

**TOWN OF LIBERTY GROVE
ORDINANCE #4-17
BORING OR TRENCHING OF TOWN ROADS**

The Town Board of the Town of Liberty Grove (hereinafter referred to as “the Town”), in the County of Door, State of Wisconsin, does hereby ordain as follows:

Purpose.

By authority in Wisconsin State Statute 66.0425, the rules and regulations set forth in this Ordinance are to establish standards for any installation that would require a company to complete the installation by boring under or trenching through a Town road.

Section I.

A. Definitions

1. Town Road: a public thoroughfare for which work has to be done in its Construction and maintenance, including but not limited to clearing, excavating, filling, leveling, compacting, paving, crack filling and chip sealing.
2. Private Road: a road that has been or is to be constructed that serves private residences or businesses and for which the same amount of work may or may not have been done as that for a Town road.

Section II.

A. Permits

1. Anyone who wishes to complete an installation of any kind by boring under or cutting through a Town road must first apply in writing for permission to the Liberty Grove Town Board, in a form satisfactory to the Town.
2. A deposit in the amount of \$500 shall accompany the application to be used by the Town if road work is required to correct damage done by the boring or trenching. If damage is nonexistent or repaired by the applicant, said deposit shall be refunded 90 days after completion of the work.
3. Any open cut across a road shall be restored to the original depth and type of material existing prior to the cut. Subsequent settling of the cut area shall be re-filled with like material to make the cut area flush with the adjacent road surface.
4. The Town Administrator shall first inspect the area where the boring/trenching will take place. Plans and/or maps shall be furnished and site staked prior to the Administrator’s inspection. Upon satisfaction that the proper criteria have been met, permission shall be granted by the Administrator or Town Chairman.
5. Permission to bore/trench across a Town road shall be good for 30 days. If the work has not been completed within 30 days, the permission process must be repeated.

B. Penalties.

Penalties for violations of any provision of this Ordinance shall be not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00), plus the costs and disbursements of prosecution, for any violation which occurs under the terms of this Ordinance. Each violation of any section constitutes a separate offense.

C. Enforcement and Effect.

1. All ordinances in the Town that conflict with the provisions of this Ordinance in whole or in part are hereby repealed.

2. This ordinance may be enforced by the issuance of a citation to any violator of this ordinance by the Sheriff or Deputy Sheriff of the County of Door, State of Wisconsin; any State of Wisconsin Officer with police powers; any duly appointed law enforcement officer of the Town including the Town Constable, if any; the Town Clerk/Treasurer or his or her designee; the own Administrator; or any designated Town Board member.

D. Severance Clause.

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance.

E. Interpretation.

The provisions of this ordinance shall be liberally construed in favor of the Town, and shall not be construed to be a limitation on or repeal of any other power granted the Town under the Wisconsin Statutes.

F. Adoption.

This ordinance shall take effect upon passage and publication as provided by law. Adoption of this Ordinance by the Liberty Grove Town Board does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. Issuance of a citation hereunder shall not preclude the Town Board or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, citation or order.

Adopted at a regular meeting of the Town Board of the Town of Liberty Grove, Door County, Wisconsin, this 2nd day of August, 2017.

John Lowry, Chairman

Nancy Goss, Supervisor

Gary Farber, Supervisor

Hugh Mulliken, Supervisor

Lou Covotsos, Supervisor

I, Janet Johnson, Clerk/Treasurer of the Town of Liberty Grove, Door County, Wisconsin do hereby certify that the above is a true and correct copy of an ordinance that was adopted on the 2nd day of August, 2017 by the Liberty Grove Town Board.

Dated this 3rd day of August, 2017.

Janet Johnson, Clerk/Treasurer