

TOWN OF EAST TROY

N9330 Stewart School Road • P.O. Box 872

East Troy, Wisconsin 53120

Telephone (262) 642-5386

Fax (262) 642-9701

STREET OPENING PERMIT

THE TOWN OF EAST TROY DOES HEREBY PERMIT

CONTRACTOR NAME: _____

CONTRACTOR ADDRESS: _____

CONTRACTOR PHONE _____ FAX _____

E-MAIL _____

TO OPEN OR EXCAVATE A _____

AT (ADDRESS) _____

PROPERTY OWNER NAME: _____

PROPERTY OWNER ADDRESS: _____

PROPERTY OWNER PHONE: _____ FAX _____

E-MAIL _____

This permit also acknowledges the payment of the Permit Fee of _____ and the bond amount of _____, which shall be kept by the Town of East Troy, Walworth County, for a period of not less than one (1) year. The applicant herein acknowledges the receipt of Section 12.25 "Excavations and Openings" of the Municipal Code for the Town of East Troy and agrees to abide by each and every provision stated therein.
(Permit Fee \$25.00), (Bond amount \$1,500.00).

Dated this _____ day of _____, 20_____.

Applicant

TOWN OF EAST TROY

By: _____
Greg Twelmeyer, DPW Superintendent

Chapter 12.25

EXCAVATIONS AND OPENINGS

Sections:

- 12.25.010 Permit required.
- 12.25.020 Fee.
- 12.25.030 Bond.
- 12.25.040 Regulations governing street and sidewalk openings.
- 12.25.050 Town work excluded.
- 12.25.060 State and county highways.

12.25.010 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 Town without first obtaining a permit therefor from the Town Board.

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CONTRACTOR NAME: _____
 CONTRACTOR ADDRESS: _____
 CONTRACTOR TELEPHONE: _____
 TO OPEN OR EXCAVATE A: _____
 AT (ADDRESS): _____
 PROPERTY OWNER NAME: _____
 PROPERTY OWNER ADDRESS: _____
 PROPERTY OWNER TELEPHONE: _____

This permit also acknowledges the payment of the Permit Fee of _____ and the Bond amount of _____, which shall be kept by the Town of East Troy, Walworth County, for a period of not less than one (1) year. The applicant herein acknowledges the receipt of Chapter 12.25 ETMC, Excavations and Openings, of the Municipal Code for the Town of East Troy and agrees to abide by each and every provision stated therein.

(Permit Fee \$25.00), (Bond Amount \$1,500.00)

Dated this _____ Day of _____, 20_____.

(Applicant)

Town of East Troy

By: _____

(Town Clerk/Treasurer)

(2008 code § 7.07(1))

12.25.020 Fee.

The fee for a street opening permit shall be \$25.00 and shall be paid to the Clerk who shall issue a receipt therefor. (2008 code § 7.07(2))

12.25.030 Bond.

Before a permit for opening or excavating any street or public way may be issued, the applicant shall deposit with the Clerk cash in the amount of \$1,500 guaranteeing that the applicant will fill up, place and save in good condition, and complete all necessary excavations and openings that are made in any street or public way and will replace and restore the pavement, road shoulders and any other disturbance or opening in a suitable and safe condition to be approved by the Town Highway Department and/or Town Engineer, as the Town Board may require, to the satisfaction of the Town Board, and shall warrant and guarantee the same for a period of one year, and that any fines imposed for any violations of any rule, regulation or ordinance governing the same and to fund any Town action necessary to complete necessary work in accordance with Town road requirements, as well as any other applicable rule, regulation or ordinance of the Town shall be deducted from such deposit. In lieu of posting a cash bond as provided in this section, public utilities finding it necessary to excavate or make openings in any street, alley, highway, sidewalk or other public way within the limits of the Town may post a surety company bond in the amount of \$1,500 issued by a surety company operating in and duly licensed by the state of Wisconsin upon same conditions as required for the cash bond. The special classification for public utilities is based upon the following reasons:

1. The companies are regulated by the Public Service Commission of Wisconsin.
2. The companies are responsible, owning valuable assets located in the municipality.
3. The companies make numerous openings so that individual deposits would be onerous.
4. The ordinance is available for review under Wis. Stat. § 196.58(4), by the Public Service Commission and might be found to be unreasonable if a surety bond were not permitted.
5. The deposit shall not be returned until one year after the closing of the opening and after written approval by the Superintendent of the Highway Department. (2008 code § 7.07(3))

12.25.040 Regulations governing street and sidewalk openings.

1. Frozen Ground. No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen except when necessary as determined by the Town Board or in an emergency by the Superintendent of the Highway Department.

2. **Removal of Paving.** In opening any street or other public way all paving or blasting materials shall be removed with the least possible loss of or injury 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.
3. **Protection of Public.** Every person shall enclose with sufficient barriers each opening which they may make in the streets, sidewalks, or public ways of the Town. 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. Red lights or torch lamps are 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. Except by special permission from the Town Board, no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectively 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 cost of any appeal, that may result from the neglect by such person or his employees of any necessary precautions against injury or damage to persons, vehicles, or property of any kind.
4. **Replacing Street Surface.** In opening any street or sidewalk, the paving materials, sand, gravel, and earth or other material moved or penetrated and all survey monuments or hubs must be removed and replaced as nearly as possible to their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Superintendent of Highway Department is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling the opening, the earth must be puddled or laid in layers not more than six inches deep and each layer rammed, tamped, or flushed to prevent caving. No timber, bracing, lagging, sheathing, or other lumber shall be left in any trench. The Town may elect to have the Town make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening. (2008 code § 7.07(4))

12.25.050 Town work excluded.

The provisions of this chapter shall not apply to excavation work under the direction of the Town Board or Superintendent of the Highway Department by Town employees or contractors performing work under contract with the Town necessitating openings or excavations in Town streets. (2008 code § 7.07(5))

12.25.060 State and county highways.

On state and county trunk highways, rules and regulations of the state and county highway respectively shall apply. (2008 code § 7.07(6))