

Ordinance 2022-2

TOWN OF LITTLE SUAMICO, WISCONSIN

TOWN ROAD RIGHT-OF-WAY FACILITY LOCATION ORDINANCE

The Town Board of the Town of Little Suamico, Wisconsin, upon proper notice and with a quorum present, hereby adopts the following Facility Location Ordinance. Passage of this ordinance repeals any prior ordinance addressing construction, installation, and repair of facilities within the town right-of-way.

Section 1: Purpose. The purpose of this Ordinance is to create a permitting and regulatory scheme for the construction, installation and repair of facilities used to furnish or distribute heat, light, water, sanitary sewer service, power, telephone service, internet service, or natural gas across or within Town road right-of-way. The Town of Little Suamico reserves the right to waive any fees associated with town sponsored projects.

Section 2: Authority. This Ordinance is adopted pursuant to Wis. Stat. §§ 86.16, 182.017, 66.0831, and pursuant to the Town's police powers.

Section 3: Definitions. For purposes of this Ordinance, the following definitions apply:

- (a) "Person and/or applicant" shall mean all individuals, partnerships, associations, and bodies politic or corporate.
- (b) "Facilities" shall mean any pipes, lines, or other infrastructure used to furnish or distribute heat, light, water, sanitary sewer service, power, telephone service, internet service, or natural gas across or within Town road right of way.

Section 4: Establishment of Permit. No Person may construct or install Facilities across or within any Town road right-of-way without a Facility Location Permit issued by the Town Planner or an agent designated by the Town Board.

Section 5: Application for Permit. Any Person seeking a Facility Location Permit shall submit an application to the Town Clerk that shall contain, at a minimum, the following information:

- (a) The applicant's name, address, and contact information.
- (b) Plan map or sketch showing the following:
 - a. The location of the proposed Facilities.
 - b. The location of all existing Facilities.
 - c. The vertical and horizontal distance between the proposed Facilities and all existing Facilities.

- (c) Estimated project starting and restoration completion dates.
- (d) For Facility installations and repairs running parallel to four (4) or more parcels, documentation of existing right-of-way conditions shall be submitted using concise photos and/or video covering the entire route.
- (e) Signature agreeing to the provisions and conditions of the permit.
- (f) Any other information requested by the Town Planner or designated agent of the town needed for application review purposes.

Section 6: Facility Separation. All proposed Facilities shall be set back from existing Facilities that were installed by the Town or a Town Sanitary District a minimum horizontal distance of eight feet and a minimum vertical distance of eighteen inches unless lesser setbacks are approved by the Town Board in its sole discretion.

Section 7: Administration of Permit. Facility Location Permits shall be issued by the Town Planner unless the Town Board has delegated such authority to another agent. In either event, no Facility Location Permit will be issued until the Town first submits the application to all affected Town utility districts for review and recommendation.

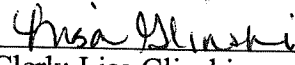
Section 8: Indemnification. All Facility Location Permit holders shall defend, indemnify, and hold harmless the Town, all Town sanitary and utility districts, and their respective officers, employees, agents, and insurers harmless of and from all actions of any nature whatsoever that arise out of or are connected with any work done by the applicant pursuant to a Facility Location Permit.

Section 9: Enforcement. Any Person who violates this Ordinance shall be subject to forfeitures in an amount of not less than \$200 nor more than \$500 for each offense. For purposes of determining forfeitures under this Ordinance, each day an offense continues constitutes a separate offense. In addition to forfeitures, the Town may seek injunctive relief, abatement orders, and other equitable relief as the Town deems necessary to enforce this Ordinance. The Town shall also be awarded cost of prosecution, including reasonable attorneys' fees, in the event of a violation. Finally, any applicant not in compliance with a previously issued permit, will not receive another Facility Location Permit until compliance is obtained.

Dated this 13 day of June 2022

TOWN OF LITTLE SUAMICO

By: 
Town Chairman: Elmer Ragen

Attest: 
Town Clerk: Lisa Glinski