

TOWN OF MORRISON

BROWN COUNTY, WISCONSIN

Ordinance Restricting Excavation of Town Roads and Rights-of-Way

SECTION ONE. Permit Required for Excavations

A. Permit Requirement

1. No person, partnership, utility, or corporation—and no agent, employee, or contractor thereof (the applicant)—shall make or cause to be made any opening or excavation in any public road, right-of-way, public ground, sidewalk, or Town-owned easement, nor shall they fill, alter, or modify any culvert, or construct/install additions or extensions to any existing facilities, without first obtaining a permit from the Town of Morrison.

2. Applicants must submit a written request for a utility construction/excavation permit along with:

- A detailed plan showing the proposed utility location.
- Construction details, including depth, excavation method (open cut or augering), and restoration provisions.
- Any other documentation required by the Town.

Submission of an application indicates agreement to comply with the terms of this Ordinance.

B. Permit Fee

The permit fee shall be established by resolution of the Town Board and must be paid at the time of application.

SECTION TWO. Regulations Governing Excavations and Openings

A. Frozen Ground

Excavations or openings are prohibited when the ground is frozen, unless authorized by the Town due to necessity.

B. Removal of Paving

Pavement or ballast materials shall be removed with minimal loss or damage. All materials, including excavated soil, must be placed to minimize inconvenience to the public and allow for the free flow of water.

C. Public Protection

1. All openings and excavations must be properly barricaded. Warning lights are required from sunset to sunrise and must be placed to adequately alert the public to potential

hazards. No trench shall be excavated more than 250 feet ahead of pipe/conduit installation, and no more than 500 feet may be left unfilled where pipe/conduit has been laid.

2. The applicant shall take all necessary precautions to prevent accidents, injuries, or property damage. The applicant is fully liable for any resulting damages—including costs incurred by the Town in legal defense and appeals—due to failure to exercise proper safety measures.

3. It is the applicant's responsibility to identify the location of all public and private utilities prior to beginning work. If damage occurs, the applicant must, at their own expense, repair or replace the affected utility immediately.

4. If drainage tiles are damaged during the course of the work, the applicant is responsible for repairing or replacing them at their own expense. The applicant shall take commercially reasonable steps to avoid such damage and mitigate any drainage issues caused. The applicant may also be required to relocate or reconfigure their utilities if drainage tiles are damaged.

D. Road Surface Restoration

Upon completion of the permitted work, the applicant must fully restore the site to its original condition, subject to Town approval.

E. Notification Requirement

The permit holder must notify adjacent landowners and any individuals, firms, or corporations affected by the proposed work at least 24 hours in advance of the start of work.

F. On-Site Documentation

The contractor or utility must have a copy of the Town permit and the approved construction plans on site at all times during both construction and restoration.

G. Emergency Excavations

In the event of an emergency, utilities may take immediate action to protect life, property, or public health and safety without a permit. However, a permit application must be submitted no later than the next business day.

H. Exceptions

This ordinance does not apply to work conducted by Town employees or contractors working directly under a contract with the Town.

SECTION THREE. Violations and Penalties

Any individual, partnership, company, or corporation violating any provision of this ordinance shall be subject to a forfeiture of not less than \$200 and not more than \$1,000 per violation. Each day a violation continues constitutes a separate offense.

In addition, the Town may seek:

- Recovery of its reasonable attorney's fees and enforcement costs,
- Injunctive relief,

- Abatement orders,
- And any other equitable remedies available under law.

SECTION FOUR. Severability

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected and shall remain in full force and effect. It is the intent of the Town Board that the provisions of this Ordinance be severable.

Dated this 10 day of June, 2025.

TOWN OF MORRISON

By: Gary Koomen
Gary Koomen, Chairperson

Attest: Colleen Magley
Colleen Magley, Clerk

