

TOWN OF FORESTVILLE, DOOR COUNTY
Ordinance # 2017-04
Underground Right of Way Access

The Town Board of Supervisors of the Town of Forestville, Door County, Wisconsin, do hereby ordain as follows:

Section I: Purpose

The purpose of this ordinance is to restrict access to and establish procedures for obtaining access to the underground areas of rights of way of the Town of Forestville.

Section II: Authority

This ordinance is drafted under the authority of Wis. Stats. §60.22, §82.03 and §86.07.

Section III: Underground Right of Way Access

1. Permit.

A. There shall be no excavation in any town highway or town right of way without a permit therefor issued by the town chairman. The permit shall be required for every excavation, including those made by any government agency, except the County of Door performing highway maintenance.

B. Emergency repairs, other than during normal working hours, may be started without obtaining the required permit provided that the permit is applied for on the next successive work day following the start of the emergency repairs.

C. The permit shall serve as authorization to excavate the town road and town right of way as a contract between the Town of Forestville and the person obtaining the permit as a contract to assure proper site restoration.

D. The fee for permit issuance shall be established by the town board in the Underground Right of Way Permit Application.

2. Restoration Required.

A. At completion of the permitted work, the party excavating the town right of way or town highway shall restore the site. Backfilling of the excavation must be done with proper materials and proper methods to keep settling to a minimum.

Finish grade material shall be equivalent to, or better than, the adjacent finished surface.

B. Conditions for the excavation and restoration may be placed in the permit for excavating and access to the town right of way and town highway.

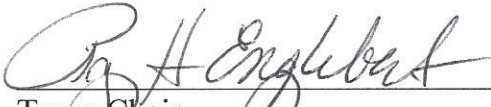
Section IV: Penalty

Any person or entity violating the provisions of this ordinance shall be subject to a forfeiture of not less than \$100 nor more than \$200. Each day that a violation continues to exist shall constitute a separate offense. In addition, the Town of Forestville may seek injunctive or declaratory relief. The Town of Forestville shall be entitled to recovery of its actual attorney fees and costs in any such action.

Section V: Effective Date

This ordinance is effective on date following its publication as provided by law.

Adopted by the Town Board this 28th day of March, 2017.



Town Chair




Town Supervisor



Town Supervisor

Attested to this 28th of March, 2017.



Town Clerk