

ORDINANCE FOR ENCROACHING, TRENCHING, AND/OR BORING OF
TOWN ROADS AND RIGHT OF WAYS

The town board of the Town of Hartland, Shawano County, ordains as follows:

- A. When an individual, out of necessity, encroaches upon a town road, the individual shall submit to the Town of Hartland Board a properly completed Encroachment Application & Permit. Once the completed Encroachment Application & Permit application is received by the board, the application will be inspected by the proper parties and supervisors and a decision will be made. It is a violation if work commences on an encroachment without approval from the town board.

Definitions:

"Encroachment" refers to any underground forms of trenching, boring, approaches, excavations or any work conducted or utilities installed on town right of way.

"Utilities" refers to all underground forms of cables, lines, wires, piping, and any other forms or reasons for encroaching in town right of way. Overhead utilities must conform to any and all applicable rules regulations associated with them.

"Permit Holder" refers to any person(s) or entities wishing to encroach upon a town right of way.

Utility may include any electrical, communications, sewer, water, or gas lines.

"Board" refers to the Town of Hartland Board

- B. When applying for and submitting an Encroachment Application and Permit, the Permit Holder is subject to the following:
- No paved roads will be cut or trenched by the Permit Holder. Only boring is permitted by the Permit Holder. If a Permit Holder is seeking an exception to this requirement, said exception will be heard by the Road Supervisor for approval. In order to minimize disturbance, boring under the town right of ways will be required whenever possible as determined by the Board.
 - Permit Holder shall inform the Board at least 24 hours in advance before any work begins in accordance with the issued permit. Failure to inform the Board will result in immediate cease and desist of work.
 - All work contemplated under the Encroachment Application & Permit shall be done under the inspection of, and to the standards and satisfaction of the Board or its designee.

- A minimum depth of 36 inches must be used when laying any utilities through, under or across a town right of way. If an individual, or Public Utility Company, seeks an exception to place utilities less than 36 inches deep under, or across town right of way, said exception must be obtained in written form from the Board. Placement of utilities at a depth less than 36 inches will require permit holder to provide the Board with a map detailing placement of said utility lines. Installation of utilities in the town road itself, or on the shoulder of the town's right-of way, is strictly prohibited. Those seeking an exception to this requirement must obtain written approval from the Board or its designee.
- All forms of encroachments upon, or in any town right of way shall be backfilled with gravel. Each 6-12 inches of backfill require tamping to insure a minimal amount of settling. The original ground surface level shall be maintained. The permit holder is required to resurface the encroachment in a manner suitable, and approved by the Board or its designee. When the Permit Holder accepts the Encroachment Permit, the Permit Holder assumes all responsibility for any damages, and maintenance to the town right of way related to the encroachment. In cases of trenching into, or boring under town right of way, the Permit Holder will assume all liability and responsibility.
- The permit holder shall comply with the provisions of chapter 86.16 Wisconsin stats

C. A Public Utility company shall use the Public Utility Encroachment Application and Permit.

- UTILITIES installed in the town right of way that will run parallel to the town road must be installed as close to outside edge of the town right of way as possible. Such placement of utilities parallel to the town road must be approved by the Board or its designee.
- Installation of UTILITIES through a culvert or cattle guard is strictly prohibited. There will be no exceptions allowed to this condition.
- Installing UTILITIES near culverts or cattle guards may be allowed upon approval from the Board. Factors to be considered by the Board include the distance from the culvert/cattle guard and the utility and the maintenance and upkeep of the utility but not limited to.
- Encroachments made from, upon, or in any town right of way for the purpose of installation of any UTILITIES shall be backfilled with sand to a depth of six (6) inches below the line and six (6) inches above the completed surface of the utility line. The sand backfill will be tamped around the utility line to insure a minimal amount of settling around the line. Gravel must be used for the purpose of backfilling the remainder of the encroachment. If required, concrete or flowable fill will be used.
- In the event that improper and/or unapproved installation occurs within a town right of way, the owner of the utilities assumes all liability responsibilities.
- The town will issue an invoice bill to Permit Holder for work done and costs associated with any and all collective actions needed or taken for improper and/or unapproved installation of Encroachment Permits. UTILITIES seeking placement of their utilities in the town right of way are required to bury the lines in a manner which allows for adequate grading, rebuilding and maintenance of road beds and ditch grades. All utility lines in this section are required to be placed a minimum of three feet below the ditch grade unless otherwise approved by the Board or its designee.

- Upon completion of work, the site will be restored to a neat and presentable condition satisfactory to the Board or its designee.
- In the event that a Permit Holder seeks removal of utilities previously installed on town right of ways the Board shall be informed at least 24 hours in advance. The Permit Holder is required to restore the premises to a condition acceptable to the Board or its designee. The Permit Holder assumes responsibility for the expense of the removal of the utilities as well as all maintenance problems that arise due to the removal of the utilities. The Permit Holder is required to maintain responsibility for a minimum of five years after the removal of the utility. Upon written request, and at the discretion of the Board or its designee, a Release of Liability form will be assigned to the permit holder no sooner than six months after completion of the removal of the utility.
- All applications will be kept on file at the office of the Town of Hartland Clerk.

D. Penalty for violating ordinance.

- Any person violating any of the provisions of this ordinance shall be subject to a fine up to \$500.00 plus costs of prosecution, for each day of violation.

Adopted at the regular meeting of the Town Board of Town of Hartland on Date: _____

Robert Woldt – Chairman

Mark Mitchell – Supervisor

Wade Wudtke – Supervisor

Attested: _____
Susan Krull - Clerk

This ordinance shall take effect from and after its passage and posting as provided by law.

Effective Date: _____

Town of Hartland/Shawano County/State of Wisconsin

Encroachment Application & Permit Application
To Perform Work within Town Right of Way
Ordinance #2015-01

Name of Applicant _____ Date of Request: _____

Town Road _____

Tax Parcel # _____

Permission is requested to perform the following work in town right of way:

Explain type of work requesting to be done:

Name of company performing work:

Please submit this application along with a precise map of location of proposal.

Permit Fees: \$500

Please make check payable to Town of Hartland and mail to:

Susan Krull

Town of Hartland Clerk

W3299 East Slab City Rd.

Bonduel, WI 54107

I understand and agree that the submission of this application to the Town of Hartland shall not in any way be construed as implying consent and/or permission for the described work to be performed in town right of way, and, if the permit is approved, it shall be issued in the name of the Applicant Only.

I will comply with the terms and conditions of any permit that may be issued by the Town of Hartland.

(Print Name)

(Signature of Applicant)

(Address and Phone)