

CHAPTER 51

REGULATING EXCAVATIONS

51.01 **Permit Required.** No person or corporation, either individually or by its agents, shall make any excavation or fill or install or otherwise make any improvement, obstruction, alteration or in any manner disturb any Town road, right-of-way or public place, without first obtaining a permit therefore from the Town.

51.02 **Application.** Application for said permit shall be writing and shall contain a statement that the work shall be performed subject to such rules and regulations as may be prescribed by the Town Board, and that the same shall be completed and performed to the satisfaction of the Town.

- a) The attached permit application form shall be included as part of this Ordinance.
- b) The Town Maintenance Supervisor shall analyze the information submitted in the permit application and shall make whatever further inquiry deemed to be in the Town's best interests and in the interest of the public's health, safety and welfare before issuance of the permit, and if said application on its face contains the information required and the applicant gives reasonable assurance of complying with the restoration and liability provisions, may issue a permit.

51.03 **Appeal for Permit.** Any applicant who has been denied a permit or has incurred unreasonable delay in the issuance of a permit may appeal to the full Town Board for final determination on the application.

51.04 **Liability for Restoration.** The permittee shall be liable to the Town for any and all damages which may occur during the process of work within a Town road, right-of-way or public place and a statement to save the Town harmless shall be contained in the application and any permit issued.

51.05 **Violation.** Any person who violates the provisions of this Ordinance by failing to obtain the necessary permit or by failing to carry out the restoration requirements of the permit shall be subject to punishment by forfeiture of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1000.00), or by imprisonment not exceeding six (6) months, or both. Each day of continued violation after written notice of said violation shall constitute a separate and individual offense and violation.

51.06 **Conditions.** As a prerequisite to the granting of the permit required hereunder, the Town may impose any of the conditions described in Wis.

Stat., Sec. 66.0425(2), unless the applicant is exempt from such conditions under Wis. Stat., sec. 66.0425(6).

51.07 Above-Ground Obstructions. No above-ground obstructions or improvements, such as but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes shall be located in any Town road or other public right-of-way unless, solely in the case of a telecommunications carrier, utility or other exempt organization under Wis. Stat., Sec. 66.0425(6), the applicant demonstrates that it is not practicable to locate such equipment elsewhere and the Town Board is satisfied that the proposed improvement will not unduly impair the safety of vehicular traffic by creating a sight line obstruction, limit sidewalk access or interfere with snow plowing and snow removal. Such equipment shall, in any event, be located only in the furthest lateral extremity of the right-of-way.

51.08 Permit Fee. The fee for the permit required hereunder shall be \$50 or such other fee as may be established by the Town Board from time-to-time. In addition, the applicant shall reimburse the Town's expenses for gathering and recording information relevant to the requested permit, issuing permits, processing and verifying permit applications and inspecting job sites, to the extent that such costs exceed the permit fee.

Effective Date. This ordinance shall take effect November 1, 2007.

Enacted this 20th day of August 2007.

Town of Wilson by Roger G. Miller, Chairman

This is to certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Wilson on the 20th day of August 2007.

Catherine Conrad, Town Clerk.

Published in the Sheboygan Press August 29, 2007.

TOWN OF WILSON EXCAVATION APPLICATION AND PERMIT

Name of Applicant_____

Current Address_____

Telephone Number_____

Type of work to be done: _____

Location (address or description of location in the road right-of-way or public place:_____

Reason for Work:_____

Name & Address of Contractor doing work:_____

It is expressly provided that the permittee is authorized to excavate in said road, right-of-way or public place, in conformity with the provisions of the Town of Wilson Ordinances, and shall be liable for any and all damages that may occur or result in consequence of the obstruction, excavation or occupancy of said place and shall erect and maintain such barriers as shall effectively prevent the occurrence of any accident in consequence or such occupancy, use or excavation. Any violation of the terms of this permit shall be subject to the penalties provided by the Ordinances of the Town of Wilson. The excavation, back-filling and restoration of the disturbed areas shall be as prescribed hereinafter and by the Town of Wilson Maintenance Supervisor.

1) Conditions

- a) Edge cuts and all pavements shall be even, sharp and straight.
- b) Excavating will be backfilled with sand.
- c) Roadbase will comply with Section 50.07 of the Town of Wilson Ordinances.

2) Warranty and Guaranty. The permittee warrants and guarantees to the Town that all work will be in accordance with the Ordinances of the Town and will not be defective in workmanship or material. Said permittee further warrants and guarantees that if part of said excavation is defective prior to the expiration of two (2) years after completion, the permittee shall pay all direct or indirect costs or repair, removal and replacement. If notice of defective work is given and the permittee fails to correct said defective work in fifteen (15) days, the Town may have the deficiency corrected and all direct and indirect costs of said correction shall be paid by the permittee and may be placed on the next succeeding tax roll as a special charge.

Date _____

.....

Accepted by_____

Reason for denial must be stated on application

By_____

By _____

Title _____