

## CHAPTER 54

### REGULATIONS ON USE OF RIGHTS-OF-WAY

#### 54.00 DEFINITIONS

1. **“Highway”** means all, Town road, county roads, highways and bridges located within the Town of Wilson, Sheboygan County. This includes all lands within the right-of-way, whether paved or unpaved.
2. **“Obstruction”** means all materials placed within a right-of-way that may impede the flow of drainage water, obstruct visibility of roadway users, increase the risk of injury to roadway user who collides with the materials, or interfere with road maintenance operations, including the ability of employees or agents to access or occupy any portion of the right-of-way. As illustrations, obstructions include snow, stones or rocks, railroad ties, landscape timbers, basement drain tile pipes, private drainage systems and other decorative landscaping fences; garbage, rubbish, refuse or other discarded materials; all agricultural crops regardless of height; trees, shrubs, bushes and other decorative plantings that extend above the natural or established grade by more than six (6) inches; and delineator posts including metal stakes, wood stakes or snow fence posts.
3. **“Right-of-way”** means the full extent of lands acquired for road purposes, whether by deed, easement, statute, patent, court order, or prescriptive use.
4. **“Designee”** means Town Board Chairperson, Town Board Supervisors, Town Clerk, Town Constables, Town Maintenance Personnel.

#### 54.01 CULTIVATION AND LANDSCAPING

1. No person may cultivate, plant, harvest, or maintain agricultural crops, tree, or shrubs within a right-of-way.
2. No person may cultivate, plant, or maintain grasses, flowers, or other vegetable plants in any manner that obstructs visibility of the road.

#### 54.02 ALTERATION OF GRADE

No person may alter or change the depth or contour of any portion of any ditch or embankment in a right-of-way without written approval of the Town Board.

#### 54.03 MAILBOXES, SIGNS AND NEWSPAPER BOXES

1. No sign of any nature may be placed or allowed to remain in any right-of-way except an official sign placed by a government authority and except other signage permitted by the Wisconsin Administrative Code.

2. Mailboxes and newspapers boxes are permitted within a right-of-way if the installation complies with all requirements of the U.S. Postal Service and guidelines of the Wisconsin Department of Transportation.

#### **54.04 OTHER OBSTRUCTIONS**

The Town of Wilson prohibits the depositing of snow or any other obstructions on all public streets as follows:

1. **Prohibition.** No person shall remove or cause to be removed any snow, ice or obstructions of any type from the premises owned or occupied by that person or from any residence, parking lot, parking area, filling station, business property or other property owned or occupied by said person, by placing the said obstruction onto the traveled portion of any public right-of-way, including shoulders. No snow shall be pushed across the road or into the opposite ditch. Snow removed shall not be stored in any manner which shall obstruct or limit vehicular or pedestrian vision, movement or access.
2. **Removal Required.** No person shall deposit any obstruction upon the traveled portion of any road or street of the Town of Wilson. It is hereby declared that any obstruction so deposited in the traveled portion of any Town right-of-way is a public nuisance and the Sheboygan County Sheriff or Town Constable be empowered to issue citations for this violation, as listed in Section C. below. In addition to the penalties provided for in the violation of this Section, the Town of Wilson may summarily remove any obstruction so deposited and cause the cost of said removal to be charged to the owner of the property from which the obstruction has been removed, and upon failure to pay the same said may be charged a special assessment upon the tax bill to the owner of the property from which the obstruction removal was necessitated.

#### **54.05 PRIVATE CULVERTS**

Any adjoining landowner or tenant may install a culvert in a right-of-way if a culvert permit has been obtained from the Town of Wilson and all applicable local, County and State regulations and policies have been observed and the Town of Wilson has issued a written permit.

#### **54.06 ENFORCEMENT AND PENALTIES**

1. **Correction Order.** Upon being informed of a violation of this Ordinance, the Town Board or their designee shall notify the adjoining landowner or tenant, or any violator of the violation writing and shall order removal and correction of the violation within thirty (30) days. If the Town Board determines that the degree of hazard constitutes an emergency risk to public safety, the Town Board or their designee may immediately correct the violation after diligent attempts (personal visit and/or phone contact) to notify the adjoining owner or tenant.
2. **Penalty.** Any violation of this section may result in the Town clearing and removing any obstruction. The Town costs for the clearing and removal of any snow, ice or other materials may be levied as special charged pursuant to Wisconsin State Statutes Sec. 66.0627 to the offending property owner. Each

day a violation of this section is committed or permitted to continue shall constitute a separate offense and shall be punishable with fines of \$100 for each day of non-compliance and each occurrence.

3. **State Statutes:**
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|-----------|---|
| 86.01     | Materials Left in Highways              |
| 86.07     | Digging in Right-of-way                 |
| 88.01     | Drainage of Lands                       |
| 346.94(5) | Placing Injurious Substances on Highway |
| 941.3     | Recklessly Endangering Safety           |

**Section 2. Effective Date:** The amendments to this Ordinance shall be in effect upon enactment and posting/publication.

**TOWN OF WILSON**

By David L. Gartman, Chairperson.

This is to certify that the Town Board of the Town of Wilson duly enacted the foregoing amended Ordinance on the 7<sup>th</sup> day of June, 2010.

Cheryl K. Rostollan, Clerk

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