



Registration information			
Name:		Date:	
Address:			
Telephone & facsimile numbers:			
Email address:			
Diggers' Hotline registration certificate number:			
local representative:			
Name:			
Address:			
Telephone & facsimile numbers:			
Email address:			
The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.			

§ 192-23, Excavation permit fee.

A copy of the Certificate of Insurance as listed in **§ 192-19**, Section A, Subsection 3.

§ 192-24 Submission of a completed permit application form (Street Opening permit: <http://villageofmaplebluff.com/wp-content/uploads/2017/07/Permit-for-Street-Opening.pdf>), including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all existing and proposed facilities that are part of applicant's proposed project. **§ 192-22** Subsection A, No person shall excavate any right-of-way without first having obtained an excavation permit from the Committee.

§ 192-29 Section B. In nonemergency situations (not emergency situations), any person who, without first having obtained the necessary permit, excavates a right-of-way must subsequently obtain a permit and shall, in addition to any penalties prescribed by ordinance, pay double the normal fee for said permit, pay double all the other fees required by this article or other chapters of the Maple Bluff Code, deposit with the Committee the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this article Subsection B.

§ 192-24 The permittee shall be required to repair the public right-of-way to Committee specifications, subject to inspection and acceptance by the Committee, and to pay a degradation fee, as per **§ 192-24** Subsection C, unless the permittee elects to restore the right-of-way pursuant to **§ 192-24** Subsection D. A.) Guarantees. The permittee guarantees its work and shall maintain it for 36 months following its completion. During this period it shall, upon notification from the Committee, correct all work to the extent necessary, using the method required by the Committee. Said work shall be completed within 10 calendar days of the receipt of the notice from the Committee, not including days during which work cannot be done because of circumstances constituting force majeure. B.) Failure to repair/restore. If the permittee fails to repair/restore the right-of-way in the manner and to the condition required by the Committee or fails to complete satisfactorily and timely all work required by the Committee, the Committee at its option may do such work. In that event the permittee shall pay to the Village, within 30 days of billing, the cost of repairing/restoring the right-of-way. C.) Degradation. The general formula for computing the degradation fee shall be the cost per square yard for street, overlay and seal coat multiplied by the appropriate depreciation rate for that street multiplied by the area of the patch. The area or the patch shall be calculated by adding one foot to each side of the actual street cut. The degradation fee schedule is provided in Figure 1 on file at the office of the Clerk-Treasurer. D.) Restoration in lieu of repair and degradation. The permittee may elect to restore the excavation and surrounding pavement in lieu of repair and a degradation fee. The restoration shall be in accordance with the Standard Specifications for Public Works Construction and the plans and specifications of the Committee. The permittee shall then also comply with **§ 192-24** Subsections A and B.

§ 192-27 Compliance with other laws. Obtaining a permit to excavate and/or occupy the right-of-way does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other Village, county, state, or federal rules, laws or regulations. A permittee shall comply with all requirements of local, state and federal laws. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

§ 192-27 Revocation, suspension or refusal to issue or extend permits. A.) The Committee may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds (see **§ 192-27** Subsections A, B, and C).

§ 192-30 Location of facilities. Unless in conflict with state or federal law, except when existing aboveground facilities are used, the installation of new facilities and replacement of old facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes. The Committee may prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests of persons to occupy and use the right-of-way. In making such decisions, the Committee shall strive to the extent possible to accommodate all existing and potential users of the right-of-way but may prohibit or limit the placement of new or additional facilities when required to protect the public health, safety or welfare. (See **§ 192-30** Subsections A and B).

§ 192-31 Removal and relocation of facilities. A registrant must, promptly and at its own expense, permanently remove and relocate its facilities in the right-of-way whenever the Village, acting in its governmental capacity, requests such removal and relocation. If requested, the registrant shall restore the right-of-way. Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a nongovernmental entity unless and until the reasonable costs thereof are first paid to the person therefor.

§ 192-32 Interference with other facilities during municipal construction. A.) When the Village performs work in the right-of-way and finds it necessary to maintain, support, shore, or move a registrant's facilities, the Village shall notify the local representative. The registrant shall meet with the Village's representative within 24 hours and coordinate the protection, maintenance, supporting and/or shoring of the registrant's facilities. The registrant shall accomplish the needed work within 72 hours, unless the Village agrees to a longer period. B.) In the event that the

registrant does not proceed to maintain, support, shore or move its facilities, the Village may arrange to do the work and bill the registrant, said bill to be paid within 30 days.

§ 192-34 Reservation of regulatory and police powers. The Village, by the granting of a permit to excavate, obstruct and/or occupy the right-of-way or by registering a person under this article, does not surrender or to any extent lose, waive, impair, or lessen the lawful powers and rights which it has now or which may be hereafter granted to the Village under the Constitution and Statutes of the State of Wisconsin to regulate the use of the right-of-way by the permittee, and the permittee by its acceptance of a permit to excavate, obstruct and/or occupy the right-of-way or of registration under this article: A.) Agrees that all lawful powers and rights, regulatory powers, or police powers or otherwise as are or the same may be from time to time vested in or reserved to the Village shall be in full force and effect; B.) Shall be subject to the regulatory and police powers of the Village to adopt and enforce general ordinances necessary to the safety and welfare of the public; and C.) Is deemed to agree to comply with all applicable general law and ordinances enacted by the Village pursuant to such powers.

§ 192-35 Violations and penalties. Any person who violates this article or fails to comply with the provisions of this article shall be subject to a forfeiture as provided in Chapter 1, § 1-4. Each day such violation or failure to comply continues shall be considered a separate offense.

§ 192-16. Definitions. The following definitions apply in this article. References hereafter to "sections" are, unless otherwise specified, references to sections in this article. Defined terms remain defined terms whether or not capitalized.

APPLICANT: Any person requesting permission to excavate, obstruct and/or occupy a right-of-way.

COMMITTEE: The Public Works Committee of the Village.

DEGRADATION: The decrease in the useful life of the paved portion of the right-of-way, excluding the sidewalk right-of-way, caused by an excavation of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

EMERGENCY: A condition that poses a clear and immediate danger to life or health, or of a significant loss of property, or requires immediate repair or replacement in order to restore service to a customer.

ENGINEER: The Village Engineer or his/her designee.

EXCAVATE: To dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

FACILITIES: All equipment owned, operated, leased or subleased in connection with the operation of a service or utility service and shall include but is not limited to poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines and other structures and appurtenances.

IN: When used in conjunction with "right-of-way," means over, above, within, on or under a right-of-way.

LOCAL REPRESENTATIVE: A local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this article.

OBSTRUCT: To place any object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

PERMITTEE: Any person to whom a permit to occupy, excavate or obstruct a right-of-way has been granted by the Village under this article.

PERSON: A corporation, company, association, firm, partnership, limited liability company, limited liability partnership and individuals and their lessors, transferees and receivers.

PREQUALIFIED CONTRACTOR: A contractor approved by the Committee on an annual basis to work in the right-of-way.

PUBLIC UTILITY: Has the meaning provided in **§ 196.01(5)**, Wis. Stats.

REGISTRANT: Any person who has registered with the Village to have its facilities located in any right-of-way.

REPAIR: To perform construction work necessary to make the right-of-way usable for travel according to Committee specifications, or to restore equipment to an operable condition.

RESTORE or RESTORATION: The process by which an excavated right-of-way and surrounding area, including pavement and foundation, is reconstructed, per Committee specifications.

RIGHT-OF-WAY: The surface and space above and below an improved or unimproved public roadway, highway, street, bicycle lane and public sidewalk in which the Village has an interest, including other dedicated rights-of-way for travel purposes.

VILLAGE: The Village of Maple Bluff, Wisconsin, a Wisconsin municipal corporation.

Please submit the Registration form back to:

**The Village Administrator
18 Oxford Place
Madison, WI 53704
608-244-3048
tjkrueger@villageofmaplebluff.com**