

Town of Hayward
Ordinance # 96-05
Highway Excavation Ordinance
As amended through February 13, 1997

This ordinance is to promote the health, safety, and general welfare and to regulate and restrict the excavation in or under any town street, roadway, or highway of the Town of Hayward and to protect the interests of the Town of Hayward, and to maintain the open and safe use of the highways for travel during the times of excavation, and to provide a method for administering and enforcement, and penalties for this ordinance.

The Town Board of the Town of Hayward, Sawyer County, Wisconsin, does ordain the following according to the Wis State Statute 86.16.

Section 1. Permit required. It shall be unlawful for any person, firm or corporation to tunnel under or make any excavation on any town road in the Town of Hayward without having obtained a permit as is herein required.

Section 2. Application. Applications for such permits shall be made to the Clerk at least 45 days prior to the commencement of any work subject to this ordinance, and shall describe location, extent, size, purpose of project, and length of time it will take and persons doing the work. The 45-day requirement may be waived by the Town Board for good cause.

Section 3. Fees. The fee to obtain such permits shall be determined by the Town Board. The fee may be waived by the Town Board for good cause.

Section 4. The permit shall only be issued by the Town Clerk after approval has been given by the Town Board of the Town of Hayward. The Town Board may impose special requirements as a condition to the issuance of a permit.

Section 5. Bond or Deposit. The Town of Hayward Town Board may require the issuance of a performance bond or deposit to indemnify the Town of Hayward for any loss, liability, or damage that may result or accrue from or because of the work performed as a condition of the permit. From this deposit or bond the Town of Hayward may deduct any expense the Town has in refilling, fixing or resurfacing the work area. The Town of Hayward shall return any balance to the applicant without interest after the work is completed in accordance with Town standards.

Section 6. Manner of excavation. It shall be unlawful to make any such excavation or tunnel in a manner contrary to this ordinance or permit. If approved, the cutting of bituminous pavement (black top), or sealcoated surfaces may be required before excavation by the Road Supervisor in order to confine pavement damage to the trench. Unstable pavements shall be removed over any cave-outs and overbreaks and shall be treated as the main trench. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench. Backfilling shall be done with soil free of rocks, roots, stumps and sticks and shall be compacted to match adjoining soils. The basecourse shall be gravel meeting state specifications and compacted for a thickness of not less than six (6) inches. Surface course shall be hot-mix-blacktop compacted to two (2) inches and shall match the surrounding surface, be flush and free of bumps. The Town Board or the Road Supervisor may require a blacktop patch covering work surface and extending a distance on each side of the trench deemed necessary by the Road Supervisor to eliminate

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Section 6. (Cont). depressions or bumps. The Town Board or the Road Supervisor may require that boring be done instead of trenching. Upon completion of the boring, tunnel shall be backfilled with compacted sand. The Town Board or the Road Supervisor may require that a pipe be installed under the road to run utilities through to eliminate trenching or boring in the future.

Section 7. This ordinance shall also apply to trenches and pipe lying along the Town roads within Town road right-of-way and a permit is required. The maximum length of any open trench at any time shall be kept to the minimum as approved by the Road Supervisor.

Section 8. Supervision. From time to time the Road Supervisor, Town Chairperson or the Towns Engineer consultant may inspect the work being done in or under any Town road, or within the Town road right-of-way.

Section 9. Protective measures for the public and routing traffic. It shall be the duty of every person cutting or making an excavation in or upon any Town road or within the Town road right-of-way to place and maintain appropriate barriers and warning devices necessary for safety of the public.

Section 10. Care of excavated material. All material excavated from the trenches and piled adjacent to the trenches or in any road shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians or users of the roads

Section 11. Cleanup. All work areas shall be kept clear of all rubbish, excess earth, and other debris resulting from such work. All clean up work shall be at the expense of the permittee. If the area is not cleaned up to the satisfaction of the Road Supervisor or the Town Board, the work may be done by the Town and charged to the permittee and deducted from any required bond or deposit.

Section 12. Protection of watercourses. The permittee shall maintain watercourses during the time of the work and shall be required to restore all watercourses and ditches to the condition as existed prior to the permittees' work, to allow the drainage of water, without causing washouts. This may include but not be limited to seeding, mulching or some form of rip rap. The permittee shall be responsible for any damage resulting from its failure to do so.

Section 13. Noise, dust and debris. Each permittee shall conduct and carry out work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of the neighboring properties. The permittee shall take reasonable measures to reduce to the fullest extent, during the performance of the work, noise, dust and debris.

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Section 14. Emergency action. Nothing in this ordinance shall be construed to prevent the completion of such work as may be necessary for the preservation of life or property, for the location of trouble in conduit or pipe or making emergency repairs, provided that person making the repairs shall apply to the Road Supervisor or Town Chairperson for such a permit on the first working day after such work is started.

Section 15. Location records. Any permittee doing work upon Town roads or rights-of-way shall provide to the Town of Hayward and maintain in its files an accurate record of all its underground facilities, except the minor facilities that connect a particular facility to a particular premise or building.

Section 16. Penalty. Any person, firm, or corporation violating any of the provisions of this ordinance shall be fined not less than fifty dollars (\$50.00) but not more than five hundred dollars (\$500.00) plus court costs for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 17. Enforcement. The Town Chairperson, Road Supervisor or the Constable may institute appropriate action to enjoin violations of this ordinance in addition to any other penalties stated herein, which may include but not limited to application for a Writ of Prohibition or mandamus.

This ordinance was adopted at the regular meeting of the Town Board of the Town of Hayward on October 1, 1996 and shall be deemed to be in force from this day forward, according to law.

This ordinance was adopted on October 1, 1996 and amended on February 13, 1997. The original Ordinance and Amendment are on file at Town of Hayward.

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