

CHAPTER 30: ROADWAY ALTERATIONS AND CONNECTIONS

30.01 Title/Purpose.

This chapter is entitled “Roadway Alterations and Connections.” The purpose of Chapter 30 is to preserve the roadways under the Town’s authority, further the safety of the general public, and protect the financial and other best interests of the Town.

30.02 Authority.

This chapter is enacted pursuant to Wis. Stat. §§ 60.50 and 86.07.

30.03 “Roadways” Defined.

As used in this chapter, “roadway” shall mean all public ways and thoroughfares, and bridges on the same, and shall include the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purpose of vehicular travel, as well as all right-of-way dedicated to the same. “Roadway” does not include any portion of any privately owned road or driveway, whether improved or unimproved, lying outside the boundaries of a roadway.

30.04 Permits Required.

No person shall alter or disturb, in any manner, whether temporary or permanent, any roadway maintained by the Town, excavate under any roadway maintained by the Town, or connect any roadway or any privately owned road to any roadway maintained by the Town without first obtaining a permit. The foregoing shall not apply to any public authorities acting in the performance of their official duties.

30.05 Permit Procedure.

A. Except as otherwise provided in subparagraph B, permits applied for under this chapter shall be subject to the application procedures outlined in Section 19.10 of this Code, including, without limitation, the requirement that the applicant submit an executed Cost Recovery Agreement (as described in Chapter 23 of this Code, and in a form approved by the Town Board). The fees for all permit applications under this chapter shall be as determined from time to time by the Town Board.

B. In conjunction with the issuance of a permit under this chapter, the permittee shall be required to execute an agreement, in a form approved by the Town Board, under which the permittee agrees to:

1. Defend and save the Town and its officers, Town Board members, agents, and employees harmless from, and indemnify the same against, all claims, demands, damages, losses, and costs and expenses, including all reasonable legal, accounting, consulting,

engineering, and other expenses, resulting from any act or omission of the permittee, or any agent of the permittee;

2. Purchase and maintain a general comprehensive liability insurance policy to protect the Town and its officers, Town Board members, agents, and employees from all acts and omissions of the permittee, and all agents of the permittee, in a form and amount, and through an insurance carrier, approved by the Town Board, with proof of such insurance provided to the Town upon demand;
3. Purchase and maintain insurance adequate to reimburse the Town for any and all damage to the Town's property and the roadways maintained by the Town that may occur in connection with the permitted work, in a form and amount, and through an insurance carrier, approved by the Town Board, with proof of such insurance provided to the Town upon demand; and
4. File with the Town a performance bond, letter of credit, or other adequate security, in a form and amount approved by the issuing authority, as security for the satisfactory completion of the permitted work as provided herein.

30.06 Permit Required for Installation or Maintenance of Utilities within Town Road Right-of-Way.

A. No person or entity may construct, operate, maintain or repair utilities located within the Town road right-of-way without first obtaining a permit from the Town. At intersections of two Town roads, where utility work on the intersection roadway is no greater than 100 feet from the adjoining roadway, only one permit application will be required.

B. Every permit application shall describe the right-of-way(s) within which the utilities will be constructed, operated, maintained or repaired, the nature of the work being undertaken by the applicant, the applicant's name and address, the property owner's name and address, and the estimated dates of commencement of work and completion of work. Permits shall be issued by the Plan Commission, or its designee, on a permit form approved by the Plan Commission.

C. Every permit application shall include construction plans for the installation or maintenance of the utilities within the Town road right-of-way.

D. The Public Works Superintendent may, at his or her discretion, direct the Town Engineer to review projects prior to approving an application. Any costs incurred by the Town for review and inspection of facilities or improvements shall be borne by the applicant.

30.07 Construction Plan Requirements.

A. Construction plans included with the permit application shall include a roadway cross section, indicating the specific location of the proposed utility line, and the utility line shall be installed where indicated on the plans. Upon completion of work, the applicant shall provide the Town with an as-built survey demonstrating the location of the underground installations.

B. 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 carried out.

30.08 Permit Exceptions.

The Town Board may, at its sole discretion, waive permit requirements as necessary. Emergency repairs of facilities or improvements may be made as needed, provided a permit is obtained within five working days from the commencement of emergency repairs.

30.09 Utility Installation.

Unless otherwise authorized, any utility lines installed across, and beneath, the traveled lane(s) and shoulders of asphalt-paved 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 key-hole is authorized.

A. Under hardship conditions, i.e., rock, soil conditions, utility connections, etc., the Town can allow the applicant, as part of its permit, to open cut and excavate the roadway pavement under the following conditions and provisions:

- a. 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.
- b. Water flooding and the use of moisture in excess of necessity to facilitate mechanical compaction are expressly prohibited.

B. Any subsequent heavings, settings, or other faultings 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.

30.10 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, etc., damaged or disturbed by the permitted utility work shall be restored promptly.

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.

30.11 Performance and Completion.

All work performed under a permit issued by the Town under this chapter shall be completed to the satisfaction of the Town Engineer, and in the case of temporary alterations to a roadway maintained by the Town, the roadway shall be fully restored to its former condition.