

**Town of Bass Lake, Sawyer County**

**Ordinance #2002-02**

Amended 03-13-2023

**HIGHWAY EXCAVATION ORDINANCE**

**Whereas**, the Town of Bass Lake, Sawyer County Town Board has determined that it is necessary and desirable to adopt an Ordinance in accordance with ss86.16

**Section 1. Permit required.** It shall be unlawful for any person firm or corporation to tunnel under or make any excavation on any Town road in the Town of Bass Lake without having obtained a permit as herein required

**Section 2. Application.** Application for such permits shall be made to the Road Crew Chief 10 days prior to the commencement of any work subject to this ordinance and shall describe location, extent, size and purpose of project and length of time it will take and persons doing the work the 10 day requirement may be waived by the Road Crew Chief for good cause. Applications by private contractors/persons will be reviewed and issued by the Town Board at a regularly scheduled Board Meeting.

**Section 3. Fees.** The fees to obtain such permits shall be determined by the Road Crew Chief/ Town Board. The fee may be waived by the Road Crew Chief/ Town Board for good cause.

**Section 4. Permit.** The permit shall be issued by the Road Crew Chief. Permits for private contractors/persons will be issued after approval has been given by the Town Board. The Town Board may impose special requirements as a condition to the issuance of a permit.

**Section 5. Bond or Deposit.** The Town of Bass Lake Town Board may require the issuance of a performance bond or deposit to indemnify the Town of Bass Lake for any loss, liability, or damage that may result or accrue from or because of the work performed as a condition of the permit. If roadway has to be closed, a seventy-two (72) hour notice to the township would have to be given.

**Section 6. Manner of Excavation.** It shall be unlawful to make any such excavation or tunnel any manner contrary to this ordinance or permit. If approved, the cutting of bituminous pavement (blacktop) or seal-coated surfaces may be required before excavation by the Road Crew Chief in order to confine pavement damage to the trench. Unstable pavements shall be removed over any cave outs or over breaks and shall be treated as the main trench. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center of the trench. Backfilling shall be done with soil free of rocks, roots, stumps and sticks and shall be compacted to match adjoining soils. The base course shall be gravel meeting state specifications and compacted for a thickness of not less than six (6) inches. Surface course shall be hot-mix-black top compact to two (2) inches and or match the surrounding surface, be flush and free of bumps. The Town Board or Road Crew Chief may require a blacktop patch covering work surfaces and extending a distance on each side of the trench deemed necessary to eliminate depressions or bumps. The Town Board or Road Crew Chief may require that boring be done instead of trenching. Upon completion of the boring, the tunnel shall be backfilled with compacted sand. The Town Board or the

Road Crew Chief may require that a pipe be installed under the road to run utilities through to eliminate trenching or boring in the future.

**Section 7.** This Ordinance shall apply to trenches and pipe laying along Town roads within the road right of way, and a permit is required. The maximum length of any open trench at any time shall be kept to the minimum as approved by the Road Crew Chief. The permittee must maintain ten (10) feet from the outer edge of the road right away.

**Section 8. Supervision.** From time to time the Town Chairperson, Town Supervisors or Road Crew Chief may inspect the work being done in or under any Town road, or within the Town road right away.

**Section 9. Protective measures for the Public and routing traffic.** It shall be the duty of every person cutting or making an excavation in or upon any Town road or within the Town road right away to place and maintain appropriate barriers and warning devices necessary for the safety of the public.

**Section 10. Care of Excavated Material.** All material excavated from the trenches and piled adjacent to the trenches or in any road shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians or users of the roads.

**Section 11. Cleanup.** All work areas shall be kept clear of all rubbish, excess earth, and other debris resulting from such work. All cleanup work shall be at the expense of the permittee. If the area is not cleaned up to the satisfaction of the Town Board or the Road Crew Chief the work may be done by the Town and charged to the permittee and deducted from any required bond or deposit.

**Section 12. Protection of Watercourses.** The permittee shall maintain water courses during the time of work and shall be required to restore all water courses and ditches to the condition and as existed prior to the permittee's work, to allow the drainage of water, without causing washouts. This may include but not limited to seeding, mulching or some sort of rip-rap the permittee shall be responsible for any damages resulting from its failure to do so.

**Section 13. Noise, Dust and Debris.** Each permittee shall conduct and carry out work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of the neighboring properties. The permittee shall take reasonable measures to reduce to the fullest extent, during the performance of work, noise, dust and debris.

**Section 14. Emergency Action.** Nothing in this ordinance shall be construed to prevent the completion of such work as may be necessary for the preservation of life, or property, or for the location of trouble in conduit or pipe or making emergency repairs, provided that the person making the repairs shall apply to the Town Chairperson or the Road Crew Chief for such a permit on the 1st working day after such work is started.

**Section 15. Location Records.** Any permittee doing work upon Town roads or road right of way shall provide to the Town of Bass Lake and maintain in its files and accurate record of all its underground facilities except the minor facilities that connect a particular facility to a particular premise of building.

**Section 16. Penalty.** Any person, firm or corporation violating any of the provisions of this Ordinance shall be fined not less than \$50 but not more than \$500 plus court costs for each offense. A separate offense shall be deemed committed on each day during on or which violation occurs or continues.

**Section 17. Enforcement.** The Town chairperson, Town Supervisor or Road Crew Chief may institute appropriate action to enjoin violations of this ordinance in addition to any other penalties stated herein, which may include but not limited to application for Writ of Probation or mandamus.

**This Ordinance shall be effective March 13<sup>th</sup> 2023, upon passage. This Ordinance shall repeal and replace any and all Excavation Ordinances heretofore enacted by the Town of Bass Lake, Sawyer County.**

**Adopted the 13<sup>th</sup> day of March, 2023**

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**Justin Hall, Town Chairman**

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**Dave Aubart, Supervisor**

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**Bob Hammond, Supervisor**

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**Jim Evans, Supervisor**

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**Marshal Savitski, Supervisor**

**Attested by:**

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**Town Clerk, Tammy Brown**