

CHAPTER 8

PUBLIC WORKS

- 8.01 Protection of Roads and Rights-of-Way During Construction of Dwellings
- 8.02 Town Streets, Highways and Other Public Land
- 8.03 Driveway Regulations
- 8.04 Culvert Regulations
- 8.05 Obligation for Corrective Work
- 8.06 Penalties
- 8.07 Town Park Regulations

8.01 PROTECTION OF ROADS AND RIGHTS-OF-WAY DURING CONSTRUCTION OF DWELLINGS.

(1) The Building Inspector for the Town shall require a financial guarantee during the construction of residential dwellings and for the purpose of reimbursing the Town for road repairs, which repairs are occasioned or caused by acts of the owner of the land or his agent, contractors or employees in the construction of residential dwellings.

(2) Such financial guarantee shall be in an amount and in a form satisfactory to the Building Inspector and may be required by the Building Inspector at the time of or following issuance of a building permit and prior to the issuance of an occupancy and use permit.

(3) Any person who fails to comply with the provisions of this section shall, upon conviction thereof, forfeit not less than \$25.00 or more than \$200.00 and the cost of prosecution for each such violation. Each day a violation exists or continues shall constitute a separate offense.

8.02 TOWN STREETS, HIGHWAYS AND OTHER PUBLIC LAND.

(1) Public Policy. It is hereby declared necessary in the interest of public health, safety and welfare that the Town of Ottawa regulate the use of Town streets, highways and other public land in the Town of Ottawa, Waukesha County, Wisconsin.

(2) Applicable Requirements. All Town streets, highways and public lands are subject to the regulations of this Section 8.02. Streets and highways as used herein shall include the entire public right-of-way, not only the portion that is paved, graded or gravel surfaced. Town streets, highways and other public land that is associated with a land division or with development of land shall also be subject to the requirements of Chapter 18 of this Code of Ordinances, entitled "Land Division and Development." In the event of a conflict between the requirements procedures of this Chapter and the requirements and procedures of Chapter 18, the most restrictive provision shall apply. In the event of dispute as to which provision is most restrictive, the Town Board of the Town of Ottawa shall determine which provision applies, and the Town Board's decision shall be final.

(3) Permit Required. No person other than authorized representatives of the Town of Ottawa, or persons authorized to do so by a valid permit issued by the Town, shall cause, permit or allow any person to:

(a) intentionally damage, or cause intentional damage to be made, to any physical property owned or leased by the Town of Ottawa;

(b) paint, or cause painting to be done to any curbs, bridges, equipment, fixtures, trees, culverts, fences, walls, posts, lamps, poles, asphalt pavement or any buildings or materials of any type in the Town of Ottawa, owned or leased by the Town of Ottawa;

(c) maintain, or cause to be maintained, any signs, posters, pictures or drawings on any curbs, bridges, equipment, fixtures, trees, windows, sidewalks, public highways, roads, streets, alleys, culverts, fences, walls, posts, lamps, poles, asphalt pavement or any buildings or materials of any type in the Town of Ottawa, owned or leased by the Town of Ottawa;

(d) open any public street, highway or other public land within the Town of Ottawa, other than for the installation of approved driveway culverts, or erect, install, alter, relocate or modify any cables, wires, pole attachments, poles, conduits or other facilities in the right-of-way of the Town of Ottawa streets and highways or in public land owned by the Town of Ottawa for the purpose of facilitating the transmission of energy, fluids, gases or any other matter in whatsoever form, or cause the same to be done.

Blank permit application forms approved by the Town Board shall be obtained from the Town Clerk. All applications for such permits shall be in writing and be filed with the Town Clerk. Satisfactory applications will then be forwarded to the Town Board or the Town Board's designee as established by the Town Board by separate resolution for signature. Every such application for a permit shall include the description of the street, highway or other public land upon which the proposed work activity is to occur and shall locate the proposed activity on such street, highway or public land. The application shall further show the length, width and depth of the proposed work activity in the Town street, highway or other public land, if applicable, and shall state the purpose for the work activity.

A fee in an amount as established, from time to time, by the Town Board shall be charged for such permit and shall be deposited by the applicant with the Town Clerk at the time the application for such permit is made.

(4) Permit at Work Site. A copy of the permit and associated application documents shall be available at the work site for review by the permitting authority.

(5) Revocation of Permit and Removal of Facilities. In the event the Town Engineer or a Town Board representative reasonably believes that the conditions of a permit have been violated, said person shall inform the Town Board. The Town Board shall provide the permit holder an opportunity to be heard regarding the alleged violation. In the event the Town Board determines that the permit has been violated, the Town Board may, together with other relief, revoke the permit and may direct the removal of the permit holder's facilities located on premises covered by this Section 8.02.

(6) Excavations in Macadam or Unpaved Streets, Etc. When excavations are made in macadam streets or unpaved streets and alleys surfaced with gravel, they shall be made and filled in the following manner:

The backfilling below the surface shall be done with gravel, sand or crushed stone, firmly compacted, and all earth, stone or other material excavated shall be hauled away by the person authorized to make the excavation, unless otherwise specified by the Town of Ottawa which shall be the final authority on acceptance of the excavation material for the use of backfill. In case of dispute, the decision of the Town Board shall be final and binding upon the parties affected. All such excavations shall be given a temporary blacktop surfacing two (2) inches thick immediately following the completion of the refilling or backfilling.

(7) Excavations and Boring in Paved Streets. Unless expressly waived by the Town Board, no excavations shall be permitted in any paved streets. All excavation in paved streets shall be done by boring under the street surface in such a manner so as the surface of the street shall not be affected by the tunnel. Any settling of the street surface caused by said boring shall be immediately repaired by the permittee. All underground installations within the limits of any paved Town street or highway shall be completed by boring such that the existing pavement shall not be disturbed. Underground cavities or voids shall be filled with cellular concrete. All disturbed areas shall be restored to the satisfaction of the permitting authority. Any damage to the pavement shall be immediately repaired by the applicant and shall conform to the requirements of this Section 8.02.

After all reasonable efforts to complete the installation by boring have failed, and upon notification to the Town Clerk, the Town Board may grant permission to complete the permitted work by open cut methods. Where the operations of an applicant in any way damage or disturb the pavement surface, the following requirements shall apply:

The pavement shall be full-depth sawcut along lines parallel and transverse to the edge of street pavement. The sawcut shall be made one foot outside the wall of the trench at the widest point of the trench such that the pavement shall be supported by a minimum of one (1) foot of undisturbed earth. In the event that the sawed pavement edges are damaged during construction operations, the pavement edges shall be sawed again. Within the limits of the pavement and five (5) feet beyond the edge of pavement, the trench shall be backfilled to the appropriate elevation with aggregate slurry. A 5-inch depth asphaltic concrete pavement patch shall be placed in two 1-3/4 inch depth binder course lifts and one 1-1/2 inch depth surface course lift. The asphaltic concrete pavement shall conform to the requirements of the State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction (1989 edition) for binder and surface course (gradation No. 2 and 3). Roadway shoulders shall be restored with 5-inch depth compacted limestone T.B. (gradation No. 3).

(8) Digging Trenches. When opening any street surface or other public highway, it must be straight cut or sawed, all material for paving and ballasting must be removed with the least possible loss of surface material, and such material, together with that excavated from the trenches, or otherwise, must be placed where it will cause the least inconvenience to the public. All such materials must be so placed as to permit the free passage of water along the gutters or ditches. Any street or public highway upon which such opening is made must not be obstructed so as to interfere with the traffic thereon. No more than the necessary amount of the trench may be dug until the slant or junction piece to the utility is found. The backfilling must be compacted and paving and ballast must be replaced in as nearly the original condition as possible and to the satisfaction of the Town Engineer. When the sides of the trench will not stand perpendicular, sheeting and braces must be used to prevent caving. When caving occurs, all of the street or highway surface thus disturbed must be restored in the same careful manner as though it were originally excavated or trenched.

(9) Backfill Material. Slurry backfill shall be required for all future and existing paved or graveled surfaces, such as driveways, parking areas, shoulders, curb and gutter, sidewalks or streets, or within five feet of such surfaces. Excavated spoil material may be used in all remaining areas.

(10) Inspections. No additional fee shall be imposed for the initial inspection or final inspection of any act or installation performed pursuant to this Section 8.02. All inspections will be done by the Town Engineer or other designee if otherwise established by the Town Board by separate resolution for the Town of Ottawa. For each other inspection beyond the initial inspection and final inspection necessary to determine compliance by the applicant with the conditions of the permit and with the provisions of this Section 8.02, the actual cost of the same shall be charged to the person obtaining the permit. The permit holder shall pay the actual inspection fees within thirty (30) days of the date of billing of these fees by the Town.

(11) Restoration Specification. All restoration under this Ordinance shall be in accordance with the road specifications or utility specifications then in effect. In the event removed materials do not qualify for restoration, the applicant shall comply with the Town specifications with materials that do comply. At all times restoration shall be performed using "like-kind" materials (sod for sod, black dirt for black dirt, asphalt for asphalt, etc.) and proper compaction methods shall be utilized to prevent settling. Restoration includes the removal of any paint on the surface of the Town street, highway or right-of-way that was applied by the applicant.

(12) Completion. Upon completion of the restoration, the applicant shall file a written notice with the Town Clerk. Upon receipt of the same, the Town Clerk shall notify the Town Engineer or other designee if otherwise established by the Town Board by separate resolution of the same, and said person shall verify whether the work is fully complete. The work shall be deemed to be complete as of the date that the Town Clerk receives the notice from the applicant, unless within 30 days the Town Engineer or otherwise designated Town representative determines that the work is not done, and so notifies the applicant. If the Town Engineer or otherwise designated Town representative determines the work is not done, the work shall not be deemed to be complete until the work identified by the Town Engineer or otherwise designated Town representative is completed, whereupon the applicant may file a new notice with the Town Clerk, subject to the same review procedures described herein.

(13) Correction of Unsatisfactory Restoration Work. In the event that the permitting authority finds the restoration to be unsatisfactory or that the restoration is not being completed in a timely manner, the Town may order that corrections be made within a specified five (5) day period. The Town shall have the right to complete emergency repairs without giving prior notice to the applicant. If the Town Board causes the work to be completed, the costs of said work shall be charged to the applicant. In the event that the applicant does not make payment within thirty (30) days of the invoice date, the Town shall have the right to draw on the applicant's Letter of Credit.

(14) Maintenance of Street After Completion. Any person obtaining a permit as herein provided shall be responsible and shall be required to maintain and repair that portion of any public right-of-way in the Town whereon such opening is made for a period of one (1) year from the date that completion is approved pursuant to Paragraph 12, above, and shall keep and maintain the right-of-way whereon the opening is made in the same condition as the remainder of the highway or public street whereon such opening was made. In the event that such repairs are not made as herein provided, the Town Board shall order the same made by the person obtaining a permit as herein provided upon five (5) days written notice. In the event such repairs are not made and the Town Board causes the work to be completed, the costs of said work shall be charged to the applicant. In the event that the applicant does not make payment within thirty (30) days of the invoice date, the Town shall have the right to draw on the applicant's Letter of Credit.

(15) Protection of the Public. All necessary precautions shall be taken to protect the public from accident or damage to persons or property from the beginning to the end of the work. Every person opening any public street or highway within the Town must enclose each such opening with surface barriers. The applicant shall provide all necessary signs, flagmen, and lights conforming with the standards set forth in the most current edition of the Manual on Uniform Traffic Control Devices.

A minimum of one lane of through traffic shall be maintained at all times. By the end of each and every workday, restoration shall be completed such that a minimum of two traffic lanes shall be available for safe passage, and all driveways shall be available for safe passage. Flashers must be kept burning from sunset to sunrise, each light to be placed at intervals of ten (10) feet.

(16) Indemnification. The applicant, by performing the work, thereby agrees to indemnify and hold harmless the Town of Ottawa, its boards, commissions, officers, employees, agents, and assigns, from any cost, claim, suit, liability and/or award which might come, be brought, or be assessed, because of the issuance or exercise of the permit described herein, or because of any adverse effect upon any person or property which is attributed to the partially or entirely completed works of the applicant. Accomplishment of the permitted work, or any part thereof, by or on behalf of the applicant shall bind such applicant to abide by the requirements of this Section 8.02 and all of its conditions and provisions.

The applicant shall be held liable for all damages, including costs incurred by the Town, in defending any action brought against it for damages and costs or any appeal that may result from the applicant's neglect in opening the public highway or street and in performing the work incidental thereto, including any claim for damages that may result to the Town by reason of the failure to keep the public street or highway in repair for a period of one (1) year from the date that the opening is closed as provided for in Paragraph 14.

(17) Letter of Credit. Before a permit is granted, the applicant shall file with the Town of Ottawa a Letter of Credit or cash deposit setting forth terms and conditions in a form approved by the Town Attorney in the amount of \$10,000 as a guarantee that the work will be completed with due care and skill, in accordance with this Section 8.02, and that the required restoration and repair will be completed by the applicant. The Letter of Credit or cash deposit shall continue until released by resolution of the Town Board. If at any time the applicant is in default of any aspect of this Section 8.02 or the applicant does not complete the work within the required time period (not to exceed 30 days unless specifically extended by the Town Board), or there are fewer than sixty (60) days time remaining on the Letter of Credit or cash deposit on file with the Town and the Letter of Credit or cash deposit has not been extended, renewed, or replaced, the applicant shall be deemed in violation of this

PUBLIC WORKS 8.02(17)

Section 8.02, and the Town Board shall have the authority to draw upon the Letter of Credit or cash deposit.

The Letter of Credit or cash deposit shall continue in effect until the 1 year maintenance period described in Section 14 has expired. The amount of the letter of Credit or cash deposit may be reduced by resolution of the Town Board as improvements are completed by the applicant, provided that the remaining amount of the Letter of Credit or cash deposit is sufficient to secure completion of any remaining work and to protect the Town during the 1 year maintenance period.

(18) Emergency Utility Repairs. In the event of an emergency, a permit shall be obtained retroactive to the work activity. However, the permit application and the work shall conform in all other respects with the requirements of this Section 8.02. If it is deemed by the Town Board that the applicant has misrepresented ordinary work activities as an emergency, the applicant shall be subject to a penalty as described in Section 20 for each date that the work is conducted without a permit.

(19) Telecommunications, Gas, Light, Heat and Power Utilities. In the event a utility described in Section 66.0425, subsection (6) of the Wisconsin Statutes, as amended from time to time, is performing the work by itself, the above-required Letter of Credit shall be waived to the same extent as described in said statute. In the event the utility has contracted the work to a private contractor, the Letter of Credit shall be required before the contractor shall be permitted to commence work operations.

(20) Penalties. In addition to the payment of all costs necessary to restore the project to the condition required by this Section 8.02, and in addition to all other remedies that may apply, any person who shall attempt to commence any activity on a Town street, highway or other public lands covered herein without a permit, or who shall violate any other provisions of this Section 8.02, shall be subject to a penalty of not less than \$250.00 nor more than \$500.00 for each day that the party is deemed to be in violation of this Section 8.02. Each day that a violation occurs shall be considered a separate and distinct offense under the terms of this Section 8.02. Failure to pay any penalty imposed by a court of law under this Section 8.02 shall subject the defendant to commitment in the County Jail or other remedy as provided under Wisconsin law. Violation of this Section 8.02 is declared to be a public nuisance.

8.03 DRIVEWAY REGULATIONS.

(1) DRAINAGE. The surface of a driveway connecting with street or highway cross sections shall slope away from the street pavement edge at least 3 inches at a minimum distance of 6 feet from the street or highway pavement edge. No driveway shall be constructed with centerline slope greater than 12:1 from the low

point stated above to the property line as shown in the typical culvert and driveway detail that is attached hereto and incorporated herein as Exhibit A. All driveway entrances shall be constructed in such manner that they will not interfere with the drainage of streets or roadside ditches. Driveway surfaces and adjacent grading shall be stabilized in such a manner that will prevent erosion of the driveway material or soil onto streets or into roadside ditches.

(2) INTERFERENCE WITH INTERSECTIONS PROHIBITED. At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Town Board for effective traffic control or for highway signs or signals.

(3) INTERFERENCE WITH STREET PROHIBITED. No driveway apron shall extend out into the street further than the face of the curb or the edge of the paved portion. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or roadside areas or with existing structures on the right-of-way.

(4) NUMBER OF APPROACHES LIMITED. In all districts the number of road accesses shall be limited as follows. No more than one driveway entrance and approach shall be constructed for any lot or premises except when additional road accesses are approved by the Town Board after being deemed by the Town of Ottawa Road Superintendent and Town of Ottawa Town Engineer to be necessary and feasible without undue impairment of safety, convenience and utility of the street. Where the Town Board approves more than one road access, any two approaches shall be at least ten (10) feet apart unless waived by the Town Board.

(5) FIVE (5) FEET FROM SIDE LOT LINE. All driveways entering onto Town roads shall be at least five (5) feet off of the nearest side lot line at the point where the property line meets the Town road right-of-way line unless otherwise approved by the Town Board. Moreover, all driveways or portions thereof located within the right-of-way shall be at least five (5) feet off of an imaginary line drawn perpendicular to the right-of-way line to the roadway pavement from the point where the nearest side lot line meets the right-of-way line unless otherwise approved by the Town Board.

(6) RESTORATION REQUIRED. When curb and gutter is removed, the new construction and connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner. Any sidewalk areas which are damaged shall be replaced.

(7) **PROPERTY OWNER LIABLE FOR DAMAGE OR INJURY.** The property owner shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly from construction or repair of driveway approaches or entrances.

(8) **CONCRETE SURFACING OF PRIVATE DRIVEWAYS.** If a driveway is installed as a concrete driveway, the concrete shall not extend over the driveway culvert, or between the culvert and the traveled portion of the roadway. If there is no driveway culvert then the concrete shall be no closer than six (6) feet to the traveled portion of the roadway. The area between the concrete driveway and the traveled portion of the roadway shall be paved with asphalt or paver brick. Further, driveway pavement installed within ten (10) feet from the traveled portion of the roadway shall have a rise of not more than six (6) inches.

8.04 CULVERT REGULATIONS.

(1) COMPLIANCE REQUIRED

(a) Prohibition. No person shall install a culvert unless the culvert fully complies with the regulations of this ordinance.

(b) Culvert required. Culverts must be properly installed prior to a building permit being issued. The installation of all culverts in the Town of Ottawa shall be done by the property owner or its agent or designee.

(c) Permit required. No person, firm or corporation, shall make any excavation or fill or make any alteration in any highway right-of-way or in any manner disturb any highway right-of-way or install or have installed or caused to be installed any culvert which is within or will allow access or easement to property in the Town of Ottawa without first obtaining a culvert sizing permit.

(d) Purpose. The intent of this subsection of this ordinance is to assure drainage ditch preservation and to assure adequate surface and storm water drainage.

(2) DEFINITION

Culvert: Culverts are those structures which function to convey surface water through an embankment or under a roadway or under a driveway.

(3) DESIGN SPECIFICATIONS

(a) Town Engineer's Determination.

1. The location and grade of culverts shall be determined by the Town Engineer, consistent with the criteria stated in this ordinance.
2. The size and specification of culverts shall be determined by the Town Engineer, consistent with the criteria stated in this ordinance.
3. The inspection of culverts, after installation, shall be made by the Town Building Inspector, consistent with the criteria stated in this ordinance.

(b) Special Design Criteria.

1. Apron ends shall be provided on cross-road culverts and driveway culverts.
2. All driveway culverts shall be at least 15-inches in diameter and no driveway culvert shall be less than 18 feet or more than 22 feet in length at the outer street edge unless special permission is obtained from the Town Board.

(c) Standard Material and Construction Specifications.

The applicable portions of the most current edition of the State of Wisconsin, Department of Transportation, Division of Highways, Standard Specifications for Road and Bridge Construction shall govern, except as herein amended.

(d) Special Material Specifications.

All culverts must be made of reinforced concrete or corrugated metal pipe.

(e) Private Entrance Culvert Location.

1. In cases of a single entrance to the property, the culvert as located in the ditch, shall be a minimum of three (3) feet off of said lot line, as extended.

2. Where a joint access is required, the culvert is to be centered on the line between the two properties as extended to the ditch. The driveways where they cross into the respective properties shall be a minimum of five (5) feet off of the property line.
3. The Town Board may waive the location requirements of this subsection, where the Town Board finds that compliance with these requirements is not reasonable due to topography or other natural features.

(4) CULVERT SIZING PERMIT

(a) Cost. The owner of the property serviced by a culvert or any applicant for installation of a culvert shall pay an application fee as established from time to time by the Town Board together with all actual administrative, legal, inspection and engineering costs. The application fee shall be paid to the Town Clerk or designee before any culvert sizing permit is issued. The actual administrative, legal, inspection and engineering fees shall be paid to the Town Clerk or designee before any building permit or occupancy permit is issued. If at any time additional actual administrative, legal, inspection and engineering costs are incurred by the Town for any reason including the subsequent inspection of the culvert due to improper installation, the owner shall be responsible for payment of any and all such costs.

(b) Application Procedure.

1. Application Form. Applications for a culvert sizing permit shall be made in writing to the Town Building Inspector on forms prescribed by the Town Board. The property shall be described by address and tax key number. The proposed culvert location shall be described on the form.
2. Staking required. The owner/applicant must stake the proposed culvert location at the property using properly marked stakes to show center of proposed culvert location.
3. Review Process.
 - a. Upon receipt of the application, the Town Building Inspector shall immediately forward a copy of the same to the Town Engineer.

- b. Upon receipt of the copy of the application, the Town Engineer shall review the same, determine the appropriate size and grade and report the same to the Town Building Inspector. A minimum of one week from the Town Engineer's receipt of the application shall be allowed for the Town Engineer's determination.
- c. Upon approval of the location, payment of all fees and a determination of size and grade by the Town Engineer, the Town Building Inspector shall issue a Town Culvert Sizing Permit.

(c) Permit conditions. All culvert sizing permits shall be subject to the conditions that the work shall be constructed subject to such rules and regulations as may be prescribed by the Town and be performed and completed to the Town's satisfaction, that in the case of a temporary alteration the highway shall be restored to its former condition, and that the permittee shall be liable to the Town for all damages which occur during the progress of the work or as a result thereof.

(5) **CULVERT MAINTENANCE AND REPAIR.** Every property owner will have the continuing responsibility and obligation to maintain and repair the culvert(s) servicing their property. Should any culvert become in such a condition or state of disrepair or be damaged to such an extent that the flow of the drainage or access by motor vehicles is affected thereby, the property owner shall take whatever actions are necessary to repair or replace said defective culvert.

(6) **CULVERT INSTALLATION MAY BE REQUIRED IN EXISTING DRIVEWAYS.** Where the public welfare requires a suitable culvert for an existing driveway, the Town Board shall notify, in writing, the property owner, that the Town will install a culvert at the expense of the abutting property. The property owner shall deposit a sum in an amount equal to the estimated cost of installing such culvert within ten (10) days from the date of notice. If the deposit is not made, and if the cost of the installation to the abutting property is not paid to the Town Treasurer on or before November 1st, the same shall be entered on the tax roll as a special charge against the property.

8.05 OBLIGATION FOR CORRECTIVE WORK. If any culvert is installed, driveway access is built, alteration is made in a right-of-way, or other unauthorized condition exists in violation of this chapter, the violation shall be corrected by the owner of the property, at the property owner's sole expense. If the violation of this ordinance is not corrected after ten (10) days

written notice from the Town Engineer, the Town may make all necessary corrections, including removing the culvert or fill or other cause of the violation, and re-building conforming improvements if deemed necessary by the Town Engineer, and restoring the right-of-way, and bill the property owner for all of the expenses incurred by the Town in said corrective work. If said property owner fails to pay the Town's expenses, the charges shall be placed upon the tax roll and collected as a special tax under §66.60(16)(a)(b) and (c), Wisconsin Statutes.

8.06 PENALTIES. Except as otherwise provided, any person who shall violate an provisions of this Chapter shall be subject to a penalty as provided in section 25.04 of this General Code. Said penalty shall be in addition to any obligation for corrective work or other obligations described herein.

8.07 TOWN PARK REGULATIONS.

(1) Compliance.

All users of Town of Ottawa Town parks and public recreation lands shall comply with the applicable regulations in this Section.

(2) Private Use of Town Parks.

(A) General.

1. Individuals and non-profit organizations may use Town of Ottawa park and public recreation facilities and/or grounds for private purposes (Private Use) only in full compliance with the conditions of this Section.
2. Private use is available only for non-profit organizations and individuals.
3. The Town of Ottawa Park Committee reserves the right to accept or reject or impose reasonable conditions upon any requests for private use.
4. Private users must enter an approved private use agreement with the Town of Ottawa Park Committee, and abide by all the terms thereof. Private use of Town park and public land facilities and/or grounds for private purposes is prohibited absent a fully executed and approved private use agreement.

Among other requirements, the private use agreement shall include indemnification of the Town of Ottawa, and the Town of Ottawa Park Committee and/or Town Board may require that insurance shall be provided to protect the Town.

5. The responsible party who enters the private use agreement must be a Town of Ottawa resident or approved by the Town Board , and the responsible party must be present at all times throughout the private use unless the presence is waived by the Town Board.
6. Applications for private use shall be made in writing and filed with the Town of Ottawa Town Clerk.
7. Applications for use will be considered on a first-come, first-serve basis.
8. Town of Ottawa functions will take priority. Private use of the facilities and/or grounds shall not be to the exclusion of Town uses. Town officials and employees may enter the premises at any time, even during the private use, for any purpose.
9. The Town of Ottawa reserves the right to govern the use of Town park and public recreation lands, buildings and facilities, and may cancel any function at any time with or without prior notice.
10. A reservation fee payment and security deposit payment shall accompany each application, in such amounts as may be established from time to time by the Town Board. The security deposit will be held to cover damage and improper care and necessary cleaning. Any portion of the deposit that remains after all of the Town's costs to fully correct any such damage and cleaning are deducted shall be returned to the private user as authorized by the Town of Ottawa Park Committee. The Private user shall reimburse the Town for any costs of repair or cleaning that exceed the amount of the deposit within thirty (30) days of being invoiced by the Town.

11. In the event the reservation is cancelled prior to the event (whether by being withdrawn, or for lack of approval) the security deposit shall be refunded. The reservation fee shall not be refunded, however, unless the event is cancelled solely by order of the Town of Ottawa.
12. The Town of Ottawa shall not be responsible for anything left, lost, or stolen.
13. Private use of the Town parks, public recreation lands, facilities and grounds is subject to all of the rules, regulations, resolutions and ordinances of the Town of Ottawa, and upon strict compliance with the terms of the Town of Ottawa private use agreement.
14. The Town of Ottawa Park Committee is authorized to refuse Town park or public recreation lands, facilities and/or grounds usage when, based on past use, that experience or usage has been unfavorable as determined by the Town of Ottawa Park Committee .
15. There shall be no alcohol beverages associated with the private use.
16. The private user shall reimburse the Town of Ottawa for any costs the Town of Ottawa incurs relating to the private use activity, including but not limited to the cost that the Town of Ottawa may incur in providing police protection or security in excess of the personnel ordinarily on duty during the time of use; and the cost of cleaning up or repairing the facilities and/or grounds following the private use activity.

(B) Supervision.

1. The applicant and all named persons responsible for supervision must be present from the time the event begins, while the event is in progress, and until all users of the facilities have vacated the premises unless waived by the Town Board. If the application

includes the use of a building, the applicant and all named persons responsible for supervision must be present from the time the building is opened and remain until they have closed and locked the building according to the instructions of park personnel unless waived by the Town Board.

2. The applicant and the individuals supervising the function shall be responsible for the conduct and control of both patrons and participants of each function.
3. The applicant and individuals supervising are responsible for seeing that no equipment or other portions of the facilities are used except those specifically requested in the application.
4. The applicant and the persons responsible for supervision shall ensure that the facility is left in the same condition as when the organization entered the building or facility.

(C) Responsibilities.

1. It shall be the responsibility of the organization jointly and severally with the responsible person signing the application to pay for all damages that are a result of the improper use or supervision of the equipment, buildings, or grounds. Any group failing to report damage and pay for it may be denied subsequent use of the facilities, in addition to such other penalties and remedies as may apply.
2. The organization using the facilities along with the responsible person signing the application assumes all responsibilities for injuries that may occur to persons or participants.
3. It shall be the responsibility of the applicant and the persons responsible to vacate the premises, after cleanup, within the time scheduled.

(D) Regulations.

PUBLIC WORKS 8.07

1. Decorating will be permitted provided it does not damage park structures or grounds and is approved in writing prior to the decorating by the Town of Ottawa Park Committee, and must be removed at the conclusion of the event.
 2. In consideration of the neighbors, persons using the building shall refrain from loud talk, boisterous conduct, or loud music when using the park. After proper warning, should conduct of the group continue to be loud or boisterous, individuals or the entire group may be required to vacate the park prior to the scheduled conclusion of the event without refund of any portion of the fees paid or owing.
 3. The park must be vacated by all groups by no later than thirty (30) minutes after sunset, unless extended hours of use are approved by the Town of Ottawa Park Committee .
 4. An approved Facility Use Agreement gives the group or organization permission to use certain reserved areas, but it does not grant exclusive use of the park.
 5. The erection of tents or other temporary structures is allowed only if specifically approved in writing by the Town of Ottawa Park Committee. No stakes shall be driven unless approved in writing by the Town of Ottawa Park Committee. No driving is allowed on the grass in order to preserve the grass and sprinkler system.
- (3). Conduct in Town Parks and Public Recreation Lands.
- (A) Activities by any person or organization for which a charge is made are prohibited except upon express written approval of the Town Park Committee.
 - (B) Disfigurement of buildings and/or equipment is prohibited.
 - (C) Male persons are prohibited from using the restrooms designated for female use; and female persons are

PUBLIC WORKS 8.07

prohibited from using the restrooms designated for male use.

- (D) Glass bottles and glass containers are prohibited in the Town park.
- (E) Littering is prohibiting.
- (F) Dogs and other domestic animals are prohibited within the Town park.
- (G) Hawking, merchandising and/or selling of any articles is prohibited within the Town park except upon the express written approval of the Town Board or the Town Park Committee.
- (H) Advertising within the Town park is prohibited except upon the express written approval of the Town Park Committee.
- (I) Placing or posting of signs, placards or advertisements is prohibited except official Town park signs as approved by the Town Park Committee.
- (J) Golf or the use of golf clubs to hit balls is prohibited within the Town park.
- (K) Hunting, discharge of firearms, bows and arrows, are all prohibited within the Town park.
- (L) Starting of fires is prohibited in the Town park except within specified locations where fireplace or grill facilities are located.
- (M) Operation of motorized vehicles is restricted to designated lots and roadways.
- (N) Parking is restricted to the parking lot area, except upon express written permission of an alternate location by the Town Park Committee.
- (O) The speed limit within the Town park shall be limited to ten (10) miles per hour.

PUBLIC WORKS 8.07

- (P) The hours of operation for the Town park shall be between 30 minutes prior to sunrise and 30 minutes after sunset every day of the week. No person shall enter or be present within the Town park outside of the hours of operation, with the following exceptions. Groups which have entered a private use agreement with the Town of Ottawa may remain in the Town park for up to thirty (30) minutes after sunset on the date of the event. Additional hours of use may be approved on a case by case basis in writing by the Town Park Committee.
- (Q) No fireworks are allowed in the Town park unless approved by the Town Board.
- (R) No alcohol beverages are allowed in the Town park.
- (4) Willful Damage to Park Property.

The provisions of Section 943.01 and 800.093 are adopted by referenced and incorporated herein, exclusive of the penalties described therein.