

Chapter 149

UTILITIES

[HISTORY: Adopted by the Town Board of the Town of Troy as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 27.

Roads and driveways — See Ch. 125.

Subdivision of land — See Ch. 135.

ARTICLE I

Installation

[Adopted 10-8-2001 by Ord. No. 01-2]

§ 149-1. Purpose.

The purpose of this article is to protect the public safety, health and welfare when utilities are being installed or re-excavated for repairs and maintenance in Town road rights-of-way, for the benefit of residents of the Town and the greater public, to avoid unnecessary wear and tear on Town roads and to keep adequate records of the location and nature of utility installations in Town rights-of-way.

§ 149-2. Permit required; application procedure.

No person or entity shall excavate for the purpose of installing and repairing or install or repair utilities in any Town road right-of-way or Town road easement area, or in any area designated to become a Town road right-of-way as shown on any preliminary plat approved by the Town, without first receiving a permit for said activity from the Town of Troy.

A. Application. Permit application shall be made to the Town Clerk-Treasurer on forms available for that purpose. All of the information required by the permit application form shall be provided and duplicate materials delivered to the Town Engineer by the permit applicant as a prerequisite to processing the permit application. Such information shall include but not be limited to all information required by the permit form, construction plans and field sketches, in such format as is maintained by the utility, and such other information as may be required. Permit application shall be made no less than 30 days in advance of beginning the work for which a permit is being requested or within 48 hours of emergency repairs.

B. Fee. A permit application fee shall be paid at the time of permit application. The fee shall be set and revised by separate resolution of the Town. A utility receiving a permit under this article shall also

reimburse the Town for the actual cost of the Town Engineer's permit review and inspection(s) if the actual cost exceeds the permit application fee, with reimbursement to be made within 30 days of receiving an invoice. Future permit applications shall be denied if a reimbursement invoice is unpaid.

C. Permit conditions. As a condition of a permit under this article, a permit applicant shall comply with all performance and other requirements included in the permit application form.

D. St. Croix County has adopted the WCHA Utility Accommodation Policy, and said policy shall be applied where applicable by the utility in planning and carrying out work in Town right-of-way areas and by the Town Engineer in processing utility installation or excavation permits. In the event of concurrent regulations, the more restrictive regulation shall control.

§ 149-3. Public safety.

No permit shall be issued if the method of construction or the location of the work to be performed will have a detrimental effect on the public safety and convenience, in the judgment of the Town Engineer or the Town Chairperson. All new utility installations shall be laid in one common trench where it is practical to do so, in the judgment of the Town Engineer. Utility installations shall be located in platted utility easements where available and in Town road right-of-way areas only when a utility easement is not available. Utility installations in Town rights-of-way shall also be laid in one common trench where feasible. All utility installations shall be placed as close as possible to the outer perimeter of the Town right-of-way and, where possible, shall avoid adverse effect on the existing road, trees, shrubs, culverts, mailboxes and any other preexisting structures. Permit holders shall erect such barriers, warning lights and signs as are necessary to safely and adequately inform the traveling public of the nature and location of the work being performed.

§ 149-4. Reexcavation of utility easements.

At such time as the Town Board directs the repaving, reconstruction or resurfacing of any Town road, the Town Engineer shall notify all utilities with installations located within the affected rights-of-way of the planned commencement of such work. Prior to the commencement of the aforementioned road work, the affected utilities shall make all improvements or additions they deem necessary to their underground facilities, so that no additional utility work shall be required in the area being reconstructed for a period of five years. For five years after the time of completion of the pavement improvements to said Town roads, the Town shall deny all requests for utility work that would involve the disturbing of the pavement. The only exceptions to this policy shall be for emergency situations that threaten the life, health or welfare of citizens of the Town of Troy or members of the public.

§ 149-5. Underground installations.

All utilities installations serving residential areas shall be installed underground unless otherwise approved by the Town Engineer.

§ 149-6. Insurance and financial guaranties.

The Town reserves the right to impose reasonable bonding, letter of credit and/or insurance guaranties on permit applicants.

§ 149-7. Enforcement; violations and penalties.

Any person, partnership, corporation or other entity who or which fails to comply with the provisions of this article shall, upon adjudication of violation, be subject to any of the actions, penalties or forfeitures set forth below:

A. Should any permit holder neglect or refuse to properly close or restore a road or excavated area in a Town right-of-way and the Town has to do or had done the repair or closure as needed to protect the public welfare, the actual cost of closure or restoration shall be charged to the permit holder. No other permit shall be issued under this article to said permit holder unless all such costs have been paid.

B. The Town may, after notice and a hearing, revoke a permit previously issued under this article for failure to comply with the provisions of the article and recover the Town's costs of doing so, including attorney and engineering costs.

C. Any person, partnership, corporation or other entity who or which fails to comply with the provisions of this article shall, upon adjudication of violation, be subject to a forfeiture as provided in Chapter 39, Citations, of this Code and/or to an injunction enjoining any activity prohibited by this article plus the Town's court costs and attorney fees incurred in pursuing enforcement of this article. Each day that a violation exists shall constitute a separate offense.

ARTICLE II

Delinquent Utility Charges

[Adopted 3-11-2004 by Ord. No. 04-2]

§ 149-8. Purpose.

This article authorizes the Town Clerk-Treasurer to levy delinquent utility charges and penalties for utility services provided by the River Falls Municipal Utility, a municipal utility, as a tax against affected parcels of real estate.

§ 149-9. Procedure.

On or before October 15 of each year, the owner or occupant of any real estate in the Town of Troy that was provided with utility services by the River Falls Municipal Utility prior to October 1 of that year shall be given notice by said Utility of payments then in arrears. A list of affected parcels of real estate shall be provided at that time by the Utility to the Town Clerk-Treasurer. On or before November 15 of the same year the Utility shall certify to the Town Clerk-Treasurer all lots or parcels of real estate, giving the legal description thereof, for which a notice of arrears was given and for which arrears remain unpaid to that time, stating the amount of the arrears plus any penalty being assessed. Each arrears amount, plus penalty, shall become a lien upon the lot or parcel of real estate to which utility services were provided. The Clerk-Treasurer shall, upon the receipt of such list, insert the delinquent amount and penalty as a tax against the affected lot or parcel of real estate. In all other respects, § 66.0809(3) and (4), Wis. Stats., shall govern this process and shall serve to establish the responsibilities of the Town Clerk-Treasurer with reference to tax collection, settlement with the City of River Falls, return and sale of property for delinquent taxes, etc.

§ 149-10. Contract with Utility.

This article derives its authority from an intergovernmental cooperation agreement between the Town and the River Falls Municipal Utility in which the Town authorizes, on a nonexclusive basis, the Utility to furnish utility services to selected property in the Town and agrees that the Utility may act as its agent for such purpose. In the event that this contract is terminated by either party, this article shall be of no further force or effect.