

STATE OF WISCONSIN
TOWN OF WASHINGTON, VILAS COUNTY
CODE OF ORDINANCES

CHAPTER 20: RIGHT OF WAY ORDINANCE

20.01 Title and Purpose

The title of this ordinance is the Town of Washington Right of Way Ordinance. The purpose of this ordinance is to keep the town roads rights-of-way free from encroachments in order to promote the health, safety, and welfare of the Town of Washington residents

20.02 Authority

The Town of Washington has the authority to enact this ordinance under its village powers under §60.22, Wis. Stat. and the specific authority under §86.04 and §86.022 Wis. Stat.

20.03 Definitions

- A. Town means the Town of Washington in Vilas County, Wisconsin.
- B. Town Board means the board of supervisors for the Town of Washington, Vilas County, Wisconsin, and includes designees of the town board authorized to act for the town board.
- C. Right of Way means the area of land reserved by law, public ownership, easement, dedication or public use for the operation and maintenance of a public road under the Town's road jurisdiction, including the traveled portion of the road, shoulders, and the remaining area on both sides of the road extending to the outer boundaries of the right of way.
- D. Wis. Stats. means Wisconsin Statutes
- E. Encroachment means any unauthorized object located partially or wholly within the town road right of way.

20.04 Background

Duties of the Town Board include oversight of highways. Local governments such as towns are responsible for and liable for the management of their highways, including right of way maintenance.

The Town of Washington has dedicated right of ways upon which have been constructed town roads.

The dedicated right of ways are of varying widths throughout the Town.

Issues have arisen in which residents of the Town of Washington have constructed structures or placed objects within the dedicated right of ways without permission of the Town.

Keeping the right of way free from encroachments is important as they can create potential safety hazards for motorists, bicyclists, and pedestrians. Encroachments can impede, hinder, or interfere with the free and safe passage of vehicles, and can render snow removal and roadway maintenance difficult or hazardous.

The Town of Washington is responsible for the management of town roads and their right of ways for the benefit and safety of the public.

The Town Board determined it is in the best interest of the Town of Washington and its residents to prohibit encroachments in the right of way and hold property owners responsible for removal of the encroachments.

Mailboxes may be located within the Town right of way in accordance with United States Postal Service regulations.

20.05 Prohibition of encroachments in the Town right of way

No person shall encroach upon or in any way obstruct or encumber any dedicated right of way of a town road or a town road itself or other public grounds or land dedicated to public use or any part thereof or cause to be placed any encroachment or encumbrance upon the public way except if granted permission from the Town.

20.06 Penalty

Any person who violates any provision of this ordinance may be subject to a forfeiture of \$20.00 plus court costs for the first offense, or \$50.00 plus court costs for all subsequent violations.

20.07 Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

20.08 Adoption of Ordinance

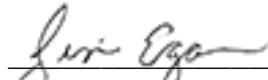
This ordinance, adopted by a majority of the town board with a quorum present and voting and proper notice having been given, formally adopts the Town of Washington Right of Way Ordinance.

This ordinance repeals and replaces all right of way ordinances previously adopted by the Town of Washington.

20.09 Effective Date

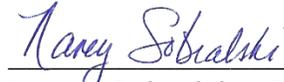
This ordinance is effective upon adoption and publication or posting. The Town Clerk shall properly post or publish this ordinance under §60.80, Wis. Stats.

Adopted this 18th day of April, 2023.



Jim Egan, Town Chairperson

Attest:



Nancy Sobralski, Clerk

Published/Posted April 19, 2023