

## Section 32

### Town of Humboldt Town Road Right-of-way Ordinance

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CHAPTER 32  
TOWN OF HUMBOLDT  
BROWN COUNTY, WISCONSIN

**Ordinance for Restricting Use and Obstruction of Town Road  
Right-of-Way Ditches and Embankments**

SECTION ONE. Permit required for excavation; fee; insurance.

A. Permit required.

- (1) No person, partnership, utility or corporation, or his or its agents or employees or contractors, shall make or cause to be made any excavation, alterations or obstruction in any public road, public way, public ground, public sidewalk or Town-owned easement, or fill or alter any culvert or construction or install additions or extensions to his or its existing facilities within the Town of Humboldt without a permit therefor from the Town or designee.
- (2) The applicant shall submit to the Town a written request for a utility construction/street excavation permit and a plan (engineering plans or specifications) of the proposed alteration, extension, or addition, showing its location and details of construction, including specified depth, method of excavation, open cut or auguring, provisions of restoration and any other materials requested by the Town. By submitting an application, the applicant agrees to be bound by the terms of this Ordinance.

B. Fee. The fee for a permit shall be set by the Town of Humboldt fee schedule. The fee shall be paid at the time of application.

C. Insurance required. A permit shall be issued only upon condition that the applicant submit to the Town satisfactory written evidence that the applicant has in force and will maintain during the time the permit is in effect liability insurance of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate. The Town shall be named an additional insured on the policy.

SECTION TWO. Regulations governing excavations and openings.

A. Frozen ground. No openings in the roads or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Town.

B. Removal of paving. In any opening or excavation, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least

practicable inconvenience to the public, no drainage is impacted and not placed in wetlands.

C. Protection of public

- (1) Every occurrence shall have the required traffic control signing and devices following the Wisconsin MUTCD manual. Warning lights shall be kept on from sunset to sunrise. Such lights shall be spaced to give adequate warning of the existence of the work zone. No trench shall be excavated more than 250 feet in advance of pipe or conduit laying nor left unfilled more than 50 feet over night. Single hole within 15 feet of the edge of the travel roadway will need to be temporary plated.
- (2) All necessary precautions shall be taken to guard the public from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Town in defending any action brought against it for damages, as well as costs 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 road surface. Upon completion of work pursuant to a permit issued by the Town, the applicant shall replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Town Board for a period of one (1) year,

E. Notice. The permittee shall notify the Town Supervisor, Brown County Sheriff's Department and Highway Department and all private individuals, firms and corporations affected by the work to be done at least 48 hours before such work is to commence. The Town Chairman or designee shall also be notified at least four hours prior to backfilling and/or restoring the surface.

F. Validity of Permit. Unless the work shall be commenced within the time prescribed in the permit, the permit shall be void. A new permit will be required if 90 days have been passed from the initial permit and a new permit must be obtained for an additional fee charged. The Town may extend the time limitation for good cause. The utility or contractor shall have present at the site of construction and during the restoration period a copy of the construction plans and Town permit.

G. Emergency excavation. In the event of an emergency, any person, firm or corporation owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public road or way and his agents and 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, firm or corporation shall apply for an excavation permit not later than the next business day.

- H. Exception. The provisions of this section shall not apply to excavation work done by Town employees or contractors performing work under contract with the Town.

SECTION THREE. Obstruction of intersections or signs; trees, fences, poles, and other structures.

- A. Obstruction of intersections. No person shall maintain, plant, or permit to remain on any private or public premises situated at the intersection of two or more roads in the Town any hedge, tree, shrub or other growth or object which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- B. Obstruction of signs. It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery, or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the Town. It shall be the duty of every owner of such tree, bush, shrubbery, or vegetation to remove such obstruction.
- C. Abatement procedure. Any shrub, tree or other plant which obstructs the view at an intersection, or the view of a traffic sign shall be deemed to be danger to public travel, and the Town shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specific, it shall be lawful for the Town to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof may be assessed to the owner.
- D. Vegetation in right-of-way. Other than mowing, no person shall till, graze, kill or destroy the vegetation in the right-of-way. No person shall plant additional vegetation in the right-of-way.
- E. Fences, poles, and other structures. No person shall build or reconstruct any fence, pole, boulders, or other structure within the public road right-of-way measured from the center of the road to a point 18 inches from the back line of the right-of-way unless otherwise approved by the Town. This provision shall not apply to mailboxes and boxes for delivery of newspapers.

SECTION FOUR. Deposit of waste or rubbish on Right-of-way.

- A. It shall be unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, dirt, machinery, garbage or other waste or rubbish in or on the right-of-way of any highway located in the Town of Humboldt.

SECTION FIVE. Structures and construction in Town right-of-way.

- A. Mailboxes and boxes for delivery of newspapers. The provision of this Ordinance shall not apply to the installation of mailboxes and boxes for the delivery of newspapers.
- B. Existing structures and obstructions. Any existing structure, sign, fence, wall, pavement, or other obstruction (including trees) which, in the judgment of the Town, will prevent proper snow removal from the pavement and shoulders or mowing of the ditches of the Town highway shall be removed by the owner or occupant of the adjacent property within 15 days of receiving written notice from the Town. If the owner or occupant does not remove said structure or obstruction within the allotted time, the Town shall remove it or make arrangements to have the obstruction removed and the expense of removal shall be charged to the adjacent property as a special charge or special assessment.
- C. The Town assumes no responsibility for the replacement or repair of any such items where loss, damage, or injury to such items is the result of Town operations including maintenance, snowplowing, construction, or reconstruction of roadways or ditches, which work is being performed by the Town or the Town's contractor on the Town's Roadrights-of-way.

SECTION SIX. Drain Water Discharge.

- A. Every building and all parts thereof shall be drained so as not to cause dampness on the walls and ceilings. No downspout within six feet of adjoining property shall be pointed toward such property. Discharge from a downspout shall not create a nuisance. The downspout discharge shall be considered a nuisance in situations including, but not limited to, such discharge creating icing problems on streets, alleys, or sidewalks, damaging a city street or sidewalk, creating ponds of standing water, or flowing over adjoining property
- B. Sump pump discharge in areas where storm sewers are not available, sump pumps shall discharge onto the surface not closer than six feet of the adjoining property and shall be directed either to the rear lot line or to the road or to a recorded drainage easement and shall not be directed as to flow on adjacent property. Discharge from the sump pump shall not create a nuisance. The sump pump discharge shall be considered a nuisance in situations including, but not limited to, such discharge creating icing problems on streets, alleys, and sidewalks, damaging a street or sidewalk, creating ponds of standing water, known drainage problem areas shall not be compounded or flowing over adjoining property.

SECTION SEVEN. Violations.

Any person, persons, partnerships, company, or corporation who violates any provision of this Ordinance shall be subject to a forfeiture of not less than \$250 nor more than \$500 for each violation. For purposes of determining forfeitures, each day that a violation continues shall be considered a separate offense. In addition, the Town shall be entitled to recover its reasonable attorneys' fees included in any enforcement action and shall be entitled to injunctive relief, abatement orders, and other equitable relief.

Dated this 6<sup>TH</sup> day of February, 2023

TOWN OF HUMBOLDT



By:

Tim VanPay, Chairperson

Tim VanPay, Chairperson

Attest:

Attest:



Judy Baiert, Town Clerk

Judy Baiert, Town Clerk