, but are not limited to: anything that limits the sight-distance at a highway intersection and anything that projects onto, or over the roadway.*

### (2) PENALTY FOR VIOLATION

In addition to, and separate from, any penalty specified in any applicable state statute; violations of this ordinance shall be punishable as class C forfeitures, under s. TCG 25.04.

### (3) EFFECTIVE DATE

- (a) The original ordinance was adopted on 12 Nov 1994.
- (b) This section shall take effect upon passage and publication.

## **08.08 DAMAGE TO ROAD NAME AND BUILDING NUMBER SIGNS**

(1) It shall be unlawful for any person to willfully disturb, remove, deface or damage any road name or building number sign erected or maintained under the provisions of Chapter 76 “Naming Roads and Numbering Buildings” of the Dane County Code of Ordinances. Any person violating this ordinance shall be subject to a Class C forfeiture under TCG 25.04(1)(b).

(2) Any person who accidentally disturbs, removes, defaces, or damages any sign erected or maintained under the provisions of Chapter 76 “Naming Roads and Numbering Buildings” of the Dane County Code of Ordinances, or the owner of any land whose sign is disturbed, removed, defaced or damaged shall immediately report the same to the Town of Cottage Grove Department of Public Works. Willful failure to report such disturbance, removal, or damage shall be a violation of this ordinance and shall be subject to a Class B forfeiture under TCG 25.04(1)(b).

(3) The owner of the land on which a building number sign required under the provisions of Chapter 76 “Naming Roads and Numbering Buildings” of the Dane County Code of Ordinances is located shall be responsible for the installation and maintenance of the rural numbering system components in the manner required by Chapter 76 “Naming Roads and Numbering Buildings” of the Dane County Code of Ordinances.

## **08.09 REGULATIONS APPLICABLE TO AGRICULTURAL COMMERCIAL VEHICLES AND IMPLEMENTS OF HUSBANDRY**

(1) DEFINITIONS. As used in this Ordinance, the following terms have the following meaning:

- (a) “Agricultural Commercial Vehicle” shall have the meaning given in Sec. 340.01(1o).
- (b) “Implement of Husbandry” shall have the meaning given in Sec. 340.01(24).

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- (c) “Maintaining authority” shall mean the Town.
- (d) “Town Agent” means the Town officer or employee who has been designated by the Town Board to process applications, issue permits and pursue enforcement of violations on behalf of the Town.

### (2) PROHIBITION.

It shall be unlawful and a violation of this ordinance for any person, without a permit therefor, to operate an implement of husbandry, including a Category B implement of husbandry, or an agricultural commercial vehicle on any Town road under the jurisdiction of the Town which exceeds the length and/or weight limits imposed by s. 348.15(3)(g), Wis. Stats.

### (3) ADMINISTRATION.

(a) This Ordinance is adopted under the authority of s. 348.27(19)(b)5a, Wis. Stats. and Trans 230 of the Wisconsin Administrative Code.

(b) Applications for permits shall be made to the Town at the Town Hall, 4058 County Road N, Cottage Grove, WI 53527. Only applications containing all required information shall be processed.

(c) No fee shall be charged for issuance of a permit.

(d) Review. Upon receiving an application for a permit under this section, the Town Agent shall provide the applicant with a final decision on the application within three (3) weeks of its receipt. If the Town Agent fails to approve or deny the application during this 3-week period, the application is considered approved until the applicant receives a denial meeting the requirement of subsection (6) or until six (6) weeks from receipt of the application. If the Town Agent fails to approve or deny the application within 6 weeks of its receipt, the application is approved.

(e) Amendment. Any person to whom a permit has been issued under this section may, at any time, apply for an amendment to the permit to reflect a change in the applicant’s circumstances or information, including a change in the listing or map of highways to be traveled. Upon receiving an application for amendment, the Town Agent shall provide the applicant with a decision on the application within five (5) business days of its receipt. If the Town Agent fails to approve or deny the application within the 5-day period, the application is considered approved until the applicant receives a denial under subsection (6) or until 10 business days from receipt of the application. If the Town Agent fails to approve or deny the application within 10 business days of its receipt, the application is approved.

(f) Denial of permit. If the Town Agent denies a permit application it shall notify the applicant in writing of the denial and the notice shall include a reasonable and structurally based explanation of the denial that relates to the preservation of the roadway. If the only basis to deny the application is the listing or map of highways accompanying the application, the Town Agent shall modify the application to include an approved alternate route or map of highways for operation and approve the application.

(g) Permit renewal. Permits issued under this section shall automatically renew each year unless there is a material change to any roadway for which the permit applies. Permit holders shall be notified in writing of a non-renewal.

(h) Suspension/Revocation of Permit. Alteration of a permit, providing false information on the permit application or failure to comply with the conditions of a permit shall be just cause for suspension of a permit upon verbal or written notice or revocation of a permit upon notice and an

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opportunity for a hearing.

(i) Appeal. Any person aggrieved by an adverse determination by the Town Agent under this section, shall file a written request for appeal with the Town Board within 30 days of the date of the adverse decision.

### (4) ENFORCEMENT.

Failure to obtain a permit or to have permit in possession shall constitute a violation. The Town Agent may, upon receipt of a complaint or observation of a violation, commence appropriate procedures to enforce this Ordinance. The Town hereby authorizes enforcement by the Dane County Sheriff's Department or any other law enforcement officer or agency designated by the Town Board.

### (5) PENALTIES.

(a) If weight exceeds by 1,000 pounds or less – forfeiture of not less than \$50 and not more than \$100 upon first conviction and upon the 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$200.

(b) If weight exceeds by more than 1,000 pounds:

1. For the first conviction, a forfeiture of not less than \$50 nor more than \$200 plus an amount equal to whichever of the following applies:
  - a. One cent for each pound of total excess load when the total excess is not over 2,000 pounds.
  - b. Three cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
  - c. Five cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.
  - d. Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
  - e. Fifteen cents for each pound of total excess load if the excess is over 5,000 100 pounds.
2. For the 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$300, plus an amount equal to whichever of the following applies:
  - a. Two cents for each pound of total excess load when the total excess is not over 2,000 pounds.
  - b. Five cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
  - c. Eight cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds.
  - d. Twelve cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
  - e. Eighteen cents for each pound of total excess load if the excess is over 5,000 pounds.

### (6) NON-CODE PROVISION:

## CHAPTER 08 - PUBLIC WORKS

**TOWN OF COTTAGE GROVE - CODE OF ORDINANCES**

(a) The effective date of this original ordinance was January 15, 2015, with an amendment adopted on May 4, 2015.