

New Lisbon Highway Spoils Policy

I. Purpose

The purpose of this policy is to provide the Town of New Lisbon Highway Department and the residents of the Town of New Lisbon with a uniform procedure for disposal of excess material generated during Highway Department operations and determined to have no beneficial use to the Town.

II. Policy

It is the policy of the Town of New Lisbon to dispose of Spoils at an approved Town Site. It is also be the policy of the Town of New Lisbon to make the Spoils available for fill to private landowners in the Town of New Lisbon, at no charge, in accordance with applicable laws, rules and regulations, so long as such disposal is found to be in the best interests of the Town. It is also be the Town's policy to prohibit the use of public property, equipment and personnel in situations that do not primarily benefit the Town of New Lisbon.

The Town of New Lisbon does not warrant the use of this material for structural fills. Environmental licensing may be required and is the sole responsibility of the landowner.

III. Definitions

"Spoils" means excess material removed or generated during maintenance, construction, reconstruction, alteration or repair of highways including right-of-ways; maintenance, construction, reconstruction, alteration or repair of Town-owned property; and other public works projects or repairs, which excess material may include soil, clay, gravel, rocks, trees or tree parts, asphalt, blacktop, concrete, broken pipe, glass, wood and other debris. To be Spoils, such material must have no Beneficial Use to the Town.

"Approved Town Site for Disposal of Spoils" means any site owned by the Town of New Lisbon or a neighboring municipality that can accommodate the depositing of Spoils in accordance with applicable laws, rules and regulations.

"Beneficial Use to the Town" means that the excess materials are of such quality or value that it would not be cost effective for the Town to use the materials directly or to sell the materials.

"Private Site" means a location other than land owned by the Town of New Lisbon.

IV. Procedures

A. Spoils Determination Made

When a Highway Department project occurs that results in excess material, a

determination will be made by the Highway Superintendent whether or not such material meets the definition of "Spoils".

B. Disposal of Spoils

If the excess fill is determined by the Highway Superintendent to be Spoils then the next step will be to determine if there is an Approved Town Site for Disposal of Spoils available to handle those Spoils or if it would be more cost effective to dispose of those Spoils at a Private Site.

If an Approved Town Site for Disposal of Spoils is not available or if it is more cost effective to utilize a Private Site then the Highway Superintendent may consider the Private Site for disposal of those Spoils.

A list will be maintained of all those Private Sites within the Town of New Lisbon for which the landowner has completed the "Request for Spoils and Liability Waiver" attached hereto, which can be obtained from the Highway Superintendent or on the Town of New Lisbon website (thetownofnewlisbon.com). The list will be kept in Highway Department's office. The Highway Department will administer all Request for Spoils and Liability Waiver forms.

When the Highway Superintendent of the Highway Department is considering Private Sites for the disposal of Spoils they will go to the first available site on the list that can accommodate the amount of Spoils needing disposal and that provides the Town of New Lisbon with the least cost to transport. The determination of least cost will be determined solely by the Highway Superintendent. The length of time a Request for Spoils and Liability Waiver has been pending will have no effect on where the excess material is placed. The primary concern will be what site can accommodate the amount of Spoils needing disposal in the most cost effective manner for the Town.

Any additional permits or requirements necessary for the deposit, storage or use of the Spoil material will be the responsibility of the property owner. The only work to be done by Highway Department for Private Site disposal is transporting of the Spoils to the approved Private Site, dumping the Spoils at that approved Private Site and the leveling off of any material but only to the extent necessary to continue the dumping of material onto the site. Any other work needed on the Private Site is the sole responsibility of the landowner. The Spoils must be for personal use and are not to be sold by the landowner. Failure to comply with this requirement will eliminate any further Spoils from being placed on that property or on any other property of the landowner.

REQUEST FOR SPOILS AND LIABILITY WAIVER

I, _____, having read and understood the Town of New Lisbon Policy with Regard to Spoils and being the owner of the property located at:

request the Town of New Lisbon Highway Department to deliver Spoils to the property subject to the terms and conditions in the Policy and in this Request for Spoils and Liability Waiver.

I hereby grant the Town of New Lisbon Highway Department, its employees and representatives, permission to access my property, without recourse, to deliver the Spoils. I assume the responsibility for any and all damages that may be incurred by the Highway Department while performing this service, and further agree to hold harmless the Town of New Lisbon, and its employees, contractors and representatives for any harm, injury or other damage to person or property that may result from the delivery of the requested Spoils.

I further understand and agree to the following:

1. the Highway Department will NOT spread the Spoils hauled to my property;
2. the Highway Department will deliver the Spoils to a mutually agreeable site on the property within 20 feet from the road or driveway or from a suitable private road
3. the Highway Department will NOT bring its equipment to a site that the driver deems to be unsafe or otherwise hazardous;
4. the Highway Department will NOT deposit the Spoils for use in an area that is or appears to be a wetland absent proof that the area is not a protected wetland;
5. the Spoils will be delivered "**As Is**" and the Town makes **no warranty of fitness for a particular purpose or other warranty**;
6. the Spoils may contain a variety of materials such as clay, gravel, rocks, trees, asphalt, blacktop, concrete, pipe, glass, wood, other debris and unknown substances;
7. there will be no fee associated with this delivery;
8. there is no promise or expectation of whether or not or when the requested Spoils may be delivered;
9. as the landowner and being of legal age, I have the authority to sign this Request for Spoils and Liability Waiver.

Landowner (signature)

Date

Landowner (printed)