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## SHAWANO COUNTY CLERK – PAMELA SCHMIDT

### CERTIFICATION

STATE OF WISCONSIN}  
COUNTY OF SHAWANO}

I, Pamela Schmidt, County Clerk, in and for the County of Shawano, State of Wisconsin, do hereby certify that the following copy of Ordinance No 10-19 is a true and correct copy of the original Ordinance No. 10-19 duly adopted by the Shawano County Board of Supervisors at a meeting held on August 28, 2019.

Given under my hand and official seal, at the Shawano County Courthouse, in the City of Shawano, this 4<sup>th</sup> day of October, 2019.

Pamela Schmidt  
Shawano County Clerk



## **Ordinance No. 10-19**

### **Utility Relocation Ordinance**

**Section 1: Purpose and Authority.** Utility owners and operators are allowed to place their utility lines for electric, communication, gas, water, sewer and other utilities within the county highway right-of-way with the advance approval of Shawano County. The maintenance, improvement and expansion of county highways sometimes requires the relocation of the utilities pursuant to Chapters 84 and 86 of the Wisconsin Statutes, and consistent with the Utility Accommodation Policy ("UAP") approved by the Shawano County Board of Supervisors under Resolution No. 45-17. Prompt relocation of utilities is necessary to avoid costly delays in the completion of the highway projects. This Ordinance sets forth the requirements of the Shawano County Highway Department and the utility owners and operators when such maintenance, improvement or expansion of the county highway requires a utility to be relocated.

**Section 2: Requirements of Shawano County Highway Department.** Upon learning of the need to maintain, improve or expand a county highway which requires the need for a utility owner or operator to relocate its utility within the county highway right-of-way in the discretion of the Shawano County Highway Department, the Shawano County Highway Department shall provide the utility owner a notice of at least 180-days. The notice shall provide where the project is occurring, the area in which the utilities must be relocated from, that the utility owner must provide a plan for where the utilities will be relocated to, the permitting requirements of the utility owner, the deadline by which the relocation must be completed, and contact information for any questions, as well as any other information the county believes in its discretion should be provided.

**Section 3: Penalties.** In the event the utility owner fails to comply with the notice and such failure results in delays to the project completion, the Shawano County Highway Department or its representative, may at its discretion and choosing, impose a citation forfeiture of up to \$1,500 per day for each day of the continuing violation and/or relocate the utility and charge the utility owner for all costs, fees and expenses relating to the relocation of the utility. These forfeitures and remedies are in addition to any other remedies set forth in the UAP, the Wisconsin Statutes and common law.

**Section 4: Other Laws/Effective Date.** Nothing in this Ordinance shall reduce or limit the obligations of a utility owner or operator concerning the installation, maintenance, permitting, marking, use, location or relocation of its utilities set forth under any other applicable law or policy. This Ordinance shall be effective upon passage and publication, and the Shawano County Highway Department shall provide a notice of these obligations and potential penalties in all future permits.

**Now, therefore, be it resolved by the Shawano County Board of Supervisors,** in session this 28<sup>th</sup> day of August, 2019, that they hereby approve the Utility Relocation Ordinance as set forth above herein requiring the Shawano County Highway Department to provide notice of the need to relocate utilities to a utility owner or operator, and requiring the utility owner or operator to take prompt reasonable action to relocate the utility, or be subject to the forfeiture and remedies contained in this Ordinance.

Submitted by, John Ainsworth  
Steve Gueths  
Kevin Conradt  
Rick Giese  
Thomas Kautza  
HIGHWAY & PARKS COMMITTEE