

PUBLIC WORKS

13.01 CONNECTION OF STREET NOT IN THE TOWN OF NEENAH

- (1) **Permit Required.** No private or public street, avenue, highway, road, or other public right-of-way which serves any residential, commercial, or other development on property which does not lie within the geographic boundary of the Town of Neenah may connect or gain direct access to any street, avenue, highway, road, or other public right-of-way which is under the jurisdiction of the Town of Neenah without first obtaining an access permit under this Section.
- (2) **Permit Application.** Any application for an access permit required under Subsection (1) above shall be made to the Town of Neenah Clerk on a form furnished by the Clerk and shall include the following:
 - (a) Names and addresses of the applicant owners of the development site, architect, professional engineer, contractor, and all opposite and abutting owners of record.
 - (b) Description of the proposed access.
 - (c) Any additional information the Town Plan Commission may require, such as the anticipated traffic flow or the type of vehicular traffic.
 - (d) A receipt from the Town Clerk indicating payment of the access permit fee. Said fee is listed in the Town of Neenah Fee Schedule.
- (3) **Procedure**
 - (a) There shall be a public hearing regarding the application for an access permit. The Town Plan Commission shall fix a reasonable time and place for a public hearing and shall give due notice by a Class 2 Notice, pursuant to Wis. Stats. Chap. 985, and shall give notice to all property owners in the Town of Neenah within 500 feet of the proposed point of access. Owners within 500 feet shall be notified by first class mail with an Affidavit of Mailing at least ten (10) days prior to the hearing.
 - (b) Applicant shall allow members of the Town Plan Commission, or their representatives, to enter upon the applicant's property for the purpose of examining the property in question prior to the public hearing and conducting an inspection to determine compliance with the terms and conditions, if any, of any relevant permits.
 - (c) The Town Plan Commission shall make a written recommendation to deny, approve, or give conditional approval to the application within forty (40) days of the public hearing. The Town Plan Commission shall transmit a signed copy of its decision to the applicant and to the Town Clerk immediately after its decision so that the issue may be placed on the agenda for the next Town Board meeting.

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- (d) The Town Board shall make the final decision to deny, approve, or give conditional approval to the application. If the Town Board denies the permit, or if the applicant declines the permit given the conditions imposed by the Board, the Board shall direct the Clerk to refund all but \$500.00 of the application fee.
- (4) **Compliance with Permit.** No applicant may violate the terms or conditions of a permit issued under this Section. Failure to comply with the terms and conditions of the permit shall result in the forfeiture of said permit.
- (5) **Penalty.** Any person violating the provisions of this Section will be subject to forfeiture of not less than \$500.00 and not more than \$5,000.00, plus any costs associated with reversal of the action. Any person subject to forfeiture of under this section must also pay the costs of prosecution. In addition to the penalties herein provided, appropriate legal or equitable action may be commenced to enjoin any person from violating any of the provisions of this Section. The imposition of forfeiture pursuant to this Section shall not in any way interfere with the Town's right to collect the access permit fee.

13.02 DRIVEWAYS AND CULVERTS

- (1) **Approval required.** No persons shall construct or maintain any driveway across any ditch, sidewalk, or curbing or enter any road without first obtaining a culvert permit from the Building Inspector or a designated representative.

No building permit shall be issued nor excavation begun where a culvert will be installed, unless prior thereto a permit be obtained from the Town of Neenah authority and the permit fees required have been paid to the Town Building Inspector. The actual placing and covering of the installed culvert shall be accomplished in accordance with the specification contained herein, Town of Neenah "STANDARD SPECIFICATION MANUAL" and "GENERAL GUIDELINES & PROCEDURES" and approval for the completed installation shall be required in writing from the Town Building Inspector designated to inspect the said installations.

- (2) **Permit Fee.** A culvert permit fee shall be charged for the issuance of each permit designated for the installation of a culvert as set forth in Subsection (1) above.

13.03 DRIVEWAYS AND CULVERTS - EXTENSIONS FOR EXISTING CULVERTS

- (1) No existing culvert installation may be extended without first obtaining a permit for the extension from the Town Building Inspector.
- (2) Permit fees for the extension of existing culverts are listed on the Town of Neenah Fee Schedule.
- (3) The connections of any pipe to either end of an existing culvert installation shall be considered an extension of that culvert installation.
- (4) No extension shall exceed ten (10) feet in length, excluding end-walls, except as provided in Subsection (4)(a) below.

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- (a) On property which is zoned for Commercial or Industrial purposes, an extension may be allowed up to a total length of sixty (60) feet.
- (b) No extension shall cause the existing culvert and its extension together to exceed a total length of forty (40) feet, excluding end-walls, except as provided in (a).
- (c) The Building Inspector shall have the right to refuse the extension permit if it is determined that the existing installation already constitutes an impediment to drainage or requires substantial adjustment in order to maintain adequate drainage flows, or that an addition or extension to the existing culvert would create an obstruction or impediment to the existing drainage flows.

13.04 REGULATION OF TOWN CULVERTS

- (1) The individual property owner shall pay the total costs of all culverts where the installation thereof is on the right-of-way abutting the property owner's land.
- (2) All culverts on Town Roads shall be installed by an authorized person or contractor, as designated by the Town Building Inspector.
- (3) All installations shall be required to have end-walls on both ends of the culvert pipe. All descriptions of length hereunder do not include the end-walls, and the extensions of the end-walls beyond the end of the pipe are in addition to those lengths mentioned herein.
- (4) The Town Building Inspector shall designate the length, diameter, placement, location, and pipe material of the culvert to be installed. In the event of a disagreement by the owner, the owner may request a variance. The Town Board will review the matter against the following guidelines.
 - (a) A culvert pipe, with end-walls, shall have a minimum fifteen (15) inch diameter or the equivalent (15" arch pipe), unless a larger size is specified in subdivision requirements or is deemed necessary by the Town Building Inspector.
 - (b) The length required for a residence shall be twenty-four (24) feet minimum, thirty-six (36) feet maximum.
 - (c) The length required for a Commercial or Industrial culvert shall be twenty-four (24) feet minimum. Clean-outs are required for lengths greater than forty (40) feet, and at every interval of forty (40) feet thereafter.
 - (d) All pipes shall be corrugated metal pipe or any alternative acceptable to the Building Inspector.
 - (e) No culvert should be installed within three (3) feet of the side property line, including end walls.
 - (f) All equipment after culvert is installed shall enter and exit the building site on this culvert. There will be no driving through the open ditches on new construction sites.

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- (5) To protect the culvert from crushing, breaking, bending, or other damage, it is required that a minimum of two (2) inches of crushed rock or gravel be placed on the top of the culvert. No concrete is allowed in the Town road right-of-way. Asphalt is allowed on top of the two (2) inches of gravel. The installation of an arch (oval) culvert pipe may be required by the Building Inspector under certain conditions.
- (6) **Any culvert not properly installed.** The Town will reset any culvert which is not properly installed and charge all expenses back to the property owner.
- (7) Culvert permits are only valid for ninety (90) days after the date of issuance.
- (8) It will be the responsibility of the contractor to be sure all traffic in and out of the building site is over the graveled driveway/tracking pad.
- (9) It will also be the responsibility of the contractor to remove any mud or other debris deposited on accepted Town roads the same day it is deposited.
- (10) If the owner/contractor fails to clear the roads in the required time period, the Town will have it cleaned and charge all costs to the contractor.
- (11) Owner/contractor must readjust the culvert if it is altered in any way or replace the culvert if it is crushed.
- (12) **Culvert Permit.** All owners/contractors shall apply for a Town of Neenah Culvert Permit and pay fee BEFORE any culvert is set in place. The owner/contractor shall be responsible for contacting the Town Building Inspector after setting stakes in the ditch, and allowing said inspector with a forty-eight (48) hours advance notice to mark the stakes for the culvert. If the culvert is installed before the stakes are marked, the owner/contractor will be responsible for any readjustments at their expense.
- (13) **Variance.** A variance request to alter the provisions of this Chapter can be submitted to the Town Board or its designee.
- (14) **Penalties.** Anyone who violates any of Sections 13.02 through 13.04 of this Chapter shall be subject to forfeiture of not less than \$500.00 and not more than \$2,000.00. The Town Board or its designee may enforce the provisions of this these Sections by citation.
- (15) Responsibilities of Building Inspector Regarding Culvert Grades:
 - (a) Set the culvert grade;
 - (b) Recheck culvert grade for compliance after culvert installation; and
 - (c) Withhold building permit escrow deposit if culvert grade is not correct at time of occupancy.

13.05 EXCAVATIONS, ALTERATIONS, OR OBSTRUCTIONS WITHIN TOWN RIGHT-OF-WAY

(1) No person may install any concrete for a driveway within 33 feet of the center of a Town road.

(2) **Installation Requirements**

(a) All concrete and asphalt which are part of a public street, sidewalk, or right-of-way shall be sawed to a minimum depth of three (3) inches prior to being shattered.

(b) **Acceptable Backfill Materials**

1. Material excavated from an open trench shall be used for backfilling, provided the excavated material consists of loam or clay, or are otherwise acceptable backfill material, and a different type of backfill material has not been specified by the Road Commissioner.
2. Backfill material shall not consist of unstable materials such as organic matter, refuse, large pieces of concrete, large stones, frozen material, or any other material deemed inappropriate by the Road Commissioner.
3. Special backfill materials shall consist of durable particles ranging in size from coarse to fine in a substantially uniform combination. Unwashed bank-run sand and crushed bank-run gravel will be considered acceptable special backfill material if it conforms to the gradation listed below:

Sieve Sizes	Percentage Passing by Weight
2 inch	95-100
¾ inch	70-100
No. 4	35-65
No. 40	15-45
No. 200	5-15
1 inch	100
No. 16	45-80
Material finer than No. 200	2-10

(c) Backfill shall be compacted manually, or by mechanical means, every twelve (12) inches to sub-grade.

(d) **Laying of Concrete and Asphalt**

1. Concrete and asphalt surfaces shall be replaced to the thickness and likeness of adjoining pavement, except that asphalt shall be no less than two (2) inches thick and concrete shall be no less than six (6) inches thick.
2. Asphalt shall be machine-laid if the cut exceeds four (4) feet.

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- (3) **Barriers and Lights.** Any person who engages in excavation or otherwise creates an obstruction along or on a public right-of-way shall enclose or cause to be enclosed on all sides the excavation, hole, trench, open drain, or other depression with a barrier that is at least three (3) feet in height. At night, amber lights shall be placed and maintained so as to cast light on such obstructions; a light shall be placed at each end and every fifty (50) feet along the entire length of the obstruction. See Subsection 7.06(5)(l) herein.
- (4) **Obstructions.** Any person who creates an obstruction along or on a street shall not occupy more than one (1) traffic lane or parking lane with equipment, excavating material, or debris while engaged in work on the street, except in cases of emergency repairs when danger to life or property exists. In circumstances of emergency repairs, the permittee shall provide adequate barricades, direction signs, lights, or watchmen to direct vehicular traffic to those lanes not occupied by the operation on the street, and shall keep all traffic and parking lanes, except those occupied by the permittee, clear of obstructions, free of hazards, and open for the free flow of vehicular traffic. See Subsection 7.06(5)(k) herein. Furthermore, no person shall shovel, blow, plow, or place any snow or ice upon any town road surface.
- (5) Any violation of this Section shall be corrected at the property owner's expense, including contractors as well as residents.
- (6) **Penalties.** Any person violating the provisions of this Section will be subject to forfeiture of not less than \$100.00 and not more than \$500.00. Any person subject to forfeiture of under this Section must also pay the costs of prosecution. Each day of violation, or portion thereof, shall constitute a separate offense.

13.06 TOWN DITCH AND RIGHT-OF-WAY MAINTENANCE

- (1) No person shall change the configuration of any town ditch.
- (2) No person shall plow, shovel, blow or place snow across any town road into any ditch.
- (3) No person shall place any mowed grass, brush, soil or debris into any town ditch.
- (4) No person shall add vegetation or solid material (landscaping) in any town ditch or right-of-way.
- (5) Any person violating the provisions above will be subject to forfeiture of not less than fifty dollars (\$50.00) and not more than \$200.00. In addition, any costs associated with remedial action will be charged to the violator.

13.07 SUMP PUMP DISCHARGE

(1) **Definitions**

- (a) "Storm sewer" means any underground clear water drainage system located within the right of way of a public street or highway, or a drainage or utility easement.
- (b) "Sump pump discharge" means any clear water discharge from a building or other structure.

(2) **Regulations**

- (a) In areas where storm sewer is not available, the sump pump shall discharge at least two (2) feet from the foundation of any building. Discharge from the sump pump shall be directed to the rear lot line, to the street, or to a drainage or road ditch. It shall not be closer than ten (10) feet to the property of adjacent owners. The place of discharge is the point where the water is discharged upon the ground from hoses, pipes, or other connections to the sump pump.
- (c) Connection to a storm sewer shall be made prior to occupancy or use of a building or structure, or within six (6) months after installation of a storm sewer, whichever happens last.
- (b) No discharge from any sump pump is permitted to create a nuisance.
 - 1. The sump pump discharge shall be considered a nuisance in situations including, but not limited to, such discharge creating icing problems on a Town street or sidewalk, damaging a street or sidewalk, creating ponds of standing water, and allowing discharged water to flow onto adjoining property.
 - 2. If the sump pump creates or constitutes a nuisance, the Town shall require the owner of the property discharging the water to correct the problem so the water from the sump pump is discharged in such manner as not to interfere with the use of the adjacent properties by the adjacent property owners.

- (3) **Penalty.** Any person who does not comply with this Section within fifteen (15) days of receiving written notice from the Town of a violation shall be subject to forfeiture of not less than \$100.00 and not more than \$200.00 for each violation. Any person subject to forfeiture of under this Section must also pay the costs of prosecution. Each day of violation shall constitute a separate offense.

13.08 NEENAH-MENASHA SEWERAGE COMMISSION ORDINANCE-CONTRACT

- (1) Definitions.
 - (a) "Code" means the Municipal Code of the Town of Neenah.
 - (b) "Contract" means the Neenah-Menasha Sewerage Commission Ordinance-Contract.
- (2) **Adoption.** The Town of Neenah hereby adopts the Contract, as amended from time to time, as if restated at length herein. In the event of a conflict between the provisions of this Code and the Contract, the Contract shall control. The most current version of the NEENAH-MENASHA SEWERAGE COMMISSION ORDINANCE-CONTRACT will be available at the Town of Neenah Clerk's Office.