

1 TOWN OF STURGEON BAY

2 Door County, Wisconsin

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4
5 ORDINANCE NO. 2024-004

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7 **UTILITY ACCOMMODATION ORDINANCE**
8 **OF THE TOWN OF STURGEON BAY**
9 **DOOR COUNTY, WISCONSIN**
10

11 **WHEREAS**, the Town of Sturgeon Bay is aware that certain Utility Services have
12 made access to its Town Right-Of-Way desirable by their providers for the placement of
13 certain assets in the Town Right-Of-Way, and

14 **WHEREAS** the Town of Sturgeon Bay desires to implement a utility
15 accommodation policy that is consistent with policies used by the Door County Highway
16 Department and Wisconsin Counties Highway Association, and

17 **WHEREAS**, the Town of Sturgeon Bay has determined that it is necessary to set
18 forth standards in relation to the siting of poles, cabinets, wiring, fiber, conduit for the
19 benefit of its citizens and any Utility Service entities that make use of the Town Right-of-
20 Way.

21 **NOW THEREFORE**, the Town of Sturgeon Bay does hereby ordain as follows:
22

23 **1. Title**

24 This ordinance shall be entitled "Utility Accommodation Ordinance of the Town of
25 Sturgeon Bay, Door County, Wisconsin".
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27 **2. Purpose**

28 The purpose of this ordinance is to further public safety and welfare by the
29 establishment of permit requirements to facilitate adherence to Town Right-Of-Way
30 access standards to accommodate the placement of Utility Services.
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32 **3. State Statutes Adopted - Authority**

33 The Board of Supervisors of the Town is granted authority for adopting this
34 ordinance under Chapters 86.07(2)(a) and 86.16, Wisconsin Statutes. The Town
35 Board adopts this ordinance under its general village powers authority and s.
36 66.1014 of the Wisconsin Statutes.
37

38 **4. Definitions**

39 A. "Town Right-Of-Way" means the surface of, and the space above or below, any
40 public street, road, place, public way or place, sidewalk, alley, boulevard,

parkway, drive, and the like, held by the Town as an easement or in fee simple ownership.

B. "Utility Service(s)" means electric, wireline or cellular telephone, radio telecommunications or cable service.

C. "Utility Service Asset" means a pole, cabinet, wireline, cable or conduit.

5. Utility Accommodation Policy

The Town will be utilizing the *Wisconsin Counties Highway Association (WCHA) Utility Accommodation Policy 96, January 1, 2022* ("UAP-96") to define the processes and standards that shall be met by any utility whose facility currently occupies, or will occupy in the future, any roadway right-of-way or bridge over which the Town has jurisdiction. Where UAP-96 states "County", for the purposes of this ordinance substitute with "Town". In the event there is conflict between UAP-96 and the language herein, the ordinance language will prevail.

6. Permit Required

No person shall perform work within the Town Right-Of-Way without first obtaining a permit therefore from the Town. See UAP-96 Section 10. Individual permits must be applied for on each Town road where the utility work will be carried out. If the utility work is a continuous project that occupies more than one Town road, only one permit application (Appendix A) will be required. There is no fee for the Utility Accommodation permit. All required plans and drawings shall be submitted in paper and in digital PDF format as specified below. Exceptions where permits are not required can be found in UAP-96, Section 61.

No person shall perform work on or under an existing road in the Town without first obtaining a permit, pursuant to Town Ordinance No. 2008-01, "Town and Private Road Standards."

7. Plan Requirements

Construction plans included with the use of the Town Right-Of-Way permit application must include a roadway cross section, indicating the specific location of the proposed Utility Service, and the Utility Service shall be installed where indicated on the plans.

A. Traffic control plan. All utility permits issued, where construction will impede normal traffic flow, shall have attached a traffic control plan in accordance with the Wisconsin Manual on Uniform Traffic Control Devices (MUTCD), Chapter 6, indicating placement and spacing of all construction signs applicable to the work being implemented.

B. Map required. All utility permit applications must include an attached legible map indicating the specific location of the Utility Services project. The maps and

drawings shall be drawn to a 1 inch to 50 feet for residential / urban areas and 1 inch to 200 feet for rural areas, or a scale mutually agreed upon with the Town to enable map readability.

- C. Environmental Impacts. Please see UAP-96 Section 8 for responsibilities utility shall follow when environmental conditions are encountered in a Town Right-Of-Way.

8. Construction Site

The applicant is responsible for ensuring that the site of the construction is secure against any hazard to the public, both when the site is attended and during off hours, any holiday, and the hours of night when the site is unattended.

- A. Traffic lanes. All operations shall be performed without obstructing or closing all or any part of any Town traffic lane unless lane-influence is specifically sanctioned by the Town, and special controls applicable thereto are set forth herein. Unless otherwise authorized, unobstructed traffic shall be maintained on all constructed Town roads. See UAP-96 Section 51.

- (1) Buildings, cabinets, and any other aboveground structures that are to be located within the roadway right-of-way , shall be positioned as far from the road edge as practical, to ensure public safety, including but not limited to vehicle egress and sightlines for oncoming vehicle traffic, and minimizing impact for right-of-way maintenance activities, such as snow-plowing and grass-cutting.

- B. Town signs. The applicant shall not remove or reposition any Town sign(s) without prior Town approval.

- C. Existing Underground Service. The utility company or its contractor is required to contact Diggers Hotline for locates for any excavation work.

9. Operations and Safety

Operations and safety precautions pertinent to any trenching, tunneling, or excavation activities shall comply with the strictest requirements of all applicable regulations and codes, including but not limited to those of the Wisconsin Department of Safety and Professional Services or OSHA standards.

10. Utility Installation

Unless otherwise authorized, any utility lines installed across, and beneath, the traveled way(s) and shoulders of hard-surfaced Town roads and private driveways in the Town

Right-Of-Way connected to Town roads, shall be installed by boring, with no open cut excavation permitted between points no less than five feet outside the outer shoulder or back of curb unless authorized by the Town. This requirement also includes curb and gutter and sidewalks within the Town Right-Of-Way.

A. Under hardship conditions, i.e., rock, soil conditions, utility connections, etc., the Town can allow the applicant, as part of this permit, to open cut and excavate the roadway pavement under the following conditions and provisions. Any excavation authorized within the limits of any Town road pavement or shoulder area shall be backfilled with approved material, placed in lifts or layers six inches or less each in depth, and compacted mechanically to the compaction of the adjacent and undisturbed ground or material. Water flooding and the use of moisture in excess of necessity to facilitate mechanical compaction are expressly prohibited.

B. Any subsequent heaving, settlements, or other faulting attributable to the permitted work shall be repaired in a manner satisfactory to the Town, at the applicant's expense. All excavation within the roadway pavement shall be initiated by saw cuts and restored to original condition and cross section.

C. Trenched construction in the roadway pavement and shoulders requires Town approval.

11. Restoration and Replacement

All Town facilities, both above and below ground, including the roadway pavement, shoulders, ditches, culverts, storm sewer, sanitary sewer and water, slopes, signs, sidewalks, curb and gutter, etc., damaged or disturbed by the permitted utility work shall be restored promptly. See UAP-96 54.

A. Damage to any portion of an asphalt-paved travel lane will require the replacement of the entire travel lane per Town standards. Replacement of concrete pavement will be reviewed and approved by the Town prior to the utility work beginning.

B. If restoration is not carried out in a timely manner, the Town may issue a notice setting forth a time certain by which the restoration must be complete. If the permit applicant fails to satisfactorily complete all restorations within the time established, the Town will arrange directly for all necessary restorations, and all costs associated with such restorations shall be the cost obligation of the permit

applicant. The applicant agrees to pay any, and all, such costs within 60 calendar days of the Town billing.

12. Insurance and Liability

If it is determined that compliance with this ordinance or the financial responsibility of an applicant is in question, prior to the issuance of a permit, the Town may require an applicant to furnish to the Town a certificate of insurance naming the Town as an additional insured.

13. Indemnification

The Applicant shall save and hold the Town, its officers, employees, and agents harmless from all liability, damage, loss, expense, claims, demands, and actions of any nature whatsoever arising out of any acts or omissions of Applicant in any way connected with the work to be performed pursuant to this permit, or the construction or maintenance of facilities by the Applicant, in the Town right-of-way which is the subject of this permit. Notwithstanding the foregoing, Applicant shall not be obligated to indemnify the Town or its officers, employees, or agents for that portion of any liability, damage, loss, expense, claims, demands, or actions caused by the negligent, wanton, intentional, or otherwise wrongful acts or omissions of the Town, or its officers, employees, or agents.

14. Severability

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

15. Effective Date and Publication

This ordinance shall become effective upon adoption and publication as required under s. 60.80, Wis. Stat.

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APPENDIX A

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TOWN OF STURGEON BAY192 **Address: Town of Sturgeon Bay, 2445 Sand Lane, Sturgeon Bay WI 54235 ; Phone 920-743-3908**

Construct / Operate / Maintain Utilities Within Town Right-of-Way			
APPLICANT/COMPANY INFORMATION			
Applicant/Company Name:			
Current address:			
City:	State:	ZIP Code:	
Phone:	Email:		
Plans prepared by:		Phone:	
LOCATION INFORMATION			
Name of Town Road(s):			
Closest Intersection:			
ADDITIONAL INFORMATION			
Annual Service Connection Permit?	Yes / No	Utility Work Order #:	
Fee Required?	Yes / No	Amount Due: \$	
Certificate of Insurance?	Yes / No	<input type="checkbox"/> Security Deposit Check No.	
DESCRIPTION OF PROPOSED WORK			
Utility Type:	<input type="checkbox"/> Electric	<input type="checkbox"/> Gas/Petroleum	<input type="checkbox"/> Communications
<input type="checkbox"/> Private Line	<input type="checkbox"/> Transmission	<input type="checkbox"/> Distribution	<input type="checkbox"/> Service
Facility Size/Capacity: _____			
Orientation:			
<input type="checkbox"/> Overhead <input type="checkbox"/> Underground <input type="checkbox"/> Parallel to Road Centerline <input type="checkbox"/> Town Road <input type="checkbox"/> Tunnel			
<input type="checkbox"/> Bridge Attachment			
Work Type:			
<input type="checkbox"/> New Construction <input type="checkbox"/> Improve/Repair Existing <input type="checkbox"/> Maintenance			
<input type="checkbox"/> Removal <input type="checkbox"/> Abandon in Place			
Construction Methods:			
<input type="checkbox"/> Plow <input type="checkbox"/> Trench <input type="checkbox"/> Bore <input type="checkbox"/> Cased			
<input type="checkbox"/> Suspend on Poles/Towers <input type="checkbox"/> Open Cut Road			
<input type="checkbox"/> Tree Cutting/Removal <input type="checkbox"/> Chemical Treatment of Trees/Brush <input type="checkbox"/> Erosion Control Measures Taken Yes / No			
ALL OTHER INFORMATION			
Any/All Other Information:			
Name of Utility Representative Responsible for Construction:			Phone:
Estimated Starting Date:		Estimated Completion / Restoration Date:	
SIGNATURES			
The applicant understands and agrees that the permitted work shall comply with all permit provisions and conditions of the Utility Accommodation Policy of the above-named Town in effect at the time of this application, and with any special provisions listed below or attached hereto, and any all plans, details, or notes attached hereto and made a part thereof.			
Signature of applicant:			Date:

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FOR OFFIC USE ONLY

ISSUING JURISDICTION	
The foregoing application is hereby approved and permit issued by the Permit Authority subject to full compliance by the Applicant with all provisions and conditions in the Utility Accommodation Policy of the above-named Town including the Indemnification as included in 96.03 of the WCHA Utility Accommodation Policy in effect on the date of this application.	
Other Permit Information Attached: Yes / No	
PERMIT ISSUED BY:	
: Road Project #: _____	Name: _____ Title: _____
Town Permit #: _____	Date: _____ Phone: _____

195 **ADOPTED** this 12th day of August 2024.

196 TOWN OF STURGEON BAY

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Roll Call Board Members	Aye	Nay	Exc.
Jeff Feuerstein	X		
Dawn Uecker	X		
Kent Moraga	X		

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204 Certification

205 I, Nancy L. Anschutz Clerk/Treasurer for the Town of Sturgeon Bay,

206 Door County, Wisconsin, hereby certify that the above is a

207 True and correct copy of an ordinance that was adopted on

208 the 12th day of August 2024 by the Town Board of Supervisors.

209 Nancy L. Anschutz

210 Nancy Anschutz Clerk

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