

**TOWN OF BRISTOL
ORDINANCE 5.7.0**

REGULATING CONSTRUCTION IN A TOWN RIGHT OF WAY

WHEREAS, after review and recommendation from town staff, the Town Board deems it to be in the public interest to regulate construction within the Town rights of way.

NOW, THEREFORE, the Town Board of the Town of Bristol, Dane County, Wisconsin, does hereby ordain as follows:

- A. Permit Required. No person, utility, entity, contractor or subcontractor shall perform any work, nor make or cause to be made any excavation on property owned or controlled by the Town of Bristol or, in, over or under any right-of-way, street, alley or sidewalk in the Town without first obtaining a permit from the Town Public Works Lead or their designee.
- B. Requirements for Permit. The Town Public Works Lead or their designee may, at his or her discretion, direct the Town Engineer to review projects prior to approving an application if deemed necessary to determine the impact to the Town property. Any costs incurred by the Town for review and inspection of facilities or improvements shall be paid by the applicant. In addition, permits shall be issued only upon satisfaction of the following:
 - 1. Completion of an application for construction permit along with the submission of the applicable fee.
 - 2. Posting with the Town Clerk of a bond or other surety in a form acceptable to the Town Attorney, in an amount determined necessary by the Town Public Works Lead or designee not to exceed 150% of the actual cost of the construction, operation, maintenance or repair of facilities or improvements.
 - 3. Prior to commencing work the applicant shall file with the Town Public Works Lead or designee certificates of insurance demonstrating:
 - a. Public liability insurance with a general liability aggregate limit of not less than \$2,000,000, naming the Town as an additional insured; and
 - b. Workmen's compensation and/or employer's liability insurance for all employees employed at the work site as required by Wisconsin Statutes.
 - c. The applicant shall require all subcontractors performing work to obtain and maintain similar policies with the same limits set forth above and provide a certificate of insurance to the Town Public Works Lead or their designee prior to commencing work.
 - 4. Applicant to Hold Town Harmless. The application shall contain an agreement that the applicant will pay all damages to persons or property, public or private, caused by the applicant, the applicant's agents, employees or servants in performing the

work for which the permit is granted, and that the applicant will indemnify and save the Town free and harmless of any damages or claims against it by reason of the execution of the work for which the permit is granted.

- C. Form of Application. The application for a permit shall be in writing and signed by the applicant or his or her agent. The applicant shall submit to the Town Public Works Lead or designee, at the time of application, information clearly and completely describing the location and nature of the work and the method applicant proposes to be used to perform the work.
- D. Fee. The permit fee shall be \$300 or may be amended by the Town Board. The permit fees shall double for all work commenced prior to issuance of all required permits. The Town Public Works Lead or designee may order all work commenced prior to issuance of all required permits to immediately cease until all fees paid and such permits have been issued.
- E. Exceptions. The Town Board may, at its discretion, waive permit requirements as necessary. Emergency repairs of facilities or improvements may be made as needed, provided a permit is applied for within five working days after the commencement of emergency repairs.
- F. Permit Does Not Grant Occupancy Privilege. No permit for an excavation granted under this section shall convey or grant any privilege to occupy the space within or below any street or sidewalk or any utility, vault, pipe, drain or any other thing.
- G. Size and Closing of Excavations. When excavations are made under the provisions of this section, the excavation shall not be larger, and shall not be left open longer, than necessary.
- H. Materials from excavation not to interfere with public. In opening any street or other public way, all materials for paving or ballasting shall be removed with the least possible injury or loss and, together with the excavated material from the trenches, shall be placed where the least practicable inconvenience to the public will be caused.
- I. Openings to Have Protection. All openings made in the public streets or alleys in accordance with permission given pursuant hereto shall be enclosed with sufficient barriers, approved lights or flashers, which shall be maintained upon the same at night, and all necessary precautions shall be taken to prevent accidents.
- J. Restoration of Existing Improved Surfaces. The applicant shall restore all permanent type pavements, sidewalks, driveways, trees, shrubbery, lawns, fences, poles and other property and surface structures removed or disturbed during, or as a result of, construction operations to a condition that existed before the work began. The surface of all improvements shall be constructed of the same conditions and match in appearance the surface of the improvements which were removed.
 - 1. Materials to be Replaced. In opening a trench on any street or lot, the sidewalk materials, sand, gravel and earth, or whatever material is removed or penetrated, shall be replaced in a manner satisfactory to the Town Public Works Lead or designee and any remainder promptly removed, leaving the street or sidewalk in its condition prior to commencement of the work. The applicant shall warrant all work for a period of one year after completion. In addition, all gas, water and electric

condition prior to commencement of the work. The applicant shall warrant all work for a period of one year after completion. In addition, all gas, water and electric lines or conduits shall be protected from injury or settling in a manner satisfactory to the Town Public Works Lead or designee. In refilling the excavation, all earth, stone and screenings shall be thoroughly and properly tamped and the surface of the street, sidewalk or alley left in as good condition as the same was in before the excavation was made.

2. Paved Streets. When any excavation is made in a permanently paved road or street or in any road or street which at any time is to be permanently paved, all clay or hardpan must be removed, and the excavation entirely backfilled with sand or gravel or other required material thoroughly wet and consolidated or tamped in six-inch layers. The excavation requirements set forth in § SPS 332.38, Wis. Adm. Code, and 29 CFR 1926.651, as may be amended from time to time, are hereby incorporated by reference and shall govern such construction.

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- L. This ordinance shall take effect upon passage and publication as provided by law.

The above and foregoing ordinance was duly adopted at a meeting of the Town Board of the Town of Bristol on the 10th day of March, 2025, by a vote of 3 in favor and 0 opposed.

TOWN OF BRISTOL



Brian Willison, Town Chairman

Attested by:



Kimberly M. Grob, Town Clerk-Treasurer