

## **CHAPTER 30: ROADWAY ALTERATIONS AND CONNECTIONS**

### **30.01 Title/Purpose.**

This chapter is entitled “Roadway Alterations and Connections.” The purpose of Chapter 30 is to preserve the roadways under the Town’s authority, further the safety of the general public, and protect the financial and other best interests of the Town.

### **30.02 Authority.**

This chapter is enacted pursuant to Wis. Stat. §§ 60.50 and 86.07.

### **30.03 “Roadways” Defined.**

As used in this chapter, “roadway” shall mean all public ways and thoroughfares, and bridges on the same, and shall include the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purpose of vehicular travel, as well as all right-of-way dedicated to the same. “Roadway” does not include any portion of any privately owned road or driveway, whether improved or unimproved, lying outside the boundaries of a roadway.

### **30.04 Permits Required.**

No person shall alter or disturb, in any manner, whether temporary or permanent, any roadway maintained by the Town, excavate under any roadway maintained by the Town, or connect any roadway or any privately owned road to any roadway maintained by the Town without first obtaining a permit. The foregoing shall not apply to any public authorities acting in the performance of their official duties.

### **30.05 Permit Procedure.**

A. Except as otherwise provided in subparagraph B, permits applied for under this chapter shall be subject to the application procedures outlined in Section 19.10 of this Code, including, without limitation, the requirement that the applicant submit an executed Cost Recovery Agreement (as described in Chapter 23 of this Code, and in a form approved by the Town Board). The fees for all permit applications under this chapter shall be as determined from time to time by the Town Board.

B. Permits to construct, maintain or repair utilities within a Town road right-of-way may be issued by the Public Works Superintendent, the Town Chairperson or the Town Supervisor then designated as in charge of Town roads.

C. In conjunction with the issuance of a permit under this chapter, the permittee shall be required to execute an agreement, in a form approved by the Town Board, under which the permittee agrees to:

1. Defend and save the Town and its officers, Town Board members, agents, and employees harmless from, and indemnify the same against, all claims, demands, damages, losses, and costs and expenses, including all reasonable legal, accounting, consulting, engineering, and other expenses, resulting from any act or omission of the permittee, or any agent of the permittee;
2. Purchase and maintain a general comprehensive liability insurance policy to protect the Town and its officers, Town Board members, agents, and employees from all acts and omissions of the permittee, and all agents of the permittee, in a form and amount, and through an insurance carrier, approved by the Town Board, with proof of such insurance provided to the Town upon demand;
3. Purchase and maintain insurance adequate to reimburse the Town for any and all damage to the Town's property and the roadways maintained by the Town that may occur in connection with the permitted work, in a form and amount, and through an insurance carrier, approved by the Town Board, with proof of such insurance provided to the Town upon demand; and
4. File with the Town a performance bond, letter of credit, or other adequate security, in a form and amount approved by the issuing authority, as security for the satisfactory completion of the permitted work as provided herein.

### **30.06 Performance and Completion.**

All work performed under a permit issued under this chapter shall be completed to the satisfaction of the Public Works Superintendent for permits issued under Section 30.05(B) and the Town Engineer for all other work. In the case of temporary alterations to a roadway maintained by the Town, the roadway shall be fully restored to its former condition.