

**TOWN OF LIBERTY GROVE
ORDINANCE # 2-20
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.

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. 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. Humps caused by either process shall also be fixed flush.

3. A nonrefundable deposit in the amount of \$500 shall accompany the application. Vendor shall have 30 days to correct unrepaired damage, which damage shall be determined by Town staff and notified to vendor through U.S. Mail. If road work is required to correct damage done by the boring or trenching, costs of said repairs shall be assessed to the firm doing the boring/trenching. Costs of the repairs shall be per machine and labor rates charged out by the Town or costs charged by a private vendor if hired to do the work, in the absence of the vendor, by the property owner, through a special charge on the property owner’s tax bill.

4. Prior to the boring/trenching, the Town Administrator or his designee shall inspect the area where the activity will take place. Plans and/or maps shall be furnished the Town, and site staked prior to the Town’s inspection. Upon satisfaction that the proper criteria have been met, permission shall be granted by the Town Administrator or Chairman via the Town permit.

5. Permission to bore/trench across a Town road shall be good for 60 days. If the work has not been completed within 60 days, unless weather or extenuating circumstances dictate a delay of completion, Town staff may grant a no-fee extension.

B. Penalties.

Penalties for violations of any provision of this Ordinance shall be Two Hundred and Fifty Dollars (\$250.00), plus the costs and disbursements of prosecution, such penalty incurring

each day the violation of any section of this Ordinance continues without remediation. 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 Town 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, the 18th day of November, 2020.

John Lowry, Chairman

Lou Covotsos, Supervisor

Nancy Goss, Supervisor

Cathy Ward, Supervisor

Janet Johnson, Supervisor

I, Anastasia Bell, 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 18th day of November, 2020 by the Liberty Grove Town Board.

Dated this 18th day of November, 2020

Anastasia Bell, Clerk/Treasurer