

Town of Port Edwards

Ordinance Number: 2023-11-13

Utility Accommodation Ordinance

The Town Board of the Town of Port Edwards, Wood County, Wisconsin, upon proper notice and with a quorum present, hereby adopts the following Utility Accommodation Ordinance.

Section 1: Purpose. The purpose of this Ordinance is to create a permitting and regulatory scheme for the construction and installation of facilities used to furnish or distribute heat, light, water, sanitary sewer service, power, telephone service, internet service, natural gas, or subterranean manure line across or within Town road right-of-way.

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

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

- (a) "Person" shall mean all individuals, partnerships, associations, and bodies political 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, natural gas, or subterranean manure line 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 Board.

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

- (a) The applicant's name, address, and contact information.
- (b) A written description of the proposed Facilities.
- (c) The location of the proposed Facilities.
- (d) The location of all existing Facilities.
- (e) The vertical and horizontal distance between the proposed Facilities and all existing Facilities.
- (f) Any other information requested by the Town Board.

Section 6: Facility Separation. All proposed Facilities shall be set back from existing Facilities that were installed by the Town. Distance of 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 Board unless the Town Board has delegated such authority to a Town official. A Facility Location Permit may be approved subject to such conditions established by the Town Board.

Section 8: Indemnification. All Facility Location Permit holders shall defend, indemnify, and hold harmless the Town, all Town respective officers, employees, agents 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.

Section 10: Effective Date. This ordinance shall take effect immediately upon publication. The town clerk shall properly post or publish this ordinance, as required under s. 60.80 Wis. Stats. Dated this 13th day of November, 2023

Adopted November 13th, 2023

Randy Moody-Town Chairman

Tim Schmidt-Town Supervisor

H. Jeffrey O'Donnell-Town Supervisor

Attest:

Michelle Sorenson, Clerk
Published: November, 13th 2023