



Department of Neighborhood Services
Division of Public Works
2990 S. Pine Tree Rd.
Hobart, WI 54155

Property Owner Improvements in the Right-of-Way (ROW) Policy

1.0 Introduction/Background

The Village of Hobart road network consists of both rural roads and urban roads as defined in section 4.0. Property owners along both types of roads have demonstrated a desire to install various improvements in the Village ROW to beautify and enhance their properties. A review of the types of installed improvements reveal that some are acceptable, but others may pose problems regarding public safety and/or future ROW maintenance.

2.0 Purpose

It is the purpose of this policy to establish reasonably uniform criteria for property owner-installed improvements in the Village ROW. The policy is designed to promote advanced awareness to residents regarding what limitations exist, and their responsibilities, should they receive permission and proceed with installing improvements in the ROW.

3.0 Policy Goals

This policy strives to promote/obtain:

1. Public Safety;
2. Standardized conditions for permitted improvements;
3. Minimize Village maintenance and improvement costs;
4. Identify parameters of Village responsibility for replacement of any improvements;
5. Minimize the public liability due to improvements/obstructions in the ROW.

4.0 Definitions

- 4.1 Rural Road or Right-of-Way Cross Section:** Any road or associated ROW, with or without curb & gutter that utilizes drainage ditches or other surface features to promote storm water conveyance within the ROW.
- 4.2 Urban Road or Right-of-Way Cross Section:** Any road or associated ROW, with or without curb & gutter that utilizes a Village-designed, approved and authorized storm sewer system to promote storm water conveyance within the ROW.

5.0 Access Driveways

5.1 General Access Drive Provisions

1. No access drive or culvert shall be installed without first securing the required Village Permit.
2. Asphaltic access drives shall be at least 3 inches thick for single and two family access drives and at least 4 inches thick for all others.
3. Concrete access drives shall be at least 4 inches thick for single and two-family access drives and at least 6 inches thick for all others.
4. Access drives shall be graded to properly drain water to a storm sewer system, road side drainage ditch or other discharge point as approved by the Village, including grading and discharging into the road curb & gutter system when present.
5. Culvert size shall be approved by the Village. Generally the minimum culvert size is an 18 inch diameter. However, larger or smaller sizes may be required or approved.
6. Prior to culvert installation, the installing owner or contractor shall contact and coordinate with the Village to verify installation elevation and any other culvert requirements.

7. All culverts shall be corrugated metal and be provided with end walls.
8. Maximum grade from the driveway surface to the bottom of the ditch shall not exceed a 3:1 slope.

5.2 Roads without Curb & Gutter

1. When the Village road is paved, asphaltic pavement (blacktop) driveway access aprons may extend to the existing paved road edge.
2. When Village road is unpaved, asphaltic pavement (blacktop) driveway access aprons shall maintain a minimum clearance of 2 feet to the gravel shoulder or roadway.
3. Concrete access drives may extend to within 6 feet of the existing paved road edge or 8 feet of the gravel shoulder or roadway. The remainder may be paved with asphaltic pavement in compliance with items 1 and 2 above. Concrete access drives, in absence of concrete curb and gutter, are required to maintain this clearance to the paved road edge to assist in preventing damage to both Village plow equipment and the property owners' concrete access drives.

5.3 Roads with Curb & Gutter

1. Asphaltic pavement (blacktop) or concrete access drives may extend to the backside of an urban or rural roadway when butting against curb and gutter.

6.0 Landscape Improvements

Purpose: The Village recognizes residents desire to extend landscaping into the ROW in efforts to beautify their yards and enhance their property values. This section governs the Village policy for landscaping in the publically-owned ROW. In developing these policies considerations were given to identify policies that would not compromise vehicle and pedestrian safety, storm water conveyance, snow removal activities or any other public works maintenance activity that must take place within the ROW.

6.1 All Roads

1. Compliance with vision triangle requirements or other Village policies and ordinances over rides any permission authorized in this policy.
2. Underground irrigation systems are allowed, but must be maintained so as not to affect the roadway. Property owners are responsible for complying with any Digger's Hotline requirements.
3. Underground pet fencing is prohibited in the ROW.
4. Annuals and perennial flowers and grasses that do not violate the provisions contained in the Purpose Statement (6.0) are allowed.
5. Ground cover and landscape edging materials that are trenched into and secured into the ground, which do not violate the provisions contained in the Purpose Statement (6.0) are allowed.
6. Landscaping enhancements and modifications to culvert end walls which do not violate the provisions contained in the Purpose Statement (6.0) are allowed.
7. Any trees proposed which are not included in the Village's Recommended Tree Planting List must secure approval from the Department of Neighborhood Services. The size and genus, species and variety of trees to be planted in public areas and terrace areas and the manner of planting shall be submitted to the Village for approval before commencement of such work as a part of the review and approval process.
8. The Village is not responsible for any damage incurred to landscaping, irrigation or other improvements installed within the ROW.

6.2 Rural Road

1. No trees shall be planted within a Rural ROW except as follows:
 - a. Trees proposed to be planted in the ROW must comply with 6.1.7.
 - b. The posted speed limit shall be less than 45 mph (to maintain safety consistency with MUTCD standards;)
 - c. Trees shall not be planted in the storm drainage ditch or banks of the ditch;
 - d. Trees shall only be planted on lands available between the ROW line/Property Line and the top of the ditch bank closest to the ROW line.

- e. In absence of a storm water ditch, refer to section 6.2.3. for planting locations.
- 2. Species of shrubs may be planted that do not exceed 2 feet in height and do not have stems or trunks exceeding 2" in diameter.
- 3. No landscape improvements shall extend closer to the road than a point located midway between the ROW line (property line) and the centerline of the ditch, except as provided in section 6.1.
- 4. In absence of a storm water ditch, landscape improvements shall extend no closer to the road than a point located ½ the distance between the shoulder edge (pavement edge in absence of a shoulder) and the right-of-way line (property line.)

6.3 Urban Roads with and without sidewalk

- 1. Trees may be planted in compliance with the following:
 - a. Trees proposed to be planted in the ROW must comply with 6.1.7.
 - b. There shall be a minimum distance of twenty-five (25) feet and a recommended distance of fifty (50) feet between terrace area trees depending upon the size of tree and other factors. Terrace trees shall be planted equal distance between the sidewalk or proposed sidewalk and back of the curb or proposed back of curb. In terrace areas less than three feet wide planting will not be permitted.
 - c. Pine, fir and other types of evergreen trees shall not be planted in a terrace area.
- 2. Shrubs are prohibited.

7.0 Village & Owner Responsibilities

7.1 Village Responsibility

- 1. Asphalt, concrete and gravel access drives disturbed as a result of Village operations will be replaced with in-kind materials in compliance with the applicable provisions of this policy. The Village will not replace other materials such as paver brick or flag stone.
- 2. Culverts disturbed as a result of Village operations will be replaced with the same size, style of culvert at no cost to the owner except where section 7.2.3 is applicable.
- 3. The Village will not replace landscaping, irrigation or private utility systems within the ROW damaged as a result of construction, maintenance, snow and ice removal or other Village operations.
- 4. The Village reserves the right to require the removal of any non-compliant materials, plantings or conditions. In the event that removal is not accomplished by the property owner within the time specified, the Village may remove such non-compliant materials, planting or conditions and assess the costs thereof to the owner.
- 5. Administer, interpret and apply the rules of this policy.

7.2 Property Owner Responsibility

- 1. All landscaping and improvements installed in the ROW shall be maintained in compliance with policy and applicable ordinance requirements so as not to present a hazard, nuisance or drainage impediment.
- 2. All access drive, culvert, landscaping or other Village approved installations made in the ROW are at the owner's risk.
- 3. Property owners are responsible for the material costs of replacement culverts and end walls for any culvert disturbed as a result of Village operations which are found to be in deteriorated condition or required to be upgraded to meet the minimum Village requirements.

8.0 Complaints

Complaints should be directed to the Village Administrator (or designee.)

9.0 Deviations from Policy

Policies are designed to establish reasonably uniform and consistent approaches to an issue. In rare instances, unforeseen or unique conditions may arise causing consideration to deviate from established policies.