

ORDINANCE NO. 2025-015
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF
LINN, WALWORTH COUNTY, WISCONSIN, SECTION 3-13, PERMITTING OF
UTILITY CONSTRUCTION IN THE RIGHT-OF-WAY

§ 3-13 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 Linn to construct, operate, maintain or repair utilities located within the Town of Linn 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:

(1) Completion of an application for a **Permit to Construct, Operate, Maintain, or Repair Utilities Within Highway Right-of-Way** along with the submission of the applicable fee schedule.

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

(a) Before a permit is issued for boring, trenching, or plowing for projects in excess of 1,000', a cash deposit or bond in the amount of \$15,000.00 shall be filed by the applicant with the town in support of the permit.

(b) If a bond is submitted, said bond shall be executed by a licensed surety company acceptable to the Town as a guarantee that the applicant will comply with all Town ordinances relating to such permit and will maintain and restore the areas executed pursuant to the permit and thereafter maintain the same and provide a guarantee for a period of one year following completion of the excavation.

(c) In the event the Town determines that the excavation proposed requires a cash deposit or bond in excess of \$15,000.00 based on project type or scope, then the bond provided shall be for the amount determined.

Passed:
Posted:
Removal:

(d) Applicant will sign and execute the Indemnification Agreement and the Cost Recovery Agreement Included in the Permit to Construct, Operate, Maintain, or Repair Utilities Within Highway Right-of-Way.

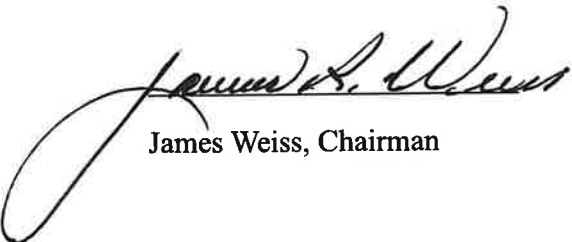
(3) The applicant shall also be required to submit a certificate of insurance indicating: 1) public liability insurance with a general liability aggregate limit of not less than \$2,000,000; and 2) workmen's compensation and/or employer's liability insurance for all employees employed at the site of 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 to Construct, Operate, Maintain, or Repair Utilities Within Highway Right-of-Way 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, the method applicant proposes to use in doing the work, and any drawings, plans, and special provisions. The Highway Superintendent shall determine if sufficient information is submitted.

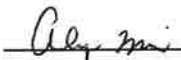
D. Exceptions. The Town Board may, at its discretion, waive permit requirements as necessary. Emergency repairs of facilities or improvements may be made as needed, provided a permit is obtained within five working days from the commencement of emergency repairs.

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.

Adopted this 14th day of July 2025.



James Weiss, Chairman

Attest: 
Alyson Morris, Clerk