

TOWN OF SPRINGDALE
DANE COUNTY, WISCONSIN

ORDINANCE NO. 2022-12-1

AMENDING TITLE 5, CHAPTER 3 OF THE SPRINGDALE CODE CONCERNING
EXCAVATIONS OF STREETS, ALLEYS, PUBLIC WAYS AND ROADS AND
REGULATIONS GOVERNING EXCAVATIONS AND OPENINGS

SEC. 5-3-3 EXCAVATIONS OF STREETS, ALLEYS, PUBLIC WAYS AND ROADS.

- a) PERMIT REQUIRED. No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public road, public alley, public way, public ground, public sidewalk or Town owned easement or fill or alter any culvert within the Town of Springdale without a permit therefor from the Town Clerk.
- b) FEE. The fee for an excavation or opening permit shall be ~~Five (\$5.00)~~ Fifty (\$50.00) Dollars. The fee shall be paid to the Town Clerk, who shall issue a receipt therefor.
- c) INSURANCE REQUIRED. A permit shall be issued only upon condition that the applicant submit to the Town Clerk satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than ~~\$100,000 per one person, \$300,000~~ \$1,000,000 for one accident/\$2,000,000 aggregate and property damage coverage of not less than ~~\$50,000~~ \$100,000.
- d) BOND.
 1. Before a permit for excavating or opening any street or public way may be issued, the applicant must sign a statement in that he will indemnify and save harmless the Town of Springdale and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Town Board for a period of two (2) years, and that he will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drain-laying adopted by the Town Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Town. Such statement shall also guarantee that if the Town shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.
 2. The person who does such restoration shall be responsible therefor for two (2) years from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the Town in the amount of ~~\$1,000~~ \$5,000.
 3. Whenever the Town Board shall find that any such work has become defective within two (2) years of the date of completion, it shall give written notice thereof to the contractor or to his surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Town Board to be reasonably

necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the Town for the cost of doing the work as set forth in the notice.

SEC. 5-3-4 REGULATIONS GOVERNING EXCAVATIONS AND OPENINGS.

- a) FROZEN GROUND. No openings in the streets, alleys, sidewalks, or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Town Board or Town Clerk.
- b) REMOVAL OF PAVING. In any opening or excavation all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- c) PROTECTION OF PUBLIC.
 - 1. Every opening and excavation shall be enclosed with sufficient barriers. Sufficient warning lights shall be kept on from sunrise to sunset. Such lights shall be spaced so as to give adequate warning of the existence of the opening and of piled excavated materials. No open flame warning pots shall be used. Except by special permission from the Town, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet where pipe or conduit has been laid.
 - 2. All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Town in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles, or property of any kind.
- d) REPLACING STREET SURFACE. In opening any public street, public alley, public sidewalk, public way, public easement, or public ground, the paving materials, sand, gravel and earth or other material moved or penetrated, and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Town is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed. In refilling the opening, the earth must be puddled or laid in layers not more than six (6) inches in depth and each layer rammed, tamped, or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Town may elect to have the opening for any street or sidewalk repaired by the Town, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.
- e) NOTICE. It shall be the duty of the permittee to notify the Town Clerk and all public and private individuals, firms and corporations affected by the work to be done at least twenty-four (24) hours before such work is to commence. The Town Clerk shall also be notified at least four (4) hours prior to backfilling and or restoring the surface.

- f) VALIDITY OF PERMIT. Unless the work shall be commenced within thirty (30) days of the issuance of the permit, the permit shall be void, and a new permit must be obtained, and an additional fee charged. The Town may extend the time limitation for good cause. Additionally, any project that will not be completed within the calendar year must be split into phases, each with a separate application and fee.
- g) BACKFILLING. It shall be the duty of the permittee to backfill the opening immediately upon completion of the work and to place at least five (5) inches of traffic bind or similar material in the opening unless otherwise advised by the Town. It shall be the duty of the permittee to maintain the opening in good condition for a period of six months after the completion of the work or until the surface has been restored. The Town shall decide when within said six (6) months period the opening is ready for paving if a paving surface is required. If the surface is not restored within a period of ten (10) days or such longer period as determined by the Town, the Town may restore the surface and bill the permittee therefor.
- h) EMERGENCY EXCAVATION. In the event of an emergency any person, firm or corporation, owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and his agents and employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health, or safety without obtaining an excavation permit, provided that such person firm or corporation shall apply for an excavation permit not later than the next business day.
- i) EXCAVATION IN NEW STREETS LIMITED. Whenever the Town Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the Town Board, the Town shall notify in writing each person, utility, Town department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within thirty (30) days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five (5) years after the date of improvement or repaving unless in the opinion of the Town Board an emergency exists which makes it absolutely essential that the permit be issued.
- j) EXCEPTION. The provisions of this Section shall not apply to excavation work done by Town employees or contractors performing work under contract with the Town except that the safety precautions under Subsection (c) hereof shall be complied with.

Adopted this 20th day of December, 2022 by the town board of the Town of Springdale.



John Rosenbaum, Chair

Attest: 

Jackie Arthur, Admin/Clerk

