

ORDINANCE NO. 286

The Village Board of Campbellsport, Fond du Lac County, Wisconsin, does hereby ordain as follows:

PART 1. PURPOSE

An ordinance to create Requirement for Street and Terrace Openings under Chapter 12.04.045 – B

PART 2. PROVISION CREATED

Section 12.04.045 – B. is created to read as follows:

12.04.045 – B. Street and Terrace Openings. (1) PERMIT REQUIRED. No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the village without first having obtained a permit from the building inspector. (2) FEE. The fee for a street opening permit shall be as set from time to time by the board.

(3) REQUIREMENTS. Permits will be obtained from the building inspector three business days in advance of the commencement of excavation to allow for the marking of village utilities. 1. Upon completion of excavation, the permit holder shall either barricade (lighted) or temporarily patch the excavation. 2. When a permanent patch is being prepared it shall be the responsibility of the contractor to notify the Public Works Department one business day in advance so that the limits of the patch can be marked out before patchwork begins.

3. Edges of existing pavement are to be sawed before placing patch.

4. Patching materials shall be the same as or better than the existing pavement materials.

5. Depth of patch shall be the same as existing pavement.

6. Terrace patches shall be topped with 4" of shredded topsoil and shall be seeded with a quality mix grass seed.

7. It shall be the permit holder's responsibility to maintain and/or replace the patch for a period of 1 year after completion.

8. The cost of repairing any damage to utilities shall be the responsibility of the permit holder.

(4) REGULATIONS GOVERNING STREET AND SIDEWALK OPENINGS. (a) *Frozen Ground.* No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Director of Public Works.

(b) *Removal of Pavement.* When opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or damage to surfacing material and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.

(c) *Protection of Public.* Every person shall enclose with sufficient barriers each opening that he may make in the streets or public ways of the village. 1. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees.

2. Lights shall be kept burning from sunset to sunrise, one light to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning.
3. Except by special permission from the Director of Public Works, no trench shall be excavated more than 50 feet in advance of pipe laying nor left unfilled more than 50 feet where pipe has been laid.
4. All necessary precautions shall be taken to adequately guard the public from accidents or damage to persons or property through the period of the work.
5. Each person making such opening shall be held liable for all damages, including costs incurred by the village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

(d) Replacing Street Surface. In opening any street or sidewalk, the paving material, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced in their original position or condition and the same relation to the remainder as before. 1. Any excavated material, which in the opinion of the Director of Public Works is not suitable for refilling, shall be replaced with approved backfill material.

2. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same so to be maintained for a period of one year.
3. In refilling the opening, slurry fill is required to prevent settling.
4. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench.
5. The board may elect to have the village make the pavement repair for any street or sidewalk opening, in which the cost of making the repair and of maintaining it for one year shall be charged to the person making the street opening.

(5) EXCAVATIONS IN NEW STREETS LIMITED. Whenever the board determines to provide for the permanent improvement or re-paving of any street, such determination shall be made not less than 30 days before the work of improvement or repairing shall begin. *(a) Notifications.* Immediately after such determination by the village board, the village shall notify in writing each person, utility, village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within 30 days.

(b) After such permanent improvement or re-paving, no permit shall be issued to open, cut or excavate said street for a period of 5 years after date of improvement or repaving unless in the opinion of the Director of Public Works an emergency exists which makes it absolutely necessary that the permit be issued.

(6) EMERGENCY EXCAVATIONS AUTHORIZED. In the event of an emergency any person owning or controlling any sewer, water main, conduit, or utility in or under any street and his agents or employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit; provided that such person shall apply for an excavation permit no later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit hereunder.

(7) VILLAGE WORK EXCLUDED. The provisions of this section shall not apply to excavation work, authorized by the Director of Public Works, by village employees or contractors performing work under contract with the village necessitating openings or excavations in village streets.

(8) PERMIT FOR ERECTING UTILITY POLES. No person shall erect any telephone, electric or railway poles or posts upon any street or alley in the village, until such person submits to the Director of Public Works or building inspector, the route of their proposed line or lines or any extension thereof showing as far as practical the location of each such pole or post and the number and location of the wire and no such construction shall be made until the said official first gives its permission therefor.

(9) SERVICE MAINS. All water and sewer mains and laterals and all gas mains and laterals and other connections between the house and the streets shall be sufficiently installed prior to paving to permit the ground to properly settle and so far as applicable, Wis. Stats. §62.18 is adopted and fully incorporated by reference. Before any gas mains are laid, the utility company shall present a proposed plan showing their location. The utility company shall agree and guarantee in the manner as the Director of Public Works shall determine, that all streets and sidewalks disturbed by the installation of gas mains will be repaired and put back into substantially the same condition that they were in before the commencement of the work. Upon failure to comply with the terms of the guarantee, the village may make written demand requiring such work to be done, naming the same. Upon failure and neglect of the utility to do the work within a time to be stated in the demand, the village may complete the work and charge the expense of the work to the utility company.

PART 3.

All ordinances or parts of ordinance conflicting with or contravening the provisions of this ordinance are hereby repealed.

PART 4.

This ordinance shall take effect upon passage and be in force from and after its introduction and publication as provided by statute.

VILLAGE OF CAMPBELLSPORT

Dean Uelmen, Village President

ATTEST:

Diane Lemke, Village Clerk/Treasurer

Passed and adopted this ____ day of _____, 2005
Roll Call Vote _____ "Ayes" _____ "Noes" _____ "Abs."
Published _____