

TOWN OF SYLVESTER  
UTILITY ORDINANCE

1. Purpose.

The purpose of this ordinance is to promote the health, safety, and general welfare of residents and motorists in the Town of Sylvester. The maintenance of road rights-of-way that are clear of debris and obstructions to passage and the sight of potential hazards being found to be imperative to the safety of all on the public roads.

2. Permit Required.

It shall be unlawful for any person, firm, utility or corporation to tunnel under or to make any excavation in any road or road right-of-way in the Town of Sylvester without having first obtained a permit as herein required, or without complying with the provisions of this Ordinance or in violation of or variance from the terms of any such permit. This includes utility construction, county section line markers, drain tile installation, cable TV or any other work as defined in Wis. Stat. § 182.0175, or its successors or amendments.

3. Permit Applications.

Applications for excavation permits shall be made to the clerk at least 60 days prior to anticipated commencement of any work subject to this Ordinance, and shall describe the location of the intended excavation, the size thereof, the purpose therefor, and the person, firm, or utility or corporation for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Certification of adequate liability insurance is required. The 60-day requirement may be waived by the Town Board in case of emergency or special need.

4. Issuance of Permit.

The permit under this article shall be issued by the town clerk after approval has been given to the application and fee of \$100 by the Town Board of the Town of Sylvester. The Town Board may impose conditions

and special conditions and special requirements as a part of the permit as provided in this Ordinance.

5. Manner of Performing Excavation.

- a. Proper bracing shall be maintained to prevent the collapse of adjoining ground; and in excavation the excavations shall not have anywhere below the surface any portion which extends beyond the opening at the surface. The hotline must be called to check utility lines.
- b. Any underground facility shall be, at least, 18 inches below the surface or the road right-of-way. Any underground facility below a paved surface shall be, at least, 3' below the paved surface & driveway.
- c. All utility boxes shall be, at least, 27 feet from the center of the road.
- d. All utilities to be placed 21 feet from the center of the road.

6. Warning Devices, cleanup, timely completion of project.

- a. It shall be the duty of the person cutting or making excavation in town roads right of ways to place and maintain proper warning devices for the safety of the general public during the excavation.
- b. The cleanup of all rubbish and other debris resulting from such is the duty of the permit holder. Excess soil and rock shall be properly disposed of by the applicant.
- c. Prompt completion of work after an excavation is commenced is required. The permittee shall prosecute with diligence and expedite all excavation work covered by permit and promptly complete such work and restore the road to its original condition, so as not to obstruct travel therein.

7. Restoring Surface.

Any person, firm, utility or corporation making any excavation or tunnel in or under any road right of way shall restore the surface to its original condition and be liable for upkeep for a period of three years. Refills shall be properly tamped down, and any bracing in such tunnel or excavation

shall be left in the ground. Any opening in a paved or improved portion of a road shall be repaired and the surface relayed by the applicant.

8. Vision triangle

- a. Purposes. Vision triangles are established at the intersection of existing and proposed streets and alleys to help ensure that motorists are able to see pedestrians and cross traffic.
- b. Establishment. A vision triangle is formed by two lines along the right-of-way for the distances listed below and a chord connecting the end of those two lines.
  - i. 10 feet along an alley or driveway
  - ii. 20 feet along a Town road
  - iii. 40 feet along all other streets (i.e., a street not classified as a Town road)
- c. Applicability. This section applies to all of the Town of Sylvester. This section shall not apply to residential signage and mailboxes.
- d. Permissible use. The area in a vision triangle shall be kept unobstructed from 2½ feet to 10 feet above the elevation of the centerline of the intersection, except for traffic signs, public utility poles, single-stem tree trunks without branches, and similar features as determined by the zoning committee.

9. Exemptions.

- a. The provisions of paragraphs 1 - 4 shall not apply to excavations by natural persons, their estate's, trusts, or single-member LLCs entirely on land which they own for transmission facilities.
  - i. "Transmission Facilities" includes all pipes, pipelines, wires, cables, ducts, wirelines and associated facilities, whether underground or aboveground, regardless of the nature of their transmittants or of their in-service application.

10. Penalty.

Any person, firm, utility or corporation violating any of the provisions of this article or permit shall be fined not less than \$50 nor more than \$500 for each offense. Each day a violation is permitted to continue shall be

considered a separate offense. Any work done by the Town of Sylvester in restoring a road to original condition during the three-year period will be charged to the permittee. The Town Board may institute appropriate action or proceedings to enjoin violations of this article in addition to any other penalties stated in this article.