

**ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN**

Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: **REVISION OF TOWN CODE SECTION 8.03 RIGHT-OF-WAY PERMITS**

Ordinance Number	<u>2016-02</u>
Code Section(s) replaced	<u>Section 8.03</u>
Presented to Board by	<u>Town Attorney</u>
Committee Review by	<u>None</u> (Town Attorney prepared)
Date(s) Public Hearing(s) held (if required)	<u>2016-05-02</u>
Date adopted	<u>2016-05-02</u>
Vote	<u>4-0</u>
Date of publication of adoption of ordinance	<u>published on Town website 2016-05-03</u>
Date of posting	<u>2016-05-03</u>

The Town Board of the Town of Cottage Grove does ordain as follows:

*Section 8.03 of the Cottage Grove Town Ordinances shall be repealed and recreated to read as follows:*

*See attached 3 pages (including Exhibit A), which are incorporated by reference.*

Adopted this 2<sup>nd</sup> day of May, 2016 by a vote of 4 for and 0 against and 0 abstentions.

**TOWN OF COTTAGE GROVE**



Kris Hampton, Town Chair

ATTEST:



Kim Banigan, Town Clerk

Approved as to form this  
2<sup>nd</sup> day of May, 2016.

ANDERSON CONSULTS, LLC

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Constance L. Anderson  
Cottage Grove Town Attorney

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

### 08.03 RIGHT-OF-WAY PERMITS

#### (1) APPLICATION AND APPROVAL REQUIRED

(a) No person shall make any excavation or fill or install any culvert or make any other alteration in, under or through any town roadway or in any manner disturb any town right-of-way or bridge without applying for and receiving a permit from the highway superintendent.

(b) The highway superintendent shall review applications for right-of-way permits with the Town Board. Applications shall be made using a form approved by the highway superintendent and the Town Board. The application shall include Exhibit A *Right-of-Way Fees, Deposits and Standards*, a copy of which is attached hereto and incorporated by reference.

(c) The highway superintendent shall have the authority to approve the location and specifications of any alterations to town rights-of-way. Additional conditions shall be considered and may be incorporated in the right-of-way permit, as determined by the highway superintendent and/or Town Board.

(d) Where prudent or necessary, the town may require review and input from the town engineer. Fees associated with such review shall be paid by the applicant, as set forth in Exhibit A.

(e) As a condition of permit approval, the town shall require and the applicant shall provide the following:

1. Permit Fee. Payment of the permit fee(s) is required prior to commencement of work to reimburse the town for costs incurred by the town in reviewing, inspecting and monitoring work in town rights-of-way. Current fees and standards for such work are set forth on Exhibit A, which is attached hereto and incorporated by reference. The fee amounts set forth on Exhibit A may be amended by resolution of the Town Board.
2. Deposit. A deposit to ensure proper construction, completion of work, and absence of damages to town rights-of-way. The deposit shall be in the form of i) a bond from a surety company acceptable to the town; ii) cash; iii) certified or cashier's check. Upon completion of the work and inspection by the highway superintendent, the town shall refund the deposit in a timely manner, less any damage, repair, completion or excess inspection costs. The deposit amounts shall be determined on an application-by-application basis, as set forth on Exhibit A. The deposit amounts may be amended by resolution of the Town Board.
3. Insurance. A certificate of insurance naming the town as an insured and holding the town free from all liability by reason of injury to third persons or property, and to pay any and all damages and costs arising from work in the town right-of-way.

(2) DAMAGE TO TOWN RIGHT-OF-WAY; PENALTY FOR VIOLATION

(a) Any damage caused to town property and/or right-of-way due to any work done under a right-of-way permit is the responsibility of the permit holder.

(b) Violations of this ordinance shall be punishable as Class C forfeitures, under s. TCG 25.04.

(3) EFFECTIVE DATE

(a) The original ordinance was adopted on 19 June 2000. The ordinance was amended on 2 May 2016.

(b) The ordinance, as amended, shall take effect upon passage and publication as required by law.

EXHIBIT A TO TOWN OF COTTAGE GROVE ORDINANCE s. 8.03 RIGHT-OF-WAY PERMIT FEES, DEPOSITS AND STANDARDS		
CALCULATION OF PERMIT FEES:	QUANTITY @ \$ PER	AMOUNT
a. Permit to work in town road right-of-way	_____ @ \$55	\$ _____
b. Borings and trenching (small trenching projects)	_____ @ \$45 per boring / trenching	\$ _____
c. Open cut pavement	_____ @ \$220 per open cut	\$ _____
d. Trenching in excess of 1,320 feet (large trenching projects)	_____ @ \$110 X # of lineal feet/1,000	\$ _____
e. Construction of vault or other structure	_____ @ \$110 per vault/structure	\$ _____
f. Engineering fees for Town Engineer's review of nonstandard projects/circumstances	All fees incurred by Town; prepayment of estimate may be required	\$ _____
	TOTAL FEES:	\$ _____
DEPOSIT TO ASSURE PROPER CONSTRUCTION, COMPLETION AND ABSENCE OF DAMAGES (see TCG s. 08.03(1)(e)) Reasonable amount as set by highway superintendent and/or Town Board		\$ _____

**NOTES REGARDING FEES, DEPOSITS AND STANDARDS:**

- Permit to work in town right-of-way:** The fee in subsection a. above is required for all permits, and is to be paid per permit prior to commencement of work. Additional fees may be required as set forth in b. to f., and a deposit shall be required to assure completion of work to town standards.
- Borings and Trenching:** This fee applies to all borings, whether under the town roadway or parallel to the town road (such as a boring in the drainage ditch). The Town will need to review and monitor all boring and trenching to determine that the proposed location(s) are the best available locations in terms of the public interest in the project. The public interest includes issues such as impact on Town road structure, future drainage ditch cleaning and so forth.
- Open Cut Pavement:** This fee applies any time roadway pavement is impacted. If the opening is not large enough for a roller compactor to be used, then a Type II patch. The Type II patch requires a 7 inch thick / high early strength concrete layer beneath the asphalt. (Type II patch detail drawings are available from the Town.) If the Applicant wishes to use an alternate patch type, the alternate must be approved by the Town Engineer. The Applicant shall pay the costs incurred for the Town Engineer's review of patches other than the Type II patch.
- Construction of Vault or Other Structure:** This fee applies to all vaults or other structures placed in the right-of-way. It does not apply to utility pedestals that are not installed on a concrete base.
- Restoration:** Where open cuts occur or restoration is required, restoration of trench walls shall be sloped (rather than vertical) and trench compaction shall be as good as prior to disruption. The Applicant shall re-use native fill materials below the pavement to the full extent possible to avoid possible differential frost heave.
- Engineering fees:** Where Town Engineer review is needed, as requested by the Highway Superintendent and approved by either the Town Board or the Town Chairperson, the Applicant shall pay all such fees incurred within 30 days of the invoice to the Applicant. Prepayment may be required in an amount and as determined by the Town Clerk and/or Town Treasurer, following consultation with the Town Chairperson.