

CHAPTER 8

PUBLICWORKS

8.01 Town Road Excavations

8.02 Moving Buildings

8.03 Limiting Activities within Town Road Rights-of-Way

8.01 TOWN ROAD EXCAVATIONS. (1) PERMIT. No person shall excavate in any road or public ground without a permit therefor from the Town Clerk.

8.02 MOVING BUILDINGS. (1) PERMIT REQUIRED. No person shall move any building within the Town without a permit from the Town Clerk. The application for such permit shall be made not later than 30 days before the date the building is moved and shall designate the streets and alleys along which the building is intended to be moved. Such permit shall state the date upon which such work will commence, a description of the building and its location, the place to which such building is intended to be moved, the name of the owner of such building, the name of the person who will perform the work and the names of the streets and alleys along which the building may be moved.

(2) NOTIFICATION OF UTILITIES: No person shall be granted a permit under 8.02(1) unless and until such person has notified the owner of any overhead wires along the route of the intended move of his intention to move a building along said route and has furnished the Town as part of the application written proof that such notification has been made, which proof shall include the name, address and telephone number of each person so notified.

8.03 Limiting Activities within Town Road Rights-of-Way WHEREAS: To each Town road there exists a right-of-way or easement granted over the land for the purpose of establishing roads. Rights-of way on Town roads extend from 24' – 33' outward from the road centerline. Information regarding the extent of the right-of-way on an individual Town road is available by contacting the Town clerk. The Town Road right-of-way is maintained by the Town. The Town wishes to protect its road rights-of way and prevent damage and unsafe conditions by restricting what can be done by the public in these rights-of way.

LET THE FOLLOWING BE ENACTED:

No person shall perform any work that would in any way disturb or alter the road right-of-way without written approval from the Town board. Such disturbances would include but are not limited to the following:

1. Cultivation, Landscaping, and Trees.

- a. **Cultivation.** A person may plow, cultivate, plant, or harvest agricultural crops in the road right-of way to within 12 ft. of the edge of the road surface, providing such crops do not pose a safety risk for persons traveling on the roadway. If the Town Board deems that such crops pose a safety risk or obstruct view for traffic on the roadway, such crops within the right-of-way may be removed by action of the Town Board. Common mowing in the right-of-way is allowed.
- b. **Landscaping.** No person may plant or maintain trees, shrubbery, grasses, flowers, vegetables, or other vegetation in any manner that obstructs visibility of a road or otherwise interferes with, obstructs, or renders dangerous for passage a right-of-way.

- c. **Trees.** Trees within the right-of-way may be removed by action of the Town board when they interfere with the maintenance or reconstruction of the road or when they are deemed by the board to interfere with the safety and convenience of the public.

2. Obstructions and Junk.

- a. **Obstructions.** No person may place, maintain, or allow any obstruction in a right-of-way. Such obstructions include but are not limited to, fences, posts, culverts, structures, piled materials, hay bales, vehicles, trailers, campers, equipment, or any other items that interfere with the safe use or the maintenance of the right-of-way. No person shall deposit, or place for any purpose, rocks or tile within a Town road right-of-way.
- b. **Junk.** No person shall place or maintain junk in a right-of-way.

3. Alteration of Grade. No person may alter or change the depth or contour of any portion of any ditch or embankment in a right-of-way without written approval of the Board.

4. Damage. No person shall engage in activity which may cause temporary damage to a right-of-way without the written approval of the Town board. Any person doing such damage within a right-of-way with approval of the Board shall return the right-of-way to at least the same condition it was in prior to the damage.

5. Damage to the Roadway. Any person causing damage to the traveled portion of the road right-of-way is responsible for the cost of returning the roadway to its original condition.

6. Mailboxes, Signs, and Personal Newspaper Boxes.

- a. **Mailboxes.** Mailboxes and personal newspaper boxes are permitted within a right-of-way if they do not interfere with, obstruct, or render dangerous for passage a road. Mailboxes should meet USPS guidelines. The mailbox should be positioned 41" to 45" above ground level with the front of the box 6" to 8" back from the curb or roadway.
- b. **Mailbox Installation.** Mailbox supports should follow Wisconsin Department of Transportation standards to ensure that the mailbox will break away on impact:
 - i. Pipes should be 1 1/2 inches inside diameter or less.
 - ii. Square wood supports should not be larger than four inches by four inches. Round wood posts should not be larger than four inches in diameter.
 - iii. Metal channel posts should not weigh more than two pounds per foot.
 - iv. Imbed supports no more than 24 inches into the ground and do not imbed them in concrete.
 - v. Do not use anchor plates with metal posts. Anti-twist flanges are acceptable as long as they do not project more than 10 inches into the ground.
 - vi. Avoid unyielding and potentially dangerous supports including but not limited to the following: heavy metal pipes, concrete posts, masonry installations, large receptacles filled with sand or concrete, ornamental installations such as old plows, wagon wheels, or other farm equipment (e.g., milk cans filled with concrete).
- c. Should any mailbox be deemed unsafe by the Town board, the owner of said mailbox shall be notified in writing that the mailbox is not safe and must be replaced. The owner shall then have 10 days in which to comply with the requirements for placement of mailboxes as laid out and explained in this ordinance.
- d. **Signs.** No permanent sign of any nature may be placed or allowed to remain in any right-of-

way except an official traffic sign placed by a governmental authority or other signage expressly permitted by state law. Temporary signs must be removed within 24 hours after the event.

Permission

A person wishing to in any way disturb the Town road right-of-way must receive written permission of the Town board. Any person receiving permission to perform work in the Right-of Way from the Town Board must comply with all conditions, requirements, and limitations the Board expresses as part of the permission. Failure to comply with any of the conditions, requirements, or limitations shall void the permission and could place the person in violation of this ordinance.

Enforcement and Penalty.

Any person who shall violate the provisions of this ordinance shall have 30 days to repair or reinstate the Town road right-of-way back to the former condition in which it was prior to the offense. If such repair is not completed within 30 days, the Town will perform the work of repairing and reinstating the Town road right-of-way back to its original condition. The cost of correcting a violation shall be the responsibility of the violator. If the Board provides for the correction of the violation, all expenses incurred, including reasonable attorney's fees, shall be billed to the violator. If the bill is not paid by the due date, the cost will be assessed against the property.

Effective Date. This ordinance shall become effective five days after its adoption by the Town of Concord Board of Supervisors

This ordinance is hereby adopted at the regular Town Board meeting of the Town of Concord on the _____ day of _____, 2015.

Brian Neumann, Town Clerk

Bill Ingersoll, Town Chairman

Lloyd Zastrow, Town supervisor

Ted Mueller, Town supervisor