

**ORDINANCE NO. 2025-**

**RIGHT OF WAY CONTROL ORDINANCE**

The Town Board of the Town of Hampden hereby ordains that this Town of Hampden Right of Way Control Ordinance is hereby created to provide as follows:

**1. Applicability**

This Ordinance applies to all persons, utilities, and other entities making use, or intending to make use, of a Town Road Right of Way, except as may be specifically exempted under the terms of this Ordinance.

**2. Permit Required**

- A.** The Town, under this Ordinance, requires a permit for any work that utilizes a Town Road Right of Way, above ground or underground, or in any way opens or otherwise alters any portion of the Town Road Right of Way. Each person or entity desiring to undertake an activity regulated by this Ordinance shall submit an application and fee as required under this Ordinance, no less than four weeks prior to the time the work is scheduled to begin.
- B.** No person, utility, or other entity may excavate, open, plant, install underground utilities, overlay or otherwise alter or modify any Town Road Right of Way, without receiving a permit from the Town or its designee prior to commencing the proposed activity.
- C.** If the application relates to a private access or driveway, then other Town permitting requirements, under the Town's Ordinances shall also apply.

**3. Definitions**

**Person** – Includes the plural as well as the singular and includes any individual, utility, or other business entity of any kind.

**Town Road** – Includes any road, street, or highway under the jurisdiction of the Town used for vehicular traffic and maintained by the Town.

**Town Road Right of Way** – Includes the traveled way, shoulder, and any other area within the outer boundaries of the Town Road.

#### 4. Procedure for Obtaining Permit

- A. The applicant is to submit the completed application and pay the base fee to the Town Clerk.
- B. The Town Clerk shall forward the application to the Town Engineer for review.
- C. The Town Engineer will confer/meet with the applicant and review the design. The applicant will be notified if any on-site meeting is necessary and the potential for additional engineering and fee requirements due to the complexity of the site or nature of the proposed work.
- D. The Town Engineer shall submit his/her recommendations to the Town Board and provide the applicant with a copy.
- E. The Town Engineer shall complete any additional engineering review as necessary.
- F. If approved, the Town Engineer shall issue the permit and perform such inspections as necessary.

#### 5. Application Fee and Related Costs

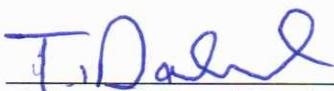
- A. *In addition to the application fee on the Town's fee schedule, the applicant shall pay all costs related to the Town's review, approval, inspections (if any), and enforcement of the permit.*
- B. Any person or entity who fails to obtain such permit prior to commencing work in the Town Road Right of Way, shall pay twice the permit fee as well as engineering, inspection, legal and other costs incurred by the Town relating in any way to the applicant's non-compliance.

Dated this 18 day of August, 2025.

By the Town Board of the Town of Hampden,  
Columbia County, Wisconsin.

  
\_\_\_\_\_  
David Tuschen, Chairperson

  
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William Hoffman, Board Member

  
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Taylor Dahl, Board Member

Attest:

  
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Nanette Hensen, Town Clerk