

TOWN OF WALWORTH

ORDINANCE NO. 06132019-03 Establishing a Town Road Right-of-Way Policy

The Town Board of the Town of Walworth, Walworth County, Wisconsin, has the specific authority to adopt an ordinance to administer and regulate the public Right-of-Way in the public interest, and to provide for the issuance and regulation of Right-of-Way permits, pursuant to the powers granted under Wis. Stat. 82.03 & 893.83.

Therefore, the Town Board of The Town of Walworth, Walworth County Wisconsin does ordain as follows:

1. TOWN ROAD (HIGHWAY) RIGHT-OF-WAY:

The Town Road Right-of-Way is the strip of land over which a public road is built. Town of Walworth Road Right-of-Ways are presumed to be four (4) rods (66 feet) in width unless originally deeded to the Town with a lesser width specified. (Wis. Stat. 82.31)

2. MEASURING POINT OF TOWN ROAD RIGHT-OF-WAY:

The Town Road Right-of-Way shall be established by measuring 33' from the centerline (centerline shall be determined by the width of pavement) of any road or highway.

The Town Road Superintendent may be asked by the Town Board to measure and mark Town Road Right-of-Ways pursuant to s. 82.05(1), Wis. Stats.

If the property owner disagrees with using the centerline Right-of-Way measurement process, the property owner may, at the property owner's expense, have a survey done by a certified surveyor and have survey stakes put in showing the location of the Town Road Right-of-Way. Said survey shall be recorded and a copy of the recorded survey shall also be provided to the Town Clerk.

3. ENCROACHMENTS:

- A. Property owners are responsible to keep the Town Road Right-of-Ways free from encroachments such as agricultural crops, fences, stands, buildings and other structures or objects. The Town shall provide written notice to the offending occupant or property owner outlining the encroachment with reasonable certainty and allowing 30 days for its removal to beyond the Town Road Right-of-Way. Wis. Stats. 86.04
- B. Pushing snow across Town Roads or into the Town Road Right-of-Way is prohibited.
- C. Putting rocks in the Town Road Right-of-Way is prohibited, unless prior written permission is given by the Town Road Superintendent.
- D. The Town of Walworth 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 said cost of removal, may be charged a special assessment upon the tax bill to the owner of the property from which the obstruction removal was necessitated.

4. ROAD SIDE MEMORIALS:

The Town of Walworth understands the need some people have to express their grief by placing memorials along a roadside. Roadside memorials are not appropriate on Interstates and Freeways where pedestrians are prohibited by law.

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Roadside memorials will be removed if they present a safety hazard, if it negatively impacts the free flow of water or traffic, or if it would be a hazard if hit; also, if it interferes with normal road maintenance, if a complaint is received, or if it falls into disrepair.

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given. This ordinance is effective on June 13, 2019. The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 13th day of June, 2019, by a vote of: 3 in favor 0 against 0 abstain:

TOWN OF WALWORTH

APPROVED:

_____/s/_____
David J. Rowbotham, Town Chair

_____/s/_____
Steve Santeler, Supervisor #1

_____/s/_____
William Pearce, Supervisor #2

Attest: ____/s/_____
Marie Baker, Town Clerk-Treasurer

(Seal)