

TOWN OF WALWORTH  
WALWORTH COUNTY, WI

**ORDINANCE NO. 09062023-2**

**AN ORDINANCE OF THE TOWN OF WALWORTH, WAL WORTH COUNTY,  
WISCONSIN, PERMITTING UTILITY CONSTRUCTION IN THE RIGHT-  
OF-WAY and CERTIFICATE OF INSURANCE**

**Permitting of Utility Construction in the Right-of-Way**

A. General. Any firm, person, or corporation must be issued a permit from the Town of Walworth to construct, operate, maintain or repair utilities located within the Town of Walworth right-of-way. The construction of all utilities and restoration of all disturbed areas shall be as provided for in this ordinance.

B. Permit Required. The Town Highway Superintendent may, at his or her discretion, direct the Town Engineer to review projects prior to approving an application. Any costs incurred by the Town for review and inspection of facilities or improvements shall be borne by the applicant. In addition, construction permits shall be issued only upon satisfaction of the following:

(i.) Completion of an application for a construction permit along with the submission of the applicable fee schedule.

(ii.) Posting with the Town Clerk, a bond or other surety in an amount not to exceed one hundred fifty percent (150%) of the actual cost of the construction, operation, maintenance, or repair of facilities or improvements.

(iii.) The applicant shall also be required to submit a Certificate of insurance indicating: (1) Public Liability insurance with a general liability aggregate limit of not less than Two Million Dollars (\$2,000,000); and, (2) Workmen's Compensation and/or Employer's Liability insurance for all employees employed at the site of the excavation per Wisconsin Statutes. The applicant shall require each and every subcontractor to obtain and maintain similar policies with the same limits stipulated above.

C. Form of Application. The application for a permit shall be in writing and signed by the applicant or his or her agent. The applicant shall submit to the Highway Superintendent, at the time of application, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The Highway Superintendent shall determine if sufficient information is submitted.

D. Exceptions. The Town Board may, at its discretion, waive permit requirements as necessary. Emergency repairs of facilities or improvements may be made as needed, provided a permit is obtained within 5 working days from the commencement of emergency repairs.

E. Restoration of existing improved surfaces. The Contractor shall restore all permanent type pavements, sidewalks, driveways, trees, shrubbery, lawns, fences, poles, and other property and surface structures removed or disturbed during or as a result of construction operations to a condition that existed before the work began. The surface of all improvements shall be constructed of the same conditions and match in appearance the surface of the improvements which were removed.

Any Ordinance or parts thereof, inconsistent herewith, are hereby repealed.

This Ordinance shall be effective from and after its passage by the Town Board and publication as required by law.

The above and foregoing Ordinance was duly adopted at a meeting of the Town Board of the Town of Walworth held on September 6, 2023, by a vote of   3   in favor,   0   against,   0   abstain.

TOWN OF WALWORTH

APPROVED:

\_\_\_\_\_/s/\_\_\_\_\_  
David J. Rowbotham, Town Chair

\_\_\_\_\_/s/\_\_\_\_\_  
Steve Santeler, Supervisor #1

(Seal)

\_\_\_\_\_/s/\_\_\_\_\_  
William Pearce, Supervisor #2

Attest: \_\_\_\_/s/\_\_\_\_\_  
Marie Baker, Town Clerk-Treasurer