



TOWN OF BELOIT, WISCONSIN

Permit No. 20__ - _____

APPLICATION TO WORK IN PUBLIC RIGHT-OF-WAY

Town Ordinance Chapter 11.03

JOE ROSE, PUBLIC WORKS DIRECTOR: Phone: (608)473-0512
PERMIT FEE: \$150.00 (CHECK OR CASH ONLY)

I. APPLICANT INFORMATION

Applicant Name _____ Date of Application _____
Company Name _____ Address _____
Telephone _____ City, State, Zip Code _____
Applicant is a: [] Utility Co. [] Contractor [] Individual [] Other _____

II. CONTRACTOR INFORMATION

(if work will not be performed by applicant)

Company Name _____ Company Telephone _____
Contact Name _____ Company Address _____
Contact Telephone _____ City, State, Zip Code _____

Note: Town Code requires any person working within any public Right-Of-Way or public property to obtain and file with the Town of Beloit both a Performance Bond and a Certificate of Insurance for each project. Copies of the bond and insurance certificate must accompany this application, or be provided within 24 hours for emergency work. See the Permit Conditions for details.

III. PROPOSED WORK

A. SCHEDULE Estimated Start Date _____ Estimated Completion Date _____
Is this an emergency notification? [] No [] Yes (provide required attachments within 24 hours)

B. ADDRESS(ES) OF PROPOSED WORK (list bounding streets to establish limits for large projects)

C. TYPE OF FACILITY (Check all boxes that apply)
[] Water [] Sanitary [] Storm [] Gas [] Electric [] Tele-communications [] Cable TV
[] Other _____

D. LOCATION AND TYPE (Check all boxes that apply)
[] Lane Closure Required [] Bore [] Directional Drilling [] Other _____
[] Other: (give details) _____

IV. Sketch or plans showing existing utilities in relation to proposed work is attached. [] Yes [] No
Note: Applications without a sketch or plans cannot be processed.

Please submit completed application and paperwork to work in Public Right-of-Way along with the \$150.00 fee to:

Town of Beloit - Right of Way Permit
Attn: Joe Rose, Public Works Director
2445 S Afton Rd
Beloit, WI 53511
jrose@town.beloit.wi.us or Call 608-473-0512

For Office Use Only: Authorized Signature _____ Date Approved _____ Date Closed _____

Original to: Address Files Copy to: Public Works Dept. Receipt# _____

TOWN ORDINANCE 11.03**WORK IN PUBLIC EASEMENTS AND RIGHTS-OF-WAY****PERMIT CONDITIONS**

1. **Purpose and Intent.** This Section establishes guidelines and procedures for permitting work in public easements and rights-of-way under the jurisdiction of the Town of Beloit. Public easements and rights-of-way provide locations for the installation of many significant facilities and features servicing the public's needs, including but not limited to streets, sidewalks, sewers, water supply, electrical distribution, audio and video systems, storm water conveyance systems, safety and directional signage, natural gas pipelines, and traffic control devices. The Town has a responsibility to manage its right-of-way to avoid conflict between these facilities, promote efficiency in public and private expenditures, provide for the public's convenience and wellbeing, and protect public safety.
2. **Authority.** Article XI 3a Wisconsin Constitution, Sections 66.0425, 66.0429, 66.0831, 66.0915, 66.1035, 86.19, 86.11, 86.12, 86.13, 86.19 and 182.0175 Wis. Stat.
3. **Scope.** This ordinance applies to all public rights-of-way and easements used for public transit and/or utility purposes under the jurisdiction of the Town of Beloit.
4. **Definitions.**
 - a. **Easement.** A right to use another person's real estate for a specific purpose.
 - b. **Right-of-way.** An easement granted to the public to transit property.
 - c. **Regulated Service Provider.** Those public utility carriers, utilities, corporations and associations defined in Section 66.0425(6) Wis. Stat.
5. **Preeminence of Municipal Uses.**
 - a. The protection and advancement of municipal facilities, including but not limited to, streets, sidewalks, sanitary sewers, public water supply and storm water conveyances, shall take precedence over all other uses of public rights-of-way in each circumstance.
 - b. Adjustment of municipal structures and facilities to serve the needs of other rights-of-way uses, if approved by the Town Engineer, shall be performed by the Town at the expense of the individual or firm making the request for adjustment.
 - c. Adjustment of private structures and facilities, including those owned, operated and/or maintained by a Regulated Service Provider, when required for the maintenance, protection, improvement or removal of any public facility or structure, as determined by the Town Engineer, shall be performed by the owner of the facility or structure within ninety (90) days of written request by the Town at the owner's expense.
6. **Permit Required.**
 - a. No person, corporation, partnership or other business entity shall place, construct, improve, remove or in any other way locate any facility or work in the public right-of-way, or excavate in, or place an obstruction within the public right-of-way, without first having obtained a permit to do so from the Director of Public Works or designee, except as herein allowed.
 - i. Application for such permit shall be made on forms provided by the Town.
 - ii. The Director of Public Works or designee shall issue a permit to the applicant upon finding that the applicant, application and proposed work conforms to the following standards:
 - iii. If the applicant is a Regulated Service Provider the following conditions shall apply:
 - A. The applicant has submitted a complete application in legible form conforming to the requirements of this ordinance and Section 66.425(6) Wis. Stats.
 - B. The applicant has paid the required permit fee.
 - iv. If the applicant is not a Regulated Service Provider, the following conditions shall apply:
 - A. The applicant has submitted a complete application in legible form conforming to the requirements of this ordinance and Section 66.0425(6) Wis. Stats.
 - B. The applicant has paid the required permit fee.
 - C. The applicant has provided a performance bond or cash security in such form as is acceptable to the Town Attorney, in an amount not less than Ten Thousand Dollars (\$10,000.00). The bond or cash deposit shall run to the Town and Third (3rd) parties that may be injured, and shall secure performance under the conditions of the permit and state law. Such cash deposit or performance bond must remain valid, and shall be retained by the Town for a period of three hundred sixty-five (365) days following completion of the work.
 - D. The applicant affirms to hold the Town, its officers, agents and employees harmless for the actions of the applicant, the applicant's employees, agents and contractors, for any injury or damage that may occur from the applicant's permit and work there under.
 - E. The applicant has provided proof of insurance to cover all claims that may arise, and indemnify the Town, its employees, officers and agents for all claims arising from the applicant's permit and work there under, including legal and litigation expenses.
7. **Construction Standards.**
 - a. The applicant or contractor shall employ temporary traffic control meeting the requirements set forth in the Wisconsin Manual on Uniform Traffic Control Devices (MUTCD), latest edition.
 - b. No excavations shall remain open overnight unless specifically approved by the Town Director of Public Works or designee. All work areas shall be securely fenced off with safety fence to protect the public whenever the work area is to remain un-restored overnight.
 - c. No driveway, either public or private, may remain closed overnight. The owner or occupant must be notified prior to closing any driveway during working hours.
 - d. All drainage shall be maintained throughout work either by keeping the drainage facilities open or by providing alternate drainage routes and facilities. Erosion Control measures meeting Wisconsin Department of Natural Resources requirement shall be employed as necessary to ensure sediment does not enter the storm sewer system or any natural waterway.
 - e. There shall be no open road cutting. All utilities will be bored.
 - f. Sidewalks and driveways shall be saw cut full depth at the nearest joint beyond the excavation limits. The surface shall be replaced with the greater of the existing thickness or four inches (4") of crushed limestone base with four inches (4") of concrete for sidewalks, and the greater of the existing thickness of six inches (6") of crushed limestone base with six inches (6") of concrete for driveways. Concrete shall be a High-Early Portland Cement Concrete mix design approved for use by the Wisconsin Department of Transportation. Width shall match the adjacent sidewalk or driveway width.
 - g. All grass surfaces shall be restored with a minimum of four inches (4") of screened topsoil and lawn quality sod. Seeding may be approved by the Town Director of Public Works on a case-by-case basis only.
 - h. The applicant or contractor shall remove all surplus materials from the job site and clean up the work area daily upon completion of work in a single location or as continuous operations progress.
 - i. Upon completion, the Town of Beloit requires televising of sewer lines by contractor to confirm no conflicts within the area.**
8. **Maintaining Traffic Visibility and Safety.**
 - a. No person shall construct, maintain, plant, or permit to remain on any public road right-of-way any tree, shrub, growth or object, except grass lawns, culverts, and decorative vegetative material less than twenty-four inches (24") in height, without permit from the Town.
 - b. No person shall construct, maintain, plant or permit to remain on any private or public premises any vegetation or object that shall obstruct vision between a height of two and one-half feet (2 1/2') and ten feet (10') above centerline grades in such manner as to obstruct traffic visibility within twenty five feet (25') of the intersection of two streets or railroad with speed limits under thirty six (36) miles per hour, or within fifty feet (50') of the intersection of two (2) streets or railroads, where one (1) of such streets has a speed limit in excess of thirty five (35) miles per hour.
 - c. Any tree that falls from adjacent land onto any public road right-of-way shall be removed and disposed of by the Town; the cost of such removal will be billed to the owner of the property from which the tree fell.
 - d. No person shall construct, maintain, plant or permit to remain any tree, shrub, growth or object that obstructs the clear and complete vision of any traffic control sign erected under government authority.
9. **Permit Exemptions.** The following work is allowed within public rights-of-way without a permit issued under this ordinance:

Work performed under the authority of the Town of Beloit.	Driveways permitted under Town ordinance.
Mail Boxes permitted under Town ordinance.	Signs erected under Town ordinance.
Grass lawns, culverts & decorative landscaping less than twenty-four inches (24") in height.	Emergency repairs as specified in this ordinance.
10. **Littering.** It is unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, machinery, garbage or other waste or rubbish in or on the right-of-way of any public road.
11. **Mailboxes.**
 - a. All mailboxes erected in the public road right-of-way must conform to United States Postal Service regulations and Wisconsin Department of Transportation standards so as not to constitute a hazard to public use of the rights-of-way. Mailbox supports shall be constructed to break away when struck by a motor vehicle. A mailbox installed and not in compliance with this ordinance, and that does not conform to break-away standards, could be held liable to litigation as a non-conforming structure.
 - b. Newspaper tubes and the name, and or address of the property owner and property, shall be allowed on the mailbox or its support, but no other object or sign.
 - c. This ordinance shall not create an affirmative duty on the part of the Town of Beloit to locate and remove obstructing mailboxes.
 - d. Mailboxes conforming to this ordinance which are struck and damaged by a Town snowplow shall be repaired or replaced by the Town of Beloit. The Town's liability in such case shall not exceed the actual cost of repair or replacement, or One Hundred Dollars (\$100.00), whichever amount is lower. Repair or replacement of mailboxes which are pushed over or damaged by snow or ice, even when such snow or ice is thrown by Town snowplow equipment, is the responsibility of the property owner. The Director of Public Works or designee will make a determination as to the cause for the downed mailbox and whether it is the Town's responsibility. If it is determined that the mailbox was in disrepair, or not in compliance with this ordinance, the Town will not be held liable. Any mailbox that does not meet specifications for breakaway standards will be the sole responsibility of the owner.
12. **Inspections.** The Town reserves the right to conduct inspections of work performed on Town owned property and within public rights-of-way at any time.
13. **Emergency Repairs.** In emergency situations, where facility repairs are necessary to continue service to a customer or customers, Regulated Service Providers may temporarily work within public rights-of-way, without first obtaining a permit. In doing so, the Regulated Service Provider ordering the work shall take appropriate care to protect public health and safety, preserve the operation of other service providers, and safeguard public facilities. The Regulated Service Provider shall obtain a permit for the work as soon as is practicable following the emergency.
14. **Fees.** The Town of Beloit shall be compensated for the costs associated with administering and enforcing this ordinance by charging fees to permit applicants appropriate to fairly distribute costs to benefited parties. Such fee shall be established from time to time by resolution of the Town Board.
15. **Record Mapping.**
 - a. Regulated Service Providers who maintain facilities in public rights-of-way shall annually provide the Director of Public Works an updated facilities map in a digital format approved by the Town.
 - b. Businesses and individuals, other than Regulated Service Providers, shall provide a record drawing of all structures, facilities and/or work performed in the public right-of-way within thirty (30) days following project completion, and prior to the Town's release of the financial security for the work.