

**UTILITY PERMIT ORDINANCE
TOWN OF ROCK, WOOD COUNTY**

AN ORDINANCE DESIGNATING A UTILITY PERMIT APPLICATION PROCESS

STATE OF WISCONSIN

Town of Rock

Wood County

The Town Board of the Town of Rock, Wood County, Wisconsin do ordain as follows:

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Rock Utility Permit Ordinance. The purpose of this Ordinance is to create a permitting and regulatory process for the construction and installation of the facilities used to furnish or distribute heat, light, water, sanitary sewer service, power, telephone service, internet service, natural gas, or subterranean manure line across or within Town road right-of-way and to ensure the safety of utility lines and structures located within Town roadway and the right-of-way.

SECTION II – STATUTORY AUTHORITY

The Town of Rock, Wood County, Wisconsin, adopts this Ordinance pursuant to Wis. Stats. §86.16, 182.017, 66.0831, and pursuant to the Town's powers.

SECTION III - ADOPTION OF ORDINANCE

This ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to designate the utility permit process.

SECTION IV – UTILITY PERMIT APPLICATION REQUIREMENTS AND PROCEDURES

- A. Any person, firm, or corporation, including any foreign corporation authorized to transact business in the State of Wisconsin, may, subject to Wis Stats. § 30.44(3m), 30.45 and 196.491(3)(d)3m., with the written consent and utility permit(s) from Town of Rock with respect to roadways under the Town's jurisdiction, construct and operate lines, wires, or fiber for telecommunications service, as defined in § 182.017(1g)(cq), telegraph, telephone, or electric lines, or pipes or pipelines, for the purpose of transmitting voice, video, data, messages, water, liquid manure, heat, light, or power along, across, under, or within the limits of the roadway or right-of-way.
 1. This section applies to public utilities, cooperative associations, telecommunications utilities, and like entities described in Wis. Stat. § 196.01(5)(a) and (b) providing heat, light, water, sewer, power, phone, and data services to or for the public, or to members of cooperative organizations under Wis. Stat. Ch. 185. Private businesses, individual, and other non-utilities seeking to install telephone lines, electric lines, pipes, or pipelines within or across a right-of-way of a Town roadway must obtain a privilege under Town of Rock Ordinance 2024-01.

2. This section only applies to subterranean pipes or pipelines transmitting liquid manure that otherwise comply with Section 5.A.1. Non-subterranean pipes, hoses, or other measures for transmitting liquid manure are regulated by driveway and culvert permits.
- B. Application Form. Applications for utility permits shall be made on a form approved by the Town Board and available from the Zoning Administrator. A completed "Utility Permit Application" form shall be filed with the Zoning Administrator. The application shall be accompanied by the following attachments:
1. Sketch Map. A sketch showing the conceptual idea of the project and approximate location and dimensions of the utility project.
 2. Plat Map. A plat map indicating the location and ownership of all parcels affected by the utility project. For properties not owned by the applicant, the application must also include copies of landowner consent to the project, as necessary.
 3. For pipes or pipelines, an engineering report that describes pipeline construction, operation, and maintenance, including a description of project lifespan, depth to groundwater, and planned safeguards to prevent pipeline failure, flooding, and any other potential disruptions to traffic and other public uses of the Town right-of-way and that demonstrates compliance with NRCS Standard 634, Manure Transfer, as may be amended from time to time.
 4. Other documents. The Town Board may require other documents to be attached to the Utility Permit Application on a case-by-case basis, where necessary to assess the public safety and welfare impacts of the proposal.
- C. Application Review. The Town Board shall approve or deny every Town Utility Permit Application and may, as a condition of issuance, place specific restrictions or conditions on the permit necessary to protect public safety and/or prevent disruptions to traffic using the right-of-way, which shall require compliance by the permittee.
1. Reasons for conditioning or denying a Town Utility Permit shall be stated in writing and may include, but are not limited to, the inconsistency or nonconformance of the proposed roadway access with any of the following:
 - i. This ordinance
 - ii. Any existing town comprehensive plan, master plan, or land use plan.
 - iii. Other town ordinances, rules, regulations, or plans.
 - iv. Any applicable county, state, or federal laws, ordinances, rules, regulations, or plans.
 - v. Engineering standards or generally accepted engineering practices for the structure at issue.
 2. Permit Period. A Utility Permit is effective for twelve (12) months from the date of approval by the Town Board. If the project has not been completed within that period, the permit is deemed expired, and a new application must be submitted and approved. Within 60 days after the expiration of a permit without completion of construction, the applicant shall cause the property to be restored to the condition it was in immediately prior to commencement of the work authorized by the expired permit, unless a new permit is obtained during the 60-day period.

3. Project inspection. The applicant shall notify the Zoning Administrator within five (5) working days after completion of construction or improvement of the utility project. The Town Board or its designee shall conduct an inspection of the project to ensure full compliance with all provisions of this Ordinance and any permit issued hereunder and shall require the applicant to make such modifications as are necessary for full compliance. Modifications shall be completed within five (5) business days.
4. Fee and Penalties. The fees required in connection with each utility permit application shall be determined as follows:
 - i. The Town Board may, at its discretion, set an individual application fee higher than the standard fee amount if extraordinary circumstances so dictate, such as the need for expert engineering or legal review due to site- or project specific features. The fee shall be non-refundable unless the application is withdrawn prior to the commencement of processing the application.
 - ii. Failure to obtain a utility permit or comply with the standards in this Ordinance is punishable by forfeiture of \$50 per violation, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.
5. Town Authority Preserved. The Town of Rock, notwithstanding the issuance of any permit under this Ordinance or construction of any utility project pursuant to such permit, reserves all of its rights and authority to cause any changes, additions, repairs reconstruction or relocation of any part of a utility project located within dedicated right-of-way at any time, including but not limited to, modifications that may be necessary or convenient in connection with the relocation, reconstruction, widening and/or maintaining the road or right-of-way, without compensating the owner of such private driveway for damage to, or the destruction of, such private roadway. Receipt of a permit under this Ordinance does not relieve the permit holder from obtaining any other permit that may be required by any state law or other local ordinance, or from following any applicable law or rule, nor does it relieve the applicant from any liability for damage caused to any Town facilities or private property, or from liability for causing a nuisance under applicable law.

SECTION V – UTILITY LOCATION, DESIGN, AND CONSTRUCTION REQUIREMENTS

All poles used in the construction of such lines shall be set in such manner as not to interfere with the use of such highway by the public, nor with the use of the adjoining land by the owner thereof; and all pole lines shall hereafter be constructed to meet the requirements of the provisions of the state electrical code promulgated by the public service commission.

All underground cables, fibers, pipes, tubing, or related materials to the project shall follow all state, county, and local regulations.

All pedestals shall be breakaway construction.

No tree shall be cut, trimmed, or the branches thereof cut or broken in the construction or maintenance of any such line without the consent of the owner of the tree.

Any trenching, tunneling, or excavation shall be performed in accordance with the requirements prescribed by the U.S. Occupational Safety and Health Administration (O.S.H.A.), the Wisconsin Department of Industry, Labor, and Human Relations, or applicable local regulations, whichever is stricter.

Work shall be performed and installed as far away as possible from the roadway side of the right-of-way. No work shall be performed in the center or the roadside of the ditch.

SECTION VI – FEES

Applicant must pay all applicable fees for permit to construct and operate transmission lines on roadway, including but not limited to the following associated fees:

1. Base application fee
2. Boring fee and additional fee for each 1000' beyond the first 1000'
3. Open cut fee and additional fee for each 1000' beyond the first 1000'

The current fee schedule is listed on the application.

SECTION VII – SEVERABILITY

The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town of Rock would have passed the other provisions of this ordinance irrespective of whether one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to the other person's circumstances shall not be deemed affected.

SECTION VIII – EFFECTIVE DATE

This ordinance shall take effect and be in force following its passage and publication as provided by law. The Town Clerk shall properly publish this ordinance as required under § 60.80, Wis. Stats.

Posted Date:

X

Pete Winistorfer, Chairman

Published Date:
