

STATE OF WISCONSIN

Town of Oakland

Douglas County

UTILITY ACCOMODATION ORDINANCE (Rev.1-27-2015)

SECTION I- TITLE AND PURPOSE

The title of this ordinance is the Town of Oakland Utility Accommodation Ordinance. The purpose of this ordinance is to determine the location of existing utilities and to establish provisions and conditions for future installations within all town road right-of-ways in the Town of Oakland. In reference to this ordinance, utilities are all those listed on the town's utility permit application.

SECTION II-AUTHORITY

The town board of the Town of Oakland, Douglas County, Wisconsin, has the specific authority under s. 60.22 and 182.017 (1r) Wis. Stats., to adopt this ordinance.

SECTION III- ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and proper notice having been given, provides for the town to require a permit and inspections for all utility installations in the Town of Oakland road right-of ways.

Any party wishing to construct, operate, and maintain utilities within town road right-of-way must fill out the application and obtain a permit from the Town of Oakland prior to any work being done.

The following general conditions apply to all work done within the town road right-of way such as utility installations or repairs by any contractor, public or private and/or their sub-contractors.

1. Protection of existing road surfaces, ditches, culverts, mail boxes, driveway approaches and all other identifiable installations that may be encountered during construction.
2. Protection of existing utilities which are known and can be determined by field locations. Contractor shall contact Digger's Hotline for utility locates prior to proposed start of work.
3. Repair of damaged improvements as described above in section III -(1), shall be the responsibility of the permit holder.

4. All installations by private utilities within the town right-of-ways shall be clearly marked and a detailed blueprint shall be provided to the town board as to its location.

All utilities must be installed in compliance with WCHA Utility Accommodation policy and Wisconsin State Laws, for utility companies. Failure to do so would put the utility contractor at fault. The Town of Oakland will not be held responsible for damage to utilities that are not installed properly.

SECTION IV-INSPECTIONS

All construction work performed in the town road right-of-way shall be subject to inspection by the permitting agency or its agent and certain types of work may have continuous inspection. It shall be the responsibility of the contractor or his or her designee to provide safe access for the inspector to perform the required inspections. It shall be the responsibility of the person performing the work authorized by the permit to notify the permitting agency or his/her authorized representatives that such work is ready for inspection. The permitting agency or agent requires that every request for inspection is to be received at least 2 business days before such inspection is desired, with the exception of emergencies as defined in section VII. The permitting agency or agent may also make or require other inspections of any work as deemed necessary to ascertain compliance with the provisions of these guidelines, WCHA utility accommodation policy or municipal law. Any work performed without required permits or inspections shall be subject to removal and replacement at the contractor's expense, regardless of the quality of the work. Where large scale projects exceed the ability of the Town of Oakland to provide inspections, the contractor or utility company shall incur the cost of a private inspection firm. The inspection firm will be chosen by the Town of Oakland prior to issuance of the permit.

SECTION V-PROJECT COORDINATION

It is in the best interest of all persons to attempt to coordinate projects whenever it is reasonably possible. Therefore, periodic reporting by registrants of known construction project plans will be useful to achieve this objective.

Project plans. Every permittee shall, at the time of application and 30 days prior to construction, file a construction and major maintenance project plan with the town. The plan shall include, but shall not be limited to, the location of, and the estimated beginning and end dates for all projects contemplated along with blueprints and detailed plans for all installations.

SECTION VI- PERMIT FEE

The permit fee shall be established by the town in the amount sufficient to cover the costs incurred by the town. The fee shall be established in the town policy manual. All contractors performing work in the town shall be bonded and insured. Permits shall be issued in compliance with 182.017 (9), Wis. Stats.

SECTION VII- WORK DONE WITHOUT A PERMIT

1. **Emergency work.** Each utility or person shall immediately notify the town of any event regarding its facilities that it considers an emergency. Within five business days after the occurrence of the emergency the utility shall apply for the necessary permits, pay the associated fees therewith and otherwise fully comply with the requirements of this ordinance. The town may take whatever action it deems necessary to protect the public safety as a result of the emergency, the cost of which shall be borne by the utility whose facilities occasioned the emergency.
2. **Non-emergency work.** Any utility or person who, without first having obtained the necessary permit, performs a non-emergency excavation on a town right-of-way shall subsequently obtain a permit, and shall in addition to any penalties as specified in the towns policy manual, pay double the normal fee for said permit.

SECTION VIII- REMOVAL AND REPLACEMENT OF UNSATISFACTORY WORK

Removal and replacement of unsatisfactory work shall be completed within (60) days of written notification of the deficiency unless deemed an emergency requiring immediate action. A written request for an extension of time must be submitted for approval by the town board or their designee. In the event the replacement work cannot be completed within the 60 day time frame or as requested, the town will take action to cover all related costs in compliance of 182.017 8 (b), Wis. Stats.

SECTION IX- RELOCATION OF FACILITIES

1. **Relocation coordination.** Existing facilities may interfere with proposed or modified town use of the right-of-way, or with public improvements undertaken by the town. The town shall have the goal of cooperation with all parties involved, in order to achieve relocation goals.
2. **Relocation required.** Except as prohibited by law and when relocation coordination fails to achieve relocation, the utility shall promptly and at its own expense, with due regard to seasonal working conditions, permanently remove or relocate its facilities in the right-of-way whenever the town requests such removal and relocation, and shall restore the right-of-way to the same condition it was in prior to removal or relocation. The town may make such requests under s. 182.017(2) Wis. stats to prevent interference of facilities with:

- a. A present or future town use of the right-of-way
- b. A public improvement undertaken by the town
- c. When the public health, safety and welfare require it or
- d. When necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way

SECTION X - SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION XI - 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 subject to 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.

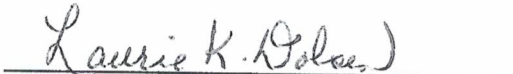
SECTION XII - EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80 Wis. Stats.

Adopted this 10th day of February, 2015.


Robert Warner-Town Chair


Attest: Laurie Dolsen - Clerk