

GENERAL CODE OF ORDINANCES  
CHAPTER 6 – PUBLIC WORKS

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6.01 TITLE/PURPOSE. This Ordinance is entitled the “Town of Cooperstown Public Works Ordinance”. The purpose of this Ordinance is to regulate traffic according to the authority given towns in the State Statutes.

6.02 AUTHORITY. The Town Board of the Town of Cooperstown has the specific statutory authority, powers and duties, pursuant to specific statutory sections noted in this Ordinance and by its adoption of village powers under Section 60.10 Wisconsin Statutes to regulate, control, prevent and enforce against certain uses, activities, businesses and operations in the Town of Cooperstown by persons that may affect the traffic in such town. The Town Board shall have the discretion to impose higher standards where in the opinion of the Town Board local conditions require higher standards or anticipated traffic in quantity or quality will require higher standards.

6.03 ADOPTION OF ORDINANCE. The Town Board of the Town of Cooperstown has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this Ordinance and have established the regulations, controls and enforcement against certain uses, activities, businesses and operations by persons that may affect the traffic.

6.04 DEFINITIONS. As used in this chapter, certain word and phrases shall be defined as follows:

APPROACH. The portion of road extending 100 feet on each side of a culvert or bridge.

BASE COURSE. The supporting base material of the roadway, including shoulder.

BORING. Tunneling under road bed.

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**DRAINAGE.** The gradual drying of highway by system of ditches, trenches, channels, etc.

**GRADE.** The rate of ascent or descent of roadway.

**HIGHWAY.** The road or way over which the public generally has a right to pass, to include the complete right-of-way.

**OPENING.** Excavating in road bed or tunneling under road bed.

**ROAD BED.** The whole material laid in place and ready for travel.

**ROADWAY.** The traveled portion of the highway.

**SURFACE COURSE.** The top of the roadway, or traveled surface.

**6.05 GENERAL PROVISIONS.** Except as specifically noted otherwise in this Ordinance, Chapters 340 to 350 and Section 941.01 Wisconsin Statutes describing and defining regulations with respect to vehicles, traffic and snowmobiles for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and incorporated by reference by the Town of Cooperstown and made part of this Ordinance as if fully set forth herein. Any future amendments, modifications, revisions, additions or deletions of the above-noted statutory Chapters shall be incorporated herein and made part of this Ordinance in order to secure uniform state regulations of traffic on the public highways, road, streets and alleys of the State of Wisconsin.

#### **6.06 MINIMUM HIGHWAY DESIGN STANDARDS.**

**A. Design Standards Existing Roads:** The classification of all roads under this Ordinance shall be within the complete discretion of the Town Board. Consideration of such factors as “Average Daily Traffic” (ADT), character of anticipated traffic, relation of highway to traffic patterns within the Town, compatibility with other highway systems and the “Town of Cooperstown’s 20-Year Comprehensive Plan” adopted (1/29/2007) shall be used in the decision. It is the intent that all existing town roads shall meet the improvement standards as listed in “Wisconsin Department of Transportation Statutes Trans 204” unless the standard is determined to be impractical for a specified road by the Town Board.

1. Existing roads. Reconstructed roads or any roads to receive a hard surface must have minimum Right of Way of 4 rods (66’) and the road way shall have a minimum width of 28’ with minimum surface of 22’.

**B Design Standards New Roads:** A new road is defined as a corridor of traffic not on the “Official Town of Cooperstown Map” as of the adoption of this Ordinance. New roads shall follow the standards set in Wisconsin Statute 82.50 & Town Standards. The Town of Cooperstown has established a minimum highway design standards for highways being

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constructed in the town to accommodate anticipated traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road maintenance equipment. Highways dedicated in plats for proposed subdivisions submitted for review pursuant to Chapter 236 of Wisconsin Statutes, any private highways being donated to the town, and any other highways being accepted by the town as public highways in the town shall be subject to this ordinance. All town highways shall be classified as local roads unless designated by the town board as collector or arterial. The classification of all roads under this chapter shall be within the complete discretion of the town board considering such factors as traffic count, character of anticipated traffic, and relation of highway to traffic patterns within the town and other highway systems. It is intended that local roads be the lowest traffic count, with access to private property as principal function. Collector highways are intended to be highways acting as collectors from local roads to higher priority roads or developed areas. Arterials are intended to serve as corridors through the town serving intraregional and inter-area traffic movement.

Highway and Roads Design a) New Roads constructed must have a right-of-way of 66 feet, the roadway base course shall be 28 feet with a minimum width of surface of 22 feet and shoulders shall be a 3 feet minimum. Maximum grade is 10 percent. Ditching of roadway must be completed and have proper elevation to provide for the removal of water. Where it becomes necessary to make a lateral trench leading from main ditch; then the additional land necessary for the removal of accumulated water, must be provided and deeded over to the Town along with the necessary land for the highway. The additional land conveyed to the Town for drainage, will be under the supervision of the Town Board at all times. Cul-de-sacs: maximum desirable length of roads with cul-de-sacs is 1000 feet. Through roads are most desirable. Minimum right-of-way radius at cul-de-sac is 60 feet, minimum base course radius is 42 feet, and minimum pavement radius is 40 feet.

1. New road shall have base design to with stand the use of ADT the design should satisfy state standards for roadway and ditches for grade and drainage. Base course must be of a quality, thickness and composition suitable for the location. Surface course must consist of crushed aggregate or bituminous concrete composition suitable for anticipated traffic loads. The minimum amount of gravel necessary for acceptance must be at least 600 yards per mile. The road must then be blacktopped by the owner before it will be accepted by the Town Board as a town road. The minimum amount of pavement necessary for acceptance must be 2 1/2" after compaction, 22 feet wide. A hot mix is to be used. The ditching of the roadway must be complete and have proper elevations to provide for adequate drainage. Any culverts necessary for proper drainage shall be provide and installed after elevation and location is obtained from the Town Board. The culvert installed in a road bed shall be a minimum of 26 feet in length and a minimum of 24" diameter, however, the diameter and length of said culvert will be subject to the approval of the Town Board, after the amount of the flow-age is determined. Any secondary culverts installed in any lateral trenches, will be of a size and length as determined by the Town Board. In no case shall the culvert be less than 18" in diameter. Apron end walls shall be used. There shall be a side

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slope on the driveway of 3 to 1 and it shall be made of earthen material only. May be seeded.

2. All bridges shall meet the minimum requirements of state and federal law. In the event it is decided by the Town Board, that the construction of a bridge would be of a size and cost; that it would create a hardship to the owner of land, required to build said bridge, then the Town Board may proceed to accept the road, complete as required above, except the part extending 100 feet on each side of said bridge. This portion of the road shall be known as the approach. The approach will be accepted uncompleted, with the reservation that the town will bill back to the owner a portion of the cost of construction of such bridge and approach. The Town will enter into a contact with the land owner and then proceed to build said bridge and approach with the help of bridge aid if available, and billing the balance not covered by the aid to the owner.
3. Guard rails if deemed necessary, (as determined by Town Board) must be installed before the road is accepted by the Town Board.
4. All road signs and reflectors must be provided for and installed before the road is accepted by the Town Board.
5. Upon completion of the proposed highway, the Town Board will proceed to make final inspection, accepting or rejecting the highway. If the highway is rejected, then corrections must be made as stated by the Town Board before finals inspections will be made again. If final acceptance is made by the Town Board, the owner or owners will turn over to the Town, a warranty deed free and clear of any liens necessary to convey free and clear title to the town for the highway.

**C. CREATION OF NEW ROAD OR ALTERING OF EXISTING ROAD.**

Individual home owner or owner of land abutting on that part of a highway sought to be created or altered, or extended, shall make application in writing to the Town Board, giving location, and description of proposed highway. Said application may be delivered to any supervisor or the Town Clerk. Upon receipt of application, the Town Board will proceed to examine proposed route of highway. If approval is received then the individual or group of individual home owners may proceed to build highway, under the supervision of the Town Board. See State Statute 82.10 for complete procedures. All expense will be incurred by the petitioner.

**6.07 DRAINAGE DITCHES AND CULVERTS WITHIN ROAD RIGHT-OF-WAY.**

Authorized under Section 86.07, Wis. Stat. No person shall fill or obstruct any ditch or culvert alongside of any Town or public road, or underneath any such road with any dirt, stones or debris. No person shall cultivate, plow or remove soil from his land in such manner as to obstruct or fill

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any ditch along any Town road or public highway. No person shall cultivate, plow or remove/add soil to Right-of-Way. No person shall enlarge a road drainage ditch without first obtaining a permit from the Town Board. Application for such permit shall be made to the Town Chairman. Before approving a permit to enlarge any road drainage ditch in the Town, the Town Board shall forward the permit application to all County and State agencies whose approval must be obtained before such work may commence. Any person who violates this section, shall be charged for costs incurred in clean up.

Culverts: new and replacement: New culverts, road and driveway (access), installed on newly constructed or rebuilt roads shall be the responsibility of the town. The culvert shall be installed by the town or with town approval and according to town specifications. Existing driveway (access) culverts replacements shall be the responsibility of the property owner and installed by the town or to town specifications. Clean out of driveway culverts in the town shall be treated as town ditch maintenance and shall be the responsibility of the town.

6.08 ROAD DAMAGE. Any person who damages a Town road (for whatever reason) may be liable in treble for damages pursuant to SEC 86.02 WIS Stat.

#### 6.09 HIGHWAY OPENINGS OR BORINGS REGULATED.

Authorized under Section 86.07, Wis. Stat.

A. **PERMIT REQUIRED.** No opening or boring shall be made in any Town road or highway until a permit therefore has been applied for and issued by the Town Board. Applications for permits shall contain a description of the property involved, the location of such opening or boring and the purpose for which the opening will be made. Such application shall be signed by the owner unless the work is not to be done by the owner in person, in which case the person engaged to perform the work shall sign the application and the permit shall be issued in his name. See Chapter 15 for permit fees.

B. **CASH BOND REQUIRED.** Before a permit shall be issued under this section, the applicant shall furnish a cash bond to the Town in such amount as the Town Board shall determine to guarantee replacement of such highway in as good condition as before excavation was commenced.

C. **EXCAVATIONS.** In the opening of any public highway, all paving and excavated material shall be removed with the least possible damage to the surrounding area and so placed as not to interfere with traffic or drainage. Such openings shall be closed with barricades and lanterns or flares shall be maintained upon the location during hours of darkness.

6.10 SPECIAL OR SEASONAL WEIGHT LIMITATIONS. As per Section 349.16 Wisconsin Statutes, any officer in charge of maintenance of highways maintained by the town may impose special weight limitations on any such highway or portion thereof which, because of weakness of the

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roadbed due to deterioration, climatic conditions, or other special/temporary condition, would likely be seriously damaged or destroyed in the above special limitations.

6.11 OBSTRUCTING IN ROADWAY OR RIGHT OF WAY PROHIBITED.

A. No person shall stand, sit, loiter, or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Town in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon, or to prevent or hinder free ingress to or egress from any place of business, amusement, or any church, public hall or meeting place.

B. Section 86.01 Wisconsin Statute, material left in highway, penalty. It shall be unlawful for any highway superintendent or any other person to leave any materials in the traveled portion of any highway not closed to public travel in piles or rows after sunset without placing within one hour after sunset upon such piles or at the end of such rows a lighted lantern containing sufficient oil or fuel to keep the same burning until daylight. Any person violating any of the provisions of this section shall be liable to a fine of not less than \$10 nor more than \$100. Section 86.022 Wisconsin Statute, obstructing highway with embankment or ditch. Any person who shall willfully or maliciously make any ditch, depression or embankment or place any obstruction in any public highway intended or calculated to impede or incommode the use of such highway, or who shall place any obstruction in any ditch constructed to drain any highway, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$10 nor more than \$100. Section 346.94 (5) (7) Wisconsin Statutes, placing injurious substances on highway and spilling loads of waste or foreign matter. No person shall place or cause to be placed upon a highway any foreign substance which is or may be injurious to any vehicle or part thereof. The operator of every vehicle transporting waste or foreign matter on the highways of this state shall provide adequate facilities to prevent such waste or foreign matter from spilling on or along the highways Section 941.01 Wisconsin Statute, negligent operation of vehicle. Whoever endangers another's safety by a high degree of negligence in the operation of a vehicle, not upon a highway as defined in s. 340.01, is guilty of a Class A misdemeanor. The Town Constable will send a certified letter of warning stating the fee for violating the ordinance of \$50 to the violator for the first offense. A second occurrence by the violator, a certified letter and a fine of \$50 will be sent to the violator.

6.12 PARKING RESTRICTIONS. When an ordinance has been adopted by the Town Board and signs have been erected giving proper notice thereof, no person shall park, stop or leave standing any vehicle in violation of the parking restrictions so posted, see state statute 346.50. See chapter 7.10

6.13 HIGHWAY ENTRANCES & REQUIREMENT. PRIVATE ACCESS.

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- A. Culvert Permit Required. The owner of lands adjacent to the right of way of a town road may not construct, maintain and use a driveway for access to the road unless the owner procures and abides by a permit from the Town Board. Permit fee \$25.00. See Section 6.06 (A) (1).
  
- B. Procedure. Application must be made for access, site reviewed by at least one board member. If approved payment will be made prior to permit being issued.
  
- C. Culvert size. Must be steel. The diameter of not less than 18” with a minimum length of 26 feet plus end walls. See Section 6.06 (B) (1)
  
- D. Town will install initial culvert to specification and will invoice the land owner. During road construction if replacement of the culvert is necessary, the culvert will be replaced at the town expense to a size deemed necessary by the Town Board. If a resident requests additional size or length, the additional cost will be incurred by the resident.
  
- E. The Town Board may consider a variance to the town standards at a town board meeting. Installation must meet town specifications.

6.14 PROVIDE FOR THE SAFE TRANSPORT OF MANURE BY PERMIT FOR THE USE OF MANURE PIPELINES IN TOWN RIGHT OF WAY OR ACROSS SUPPORT STRUCTURES.

- A. Authority. This ordinance is adopted pursuant to the powers granted under the Wisconsin Statutes including, but not limited to, Sections 86.07 and 86.16 of the Wisconsin Statutes.
  
- B. Definitions. Above ground manure line: A temporary manure line that is located on or above the surface of the ground, which includes manure lines running through culverts, tunnels, or similar underground structures originally installed for purposes other than manure transport. Manure: A material that consists primarily of litter or excreta, treated or untreated, from livestock, poultry or other animals. Manure includes material mixed with runoff, bedding contaminated with litter or excreta, or processed wastewater. Manure line: Any hose, pipeline, or other conduit, whether temporary or permanent in nature, for the transmission of liquid manure within or across the right-of-way of a highway to a destination for application on a farm field or for storage. Subterranean manure line: A manure line that exists, occurs, or is located under the earth's surface. Any culvert installed in the ground for the purpose of running through it a manure line is considered a subterranean manure line.
  
- C. Permitting of Manure Lines. A person or entity shall obtain a permit from the town before the installation of any manure line(s) in the town right of way is allowed. Issuance of a permit grants the permittee the authority to install manure lines in the right of way subject to all applicable permit terms and conditions and any applicable federal, state or local laws.
  
- D. Above Ground Manure Lines. (a) Upon receipt of a completed written application and the required fee the town may issue a permit for above ground manure lines within or

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across the road right of way. All permits will be valid for 1 (one) YEAR, unless a different time period is approved by the board. The town may attach additional conditions to any permit prior to issuance, including but not limited to inspection requirements, hours of operation, bond amounts, or any other condition the town deems necessary.

(b) Upon receipt of a written application and the required fee the town may issue a permit to temporarily affix hoses or pipes to support structures across the town right of way. As part of the application, the applicant must submit a plan specifying how the manure hose or pipe would be attached to or supported by the support structure. The town may attach conditions to any permit prior to issuance, including but not limited to inspection requirements, hours of operation, bond amounts, or any other condition the town deems necessary.

E. Subterranean Manure Lines. (a) Upon receipt of a written permit application in the form required by the Town Board and an application fee, the Town Board may issue a permit for the installation of an underground manure line in a town right of way consistent with the following:

1. The design of the pipeline shall be in accordance with sound engineering principles.
2. Within 60 days of completing the installation of the manure lines, the applicant shall submit to the town a map of the final installation drawn to a scale of 1/32, showing the location, size, depth, and kind of installation.
3. The town may require test wells be drilled along the pipeline and specify periodic groundwater sampling.
4. The manure lines shall be inspected (yearly, bi-yearly, etc.)
5. The person or entity who owns the lines will bear the cost of any relocation should the right of way need to be shifted or moved.

(b) The town board may attach appropriate conditions to any permit, including, but not limited to, requiring a bond, installation specifications, groundwater sampling, or any other conditions that the Town Board deems appropriate.

(c) Permits shall be valid for one year. An application for renewal and fee, if required, must be submitted to the town clerk no later than January 31st each year.

- (1) There shall be a presumption that a permit will be renewed unless the board determines:
  - a. There have been violations of this ordinance or any conditions laid out in the permit.
  - b. There has been a substantial change in circumstances of the town right of way, including, but not limited to, repair or improvement of the road or development along the road.
  - c. That there are additional or more significant health hazards posed by the pipeline than were known or understood by the board before the initial permit was granted.

F. Application Materials. Any request to install manure lines in the right of way shall not be considered until all required information is provided. Applicants must use the standard manure line (or utility) application form provided by the town. All applications shall contain the following:



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1. Adequate drawings showing the existing and/or proposed location of all manure lines within the right of way with respect to the planned installation. The drawings shall include dimensions from the proposed manure line to the commonly accepted right of way line and to the edge of the traveled way.
2. For highway crossings a cross-section detail showing depth of bury is required.
3. The applicant shall include information concerning the installation of the manure lines. The application shall include, but is not limited to:
  - a. A detailed description of the location, size, type, and the extent of manure lines to be installed.
  - b. Proposed construction procedures.
  - c. Special traffic control and protection measures as it relates to the installation of the manure lines.
4. Any other information that the town deems necessary.

G. Fees. Above-Ground Permit Fee: \$0  
Support Structure Fee: \$50 plus town expenses incurred  
Subterranean Fee: \$50

H. Removal. When deemed necessary by the Town Board for purposes of public health, safety, or welfare, the owner of the pipeline may be required to remove any pipeline located in the town right of way. If prompt removal does not occur after proper notice, the town may remove the line and bill the cost to the owner of doing so.

I. Enforcement and Penalties. Any manure line installed in the town right of way without the proper permit is punishable by a fine of no more than \$500.00. Each day a violation continues shall constitute a separate offense. The town may also seek injunctive relief or other declaratory actions.

J. Liability. The person or entity that owns the manure lines shall be liable for any and all damages related to the negligent installation or use of the manure lines.

K. Severability. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction the remainder of this ordinance shall not be affected.

**6.15 REGULATIONS OF INFRASTRUCTURES IN THE TOWN RIGHT OF WAY**

**A. Authority**

This Ordinance is adopted pursuant to the powers granted under Wisconsin Statutes, including but not limited to, sections 60.22, 60.23, 86.07 and 86.16 S.S. and Wis. DOT FDM 11-40 (1.9.1.1 Utilities), Wis. PSC 130, and FCC 18-133.

**B. Definitions**

**Town** means the Town of Cooperstown, Manitowoc County, WI.

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**Person** means any individual, firm, corporation, partnership limited liability company, or any other entity.

**Utilities** means Conventional Utilities and Small-Cell (5G) Wireless Utility, both as defined herein.

**Conventional Utilities** are described as gas pipelines, electrical utility lines and poles, telephone and cable TV lines, whether underground or above ground, which fall under regulation or administration of the FCC, or Wis. PSC or other administrative code provision, or State Statute.

**Small-Cell (5G) Wireless Utility** is described as the next generation of mobile networks beyond 4G LTE. 5G facilities will be low powered, short-range communication service for one carrier. Also referred to herein as **Small Wireless Facility**. Volumetric limit of three (3) cubic feet for Antenna and twenty-eight (28) cubic feet for all other associated equipment.

**Infrastructure** means lines, wires, fiber for telecommunications service, telegraph, telephone, or electricity lines, or pipes or pipelines, for the purpose of transmitting voice, video, data, messages, heat, light, or power along, across, under, or within the limits of the town right of way, together with all supporting poles and associated equipment.

**Section IV: Permitting**

No person shall install, construct or operate infrastructure for utilities within the town right of way without first obtaining a permit therefore from the town board. The following procedure relates to the permit process:

1. Applicant shall file a permit application with the Town Clerk, on forms provided by the Town. The application shall be reviewed by \_\_\_\_\_ to determine the application is complete. Upon determination the application is complete, the application shall be provided to the Town Planning Commission for review to determine the proposed work complies with applicable town, state and federal requirements.
2. The Town Planning Commission shall present a recommendation on the permit application to The Town Board, including any recommended conditions to be included in the permit. The Town Board shall consider the recommendation of the Planning Commission and act on the application. If the Town Planning Commission fails to make a recommendation to the Town Board on a timely basis, the Town Board may act without any recommendation.
3. The Town Planning Commission may include in its recommendation to the Town Board, and the Town Board may include in its approval of the permit, reasonable conditions including, but not limited to, reasonable location requirements; bonding or insurance requirements if there are reasonable grounds to question the financial responsibility or compliance ability of the applicant; relocation requirements consistent with town plans to widen or alter the road right of way. Notwithstanding the foregoing, the town board shall not impose

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conditions or requirements that materially inhibit the ability of any entity as a competitor or potential competitor to compete in a fair and balanced legal and regulatory environment per FCC 18-13, par. 35.

4. Conventional Utilities Application(s) shall be approved within 90 days after deemed complete for facility placement on an existing structure, and within 150 days for placement on a new structure.
5. Small Cell (5G) Wireless Utility Application(s) shall be approved within 60 days after deemed complete, for facility placement on an existing structure, and within 90 days for placement on a new structure.
6. Structure(s) placement will be on the back-slope of the ditch (ROW) and away from pavement and shoulder for public safety reasons.
7. Structure(s) shall be located outside of ROW clear zone, and shall not obstruct sight distances at intersections or driveways, for public safety reasons.
8. Structure(s) shall not obstruct drainage way for public safety reasons.

**Section V: Permit Fees**

Permit Fees shall be established by the Town Board, shall bear a reasonable relationship to the services provided pursuant to Sec. 66.0628, Wis. Stat., and shall not exceed the actual cost for administration of the application and permit. All permit fees shall be paid prior to issuance of the permit. The permit fees for Small-Cell Wireless (5G) Utility shall be subject to the following maximum amounts (Reference: FCC 18-133):

1. Maximum of \$500 for a single up-front application that includes up to five (5) Small Wireless Facilities.
2. \$100 for each Small Wireless Facility beyond Five (5).
3. \$270 per Small Wireless Facility per year for all recurring fees, e.g., access fees, attachment fees, and maintenance fees.

**Section VI: Removal**

Permittee shall notify the Town Board at least thirty (30) days prior to the abandonment of infrastructure including the supporting equipment and structures. Permittee shall remove all infrastructure and supporting equipment and structures within 150 days following abandonment, and restore the site to its pre-installation condition.

**Section VII: Enforcement and Penalties**

Failure to properly comply shall be punishable by a fine of no more than \$500. Each day a violation continues shall constitute a separate offense. Refer to chapter 15 of Town Code.

**Section VIII: Liability**

The permittee shall be liable for any and all damages which occur during the progress of the installation or as a result thereof, including but not limited to, the use of the facility.

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**Section IX: Severability**

Should a court of competent jurisdiction find any portion of this ordinance unconstitutional, invalid, or unenforceable, such finding shall not affect the remainder of this ordinance which shall remain in full force and effect.

6.16 PENALTY. Any person, who violates any provision of this chapter, except as otherwise provided, shall be subject to a penalty as provided in Chapter 15 of this General Code.

Adopted 08/06/2013

Adopted 030816 Posted 031716 Ordinance 2016-1

**TOWN OF COOPERSTOWN  
MANITOWOC COUNTY, WISCONSIN**

**ORDINANCE NO. 2016-1**

**AN ORDINANCE TO AMEND THE GENERAL CODE OF ORDINANCES OF THE  
TOWN OF COOPERSTOWN, MANITOWOC COUNTY, WI**

The Town Board of the Town of Cooperstown, Manitowoc County, Wisconsin, pursuant to Secs. 60.22, 60.33 (11), and its village powers pursuant to Sec. 60.10, Wis. Stats., hereby amends the General Code of Ordinances of the Town of Cooperstown, and do ordain as follows:

Section 6.04 DEFINITIONS is hereby amended to add the following:  
BORING. Tunneling under road bed.

Section 6.07 DRAINAGE DITCHES AND CULVERTS WITHIN ROAD RIGHT-OF-WAY.  
Authorized under Section 86.07, Wis. Stat. No person shall fill or obstruct any ditch or culvert alongside of any Town or public road, or underneath any such road with any dirt, stones or debris. No person shall cultivate, plow or remove soil from his land in such manner as to obstruct or fill any ditch along any Town road or public highway. No person shall cultivate, plow or remove/add soil to Right-of-Way. No person shall enlarge a road drainage ditch without first obtaining a permit from the Town Board. Application for such permit shall be made to the Town Chairman. Before approving a permit to enlarge any road drainage ditch in the Town, the Town Board shall forward the permit application to all County and State agencies whose approval must be obtained before such work may commence. Any person who violates this section, shall be charged for costs incurred in clean up.

Culverts: new and replacement:

New culverts, road and driveway (access), installed on newly constructed or rebuilt roads shall be the responsibility of the town. The culvert shall be installed by the town or with town approval and according to town specifications.

Existing driveway (access) culverts replacements shall be the responsibility of the property owner and installed by the town or to town specifications.

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Clean out of driveway culverts in the town shall be treated as town ditch maintenance and shall be the responsibility of the town.

Section 6.09 HIGHWAY OPENINGS OR BORINGS REGULATED is amended as follows:

Authorized under Section 86.07, Wis. Stat. (1) PERMIT REQUIRED. No opening or boring shall be made in any Town road or highway until a permit therefore has been applied for and issued by the Town Board. Applications for permits shall contain a description of the property involved, the location of such opening or boring and the purpose for which the opening will be made. Such application shall be signed by the owner unless the work is not to be done by the owner in person, in which case the person engaged to perform the work shall sign the application and the permit shall be issued in his name. See Chapter 15 for permit fees.

EFFECTIVE DATE. This Ordinance shall be effective upon adoption by the Town Board and posting according to law.

Adopted \_\_\_\_\_ March 8, 2016.

TOWN OF COOPERSTOWN

TOWN BOARD

Michael Albers

Michael Albers, Acting Chairperson

ATTEST:

Susan Kornely

Susan Kornely, Clerk

Adopted 080817 Posted 091317 Ordinance 2017-04

**TOWN OF COOPERSTOWN  
MANITOWOC COUNTY, WISCONSIN  
ORDINANCE NO. 2017-04  
AN ORDINANCE CREATING AND AMENDING CERTAIN SECTIONS OF  
TOWN OF COOPERSTOWN GENERAL CODE OF ORDINANCES SECTION  
6.14 & 6.15  
CHAPTER 6 ENTITLED *PUBLIC WORKS***

STATE OF WISCONSIN

Town of Cooperstown

Manitowoc County

Section 1: Be it ordained by the Board of the Town of Cooperstown, as follows:

Section 14 of Chapter 6, Public Works of the Code of the Town of Cooperstown, is hereby amended to read as follows:

**Section A: Purpose**

The purpose of this ordinance is to provide for the safe transport of manure by issuing permits for the use of manure pipelines in the town right of way or across support structures.

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**Section B: Authority**

This ordinance is adopted pursuant to the powers granted under the Wisconsin Statutes including, but not limited to, Sections 86.07 and 86.16 of the Wisconsin Statutes.

**Section C: Definitions**

Above ground manure line: A temporary manure line that is located on or above the surface of the ground, which includes manure lines running through culverts, tunnels, or similar underground structures originally installed for purposes other than manure transport.

Manure: A material that consists primarily of litter or excreta, treated or untreated, from livestock, poultry or other animals. Manure includes material mixed with runoff, bedding contaminated with litter or excreta, or processed wastewater.

Manure line: Any hose, pipeline, or other conduit, whether temporary or permanent in nature, for the transmission of liquid manure within or across the right-of-way of a highway to a destination for application on a farm field or for storage.

Subterranean manure line: A manure line that exists, occurs, or is located under the earth's surface. Any culvert installed in the ground for the purpose of running through it a manure line is considered a subterranean manure line.

**Section D: Permitting of Manure Lines**

A person or entity shall obtain a permit from the town before the installation of any manure line(s) in the town right of way is allowed. Issuance of a permit grants the permittee the authority to install manure lines in the right of way subject to all applicable permit terms and conditions and any applicable federal, state or local laws.

**Section E: Above Ground Manure Lines**

(a) Upon receipt of a completed written application and the required fee the town may issue a permit for above ground manure lines within or across the road right of way. All permits will be valid for 1 (one) YEAR, unless a different time period is approved by the board. The town may attach additional conditions to any permit prior to issuance, including but not limited to inspection requirements, hours of operation, bond amounts, or any other condition the town deems necessary.

(b) Upon receipt of a written application and the required fee the town may issue a permit to temporarily affix hoses or pipes to support structures across the town right of way. As part of the application, the applicant must submit a plan specifying how the manure hose or pipe would be attached to or supported by the support structure. The town may attach conditions to any permit prior to issuance, including but not limited to inspection requirements, hours of operation, bond amounts, or any other condition the town deems necessary.

**Section F: Subterranean Manure Lines**

(a) Upon receipt of a written permit application in the form required by the Town Board and an application fee, the Town Board may issue a permit for the installation of an underground manure line in a town right of way consistent with the following:

1. The design of the pipeline shall be in accordance with sound engineering principles.

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2. Within 60 days of completing the installation of the manure lines, the applicant shall submit to the town a map of the final installation drawn to a scale of 1/32, showing the location, size, depth, and kind of installation.
  3. The town may require test wells be drilled along the pipeline and specify periodic groundwater sampling.
  4. The manure lines shall be inspected (yearly, bi-yearly, etc.)
  5. The person or entity who owns the lines will bear the cost of any relocation should the right of way need to be shifted or moved.
- (b) The town board may attach appropriate conditions to any permit, including, but not limited to, requiring a bond, installation specifications, groundwater sampling, or any other conditions that the Town Board deems appropriate.
- (c) Permits shall be valid for one year. An application for renewal and fee, if required, must be submitted to the town clerk no later than January 31st each year.
- (1) There shall be a presumption that a permit will be renewed unless the board determines:
- a. There have been violations of this ordinance or any conditions laid out in the permit.
  - b. There has been a substantial change in circumstances of the town right of way, including, but not limited to, repair or improvement of the road or development along the road.
  - c. That there are additional or more significant health hazards posed by the pipeline than were known or understood by the board before the initial permit was granted.

**Section G: Application Materials**

Any request to install manure lines in the right of way shall not be considered until all required information is provided. Applicants must use the standard manure line (or utility) application form provided by the town. All applications shall contain the following:

1. Adequate drawings showing the existing and/or proposed location of all manure lines within the right of way with respect to the planned installation. The drawings shall include dimensions from the proposed manure line to the commonly accepted right of way line and to the edge of the traveled way.
2. For highway crossings a cross-section detail showing depth of bury is required.
3. The applicant shall include information concerning the installation of the manure lines. The application shall include, but is not limited to:
  - a. A detailed description of the location, size, type, and the extent of manure lines to be installed.
  - b. Proposed construction procedures.
  - c. Special traffic control and protection measures as it relates to the installation of the manure lines.
4. Any other information that the town deems necessary.

**Section H: Fees**

Above-Ground Permit Fee: \$0  
Support Structure Fee: \$50 plus town expenses incurred  
Subterranean Fee: \$50

**Section I: Removal**





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Absent: 2

Adopted 021219 Posted 032219 Ordinance 2019-02

**TOWN OF COOPERSTOWN  
MANITOWOC COUNTY, WISCONSIN  
ORDINANCE NO. 2019-02  
AN ORDINANCE TO AMMEND AND CREATE SECTIONS 6.15 AND 6.16 OF  
THE GENERAL CODE OF ORDINANCES**

**CHAPTER 6 ENTITLED *PUBLIC WORKS***

Section 6.15 of Chapter 6, Public Works, is amended as follows:

**Section 6.15. Regulation of Infrastructure in the Town Right of Way (ROW)**

**Section I: Purpose**

This Ordinance is enacted in the interest of public health, safety and general welfare, to protect the town's economic investment in infrastructure for the public good, and to regulate the placement of infrastructure in the public right of way of all highways under the jurisdiction of the Town of Cooperstown.

**Section II: Authority**

This Ordinance is adopted pursuant to the powers granted under Wisconsin Statutes, including but not limited to, sections 60.22, 60.23, 86.07 and 86.16 S.S. and Wis. DOT FDM 11-40 (1.9.1.1 Utilities), Wis. PSC 130, and FCC 18-133.

**Section III: Definitions**

**Town** means the Town of Cooperstown, Manitowoc County, WI.

**Person** means any individual, firm, corporation, partnership limited liability company, or any other entity.

**Utilities** means Conventional Utilities and Small-Cell (5G) Wireless Utility, both as defined herein.

**Conventional Utilities** are described as gas pipelines, electrical utility lines and poles, telephone and cable TV lines, whether underground or above ground, which fall under regulation or administration of the FCC, or Wis. PSC or other administrative code provision, or State Statute.

**Small-Cell (5G) Wireless Utility** is described as the next generation of mobile networks beyond 4G LTE. 5G facilities will be low powered, short-range communication service for one carrier. Also referred to herein as **Small Wireless Facility**. Volumetric limit of three (3) cubic feet for Antenna and twenty-eight (28) cubic feet for all other associated equipment.

**Infrastructure** means lines, wires, fiber for telecommunications service, telegraph, telephone, or

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electricity lines, or pipes or pipelines, for the purpose of transmitting voice, video, data, messages, heat, light, or power along, across, under, or within the limits of the town right of way, together with all supporting poles and associated equipment.

**Section IV: Permitting**

No person shall install, construct or operate infrastructure for utilities within the town right of way without first obtaining a permit therefore from the town board. The following procedure relates to the permit process:

9. Applicant shall file a permit application with the Town Clerk, on forms provided by the Town.

The application shall be reviewed by \_\_\_\_\_ to determine the application is complete. Upon determination the application is complete, the application shall be provided to the Town Planning Commission for review to determine the proposed work complies with applicable town, state and federal requirements.

10. The Town Planning Commission shall present a recommendation on the permit application to the

Town Board, including any recommended conditions to be included in the permit. The Town Board shall consider the recommendation of the Planning Commission and act on the application. If the Town Planning Commission fails to make a recommendation to the Town Board on a timely basis, the Town Board may act without any recommendation.

11. The Town Planning Commission may include in its recommendation to the Town Board, and the

Town Board may include in its approval of the permit, reasonable conditions including, but not limited to, reasonable location requirements; bonding or insurance requirements if there are reasonable grounds to question the financial responsibility or compliance ability of the applicant; relocation requirements consistent with town plans to widen or alter the road right of way. Notwithstanding the foregoing, the town board shall not impose conditions or requirements that materially inhibit the ability of any entity as a competitor or potential competitor to compete in a fair and balanced legal and regulatory environment per FCC 18-13, par. 35.

12. Conventional Utilities Application(s) shall be approved within 90 days after deemed complete

for facility placement on an existing structure, and within 150 days for placement on a new structure.

13. Small Cell (5G) Wireless Utility Application(s) shall be approved within 60 days after deemed

complete, for facility placement on an existing structure, and within 90 days for placement on a new structure.

14. Structure(s) placement will be on the back-slope of the ditch (ROW) and away from pavement and shoulder for public safety reasons.

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15. Structure(s) shall be located outside of ROW clear zone, and shall not obstruct sight distances at intersections or driveways, for public safety reasons.

16. Structure(s) shall not obstruct drainage way for public safety reasons.

**Section V: Permit Fees**

Permit Fees shall be established by the Town Board, shall bear a reasonable relationship to the services provided pursuant to Sec. 66.0628, Wis. Stat., and shall not exceed the actual cost for administration of the application and permit. All permit fees shall be paid prior to issuance of the permit. The permit fees for Small-Cell Wireless (5G) Utility shall be subject to the following maximum amounts (Reference: FCC 18-133):

4. Maximum of \$500 for a single up-front application that includes up to five (5) Small Wireless Facilities.
5. \$100 for each Small Wireless Facility beyond Five (5).
6. \$270 per Small Wireless Facility per year for all recurring fees, e.g., access fees, attachment fees, and maintenance fees.

**Section VI: Removal**

Permittee shall notify the Town Board at least thirty (30) days prior to the abandonment of infrastructure including the supporting equipment and structures. Permittee shall remove all infrastructure and supporting equipment and structures within 150 days following abandonment, and restore the site to its pre-installation condition.

**Section VII: Enforcement and Penalties**

Failure to properly comply shall be punishable by a fine of no more than \$500. Each day a violation continues shall constitute a separate offense. Refer to chapter 15 of Town Code.

**Section VIII: Liability**

The permittee shall be liable for any and all damages which occur during the progress of the installation or as a result thereof, including but not limited to, the use of the facility.

**Section IX: Severability**

Should a court of competent jurisdiction find any portion of this ordinance unconstitutional, invalid, or unenforceable, such finding shall not affect the remainder of this ordinance which shall remain in full force and effect.

**Section X: Section 6.16 of Chapter 6, Public Works of the Code of the Town of Cooperstown, is hereby created to read as follows:**

**6.16 PENALTY: Any person who violates any provision of this chapter, except as otherwise provided, shall be subject to a penalty as provided in Chapter 15 of this code.**

Section 6.15 of Chapter 6, Public Works, is amended as follows:

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**Section XI: Effective Date**

This ordinance becomes effective upon passage and publication.

Approved: February 12, 2019

Published: March 22, 2019

**Town of Cooperstown**

By: *David Blakeslee*

Town Chairperson

**Attest**

By: *Michael W Albers*

Supervisor

By: *Pat VanGroll*

Supervisor

By: *Fred Lemens*

Supervisor

By: *Susan Kornely*

Town Clerk