

TOWN OF SUGAR CREEK  
HIGHWAY OBSTRUCTION OR EXCAVATION ORDINANCE

The Town Board of Supervisors of the Town of Sugar Creek, Walworth County, Wisconsin does ordain as follows:

Section 1. Pursuant to Section 66.045 Wisconsin Statutes, privilege for an obstruction or excavation beyond the lot line, or within a Town highway in the Town of Sugar Creek, shall be granted only as provided in this Ordinance.

Section 2. Application therefor shall be made to the Town Board of Supervisors, and the privilege shall be granted only on condition that by its acceptance the applicant shall become primarily liable for damages to person or property by reason of the granting of the privilege, be obligated to remove the same upon 10 days' notice by the Board and waive right to contest in any manner the validity of Section 66.045 Wisconsin Statutes or the amount of compensation charged and that the applicant file such bond as the Board requires, not exceeding \$10,000.00 running to the Town of Sugar Creek and such third parties as may be injured, to secure the performance of these conditions. The applicant shall restore the premises and highway to its original condition and maintain the same in its original condition for a period of two years from the date of termination of the privilege. But if there is no established lot line and the application is accompanied by a blue print, the Board may make such conditions as they deem advisable.

Section 3. Compensation for the special privilege shall be paid into the general fund and shall be fixed by the Town Chairman at a sum not to exceed \$1,000.00.

Section 4. The holder of such special privilege shall be entitled to no damages for removal of the obstruction or excavation, and if he shall not remove the same upon due notice, it shall be removed at his expense.

Section 5. Third parties whose rights are interfered with by the granting of such privilege shall have right of action against the holder of the special privilege only.

Section 6. Sections (1) to (5) do not apply to public service corporations, or to cooperative associations organized under ch. 185 to render or furnish telephone, gas, light, heat or power, but such corporations shall secure permit from the proper official for temporary obstructions or excavation in a town highway and shall be liable for all injuries to person or property thereby.

Section 7. This ordinance does not apply to such obstruction or excavation for not longer than 3 months, and for which permit has been granted by the proper official.

Section 8. Obstruction or excavation by a city or village in any street, alley, or public place belonging to the Town of Sugar Creek is included in this ordinance.

Section 9. Anyone causing any obstruction or excavation to be made contrary to Sections (1) to (8) shall be liable to a forfeiture of not less than \$25.00 and not more than \$500.00 together with the costs of prosecution, and in default of payment thereof shall be imprisoned in the County Jail of Walworth County, Wisconsin, until payment for such forfeiture and costs is made, but not exceeding 30 days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 10. This ordinance shall take effect upon proper publication, posting, recording and filing with the town clerk.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Sugar Creek on 6-21-82, ~~1981~~

Approved by the Town Board of Sugar Creek this 21 day of June, ~~1981~~, 1982.

Richard P. Lies  
Town Chairman

Charles Papake  
Town Supervisor

David H. Amodeo  
Town Supervisor

Filed this 21 day of June, <sup>1982</sup>~~1981~~

Debbie Clark  
Town Clerk