

## ORDINANCE NO: 2026-01

### REGULATION OF EXCAVATIONS IN THE TOWN RIGHT OF WAY

**1.010 Authority.** This ordinance is being adopted pursuant to the authority granted by sections 86.07 and 86.16 of the Wisconsin Statutes together with any other authority granted to towns to regulate excavations in the right of way.

**1.020 Intent.**

It is the intent of this chapter to promote and protect (1) the public safety and welfare of individuals using the Town's rights of way and (2) the structural integrity and longevity of the Town's roads.

**1.030 Regulations.**

No person may make any excavation or fill or install any culvert or make any other alteration for any purpose in any Town right of way or in any manner disturb any highway or bridge without a permit therefor from the Town.

No person may, without the written consent of the town, construct and operate lines, wires, or fiber for telecommunications service, as defined in section 182.017 (1g) (cq) of the Wisconsin Statutes, telegraph, telephone, or electric lines, or pipes or pipelines, for the purpose of transmitting voice, video, data, messages, water, liquid manure, heat, light, or power along, across, under, or within the limits of the Town's rights of way.

**1.040 Surface Restoration.** The permit holder is required to restore all surfaces to town road construction standards or to the condition that the surface was in prior to disturbance if the surface was not installed according to town road construction standards. During the winter months (November 1 to April 15), the contractor shall install a cold mix asphalt patch unless hot mix asphalt is available, or a temporary concrete patch. The permit holder is required to maintain any temporary patch until which time the permanent patch is installed. The permanent patch must be installed after May 1, but no later than August 31 of the following year.

**1.050 Permit.** Such permit shall contain the statement and be subject to the condition that the work shall be constructed subject to such rules and regulations as may be prescribed by said authority and be performed and completed to its satisfaction, and in the case of temporary alterations that the highway or bridge shall be restored to its former condition, and that the permittee shall be liable to the town for all damages which occur during the progress of said work or as a result thereof.

**1.060 Permit procedure.**

Any person requesting a permit under this chapter shall use the application form on file with the Town Clerk, which form shall be approved by the Town Board which may amend the same from time to time to comply with the requirements and intent of this chapter. The specific requirements of the application form shall be deemed to supplement the following minimum requirements:

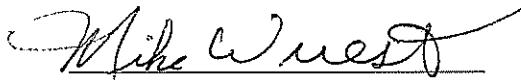
1. The date, name, and mailing address and phone number of the applicant.
2. The location and extent of the work.
3. Permit Fee. Each application shall be accompanied by a permit fee of \$25.00 or in an amount established by a resolution or ordinance duly adopted by the Town Board.
4. Financial security. A bond in the amount of \$10,000 or other adequate security as determined and approved by the Town Board.
5. Proof of Insurance. Contractors shall have and maintain a minimum of the insurance requirements for large exposure jobs. The insurance shall remain in effect for the entire duration of each project. Contractors shall furnish a bond in the amount of \$5,000 to assure that they will observe and obey all the requirements of the Town, and that they will indemnify the Town or any person in front of whose property they may work against loss by reason of their failure to observe the requirements of the Town.

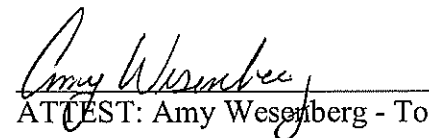
**1.170 Violation.** If any culvert is installed or any excavation or fill or any other alteration is made in violation of the provisions of this ordinance, the highway or bridge may be restored to its former condition by the town at the expense of the violator; and any person who violates this paragraph shall be punished by a fine of not less than \$50 nor more than \$500.

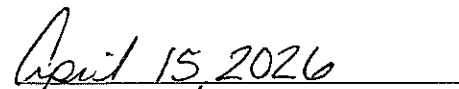
**1.180 Severability of code provisions.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, or any superseding Wisconsin State Statute or regulation, only that invalid or unconstitutional portion shall be deemed severed from the chapter and the remainder of the chapter shall have continuing validity.

Passed and Enacted/Rejected this 14<sup>th</sup> day of April 2026.

  
Mike Wuest, Town Chairperson

  
ATTEST: Amy Wesenberg - Town Clerk

  
Date Published