

92-1
ORDINANCE
TOWN ROADS AND RIGHT-OF-WAYS

Section 1: Title/Purpose

This ordinance is entitled the "Town Roads and Right-of-Ways Ordinance". The intent of this ordinance is to protect and preserve the town roads and right-of-ways, a major investment of the local taxpayer. This ordinance safeguards the public by establishing uniform procedure applicable to Town roads and the right-of-way of those roads.

Section 2: Authority

The Town Board of the Town of Sun Prairie has the specific statutory authority, powers and duties under Chapter 66, 82 and 86 Wis. Stats., to regulate, control, prevent and enforce certain uses and activities that may affect the Town Roads in the Town of Sun Prairie.

Section 3: Adoption of Ordinance

The Town Board of the Town of Sun Prairie has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established this ordinance to regulate, control and enforce against certain uses, activities and operations by persons that may affect the Town Roads in the Town of Sun Prairie.

Section 4: General Provisions

1.) The Town roads in the Town of Sun Prairie shall be designed and constructed to meet the minimum road and bridge standards established in Sec. 86.26 and 86.265, Wis. Stats.

2.) No person shall access land adjacent to a Town of Sun Prairie road, except over an established access which has a culvert. The Town Board or its designee may determine that an access does not need a culvert.

3.) No person shall make any excavation or fill or install any culvert or make any other alteration in any highway or bridge without approval of the Town Board of the Town of Sun Prairie or its designee. Approval shall not be granted by the Town Board unless the person agrees to and fully complies with Sec. 66 and 86, Wis. Stats., and this ordinance. The Town Board or its designee shall inspect the premises prior to approval.

4.) All culverts placed under or adjacent to Town Roads right-of-ways to access Town Roads from farms, residences or other private premises shall be installed by and at the cost of the land owner. Culvert material and size shall be determined by the Town Board or its designee. No person shall install a culvert in or along a Town road or connect a private road with a Town road until permission for driveway access and culvert installation has been granted by the Town Board or its designee.

5.) No person shall install a culvert which would intersect with a culvert under a Town Road.

6.) No person shall throw, deposit or discharge any weeds, sod, brush, grass clippings, leaves, manure or other waste or rubbish on any public highways, roads, streets in the Town of Sun Prairie.

7.) It shall be the responsibility of the landowner/leasee to promptly clean-up any fallen trees from any public highway, road, street or right-of-way in the Town of Sun Prairie where these trees originated from property owned or leased by that person.

8.) No person shall draw, paint, print or paste on any culvert, bridge or guard rail on any public highway, roadway or street in the Town of Sun Prairie.

9.) No person shall alter the grade of any public highway, road, street or right-of-way in the Town of Sun Prairie without approval by the Town Board of the Town of Sun Prairie or it's designee.

10.) No person shall plant any trees on the public highways, roadways, streets and right-of-way in the Town of Sun Prairie without the approval of the Town Board of the Town of Sun Prairie.

11.) In consideration of highway maintenance and safety issues, the Town of Sun Prairie hereby forbids the parking of any motor vehicle on any highway within the Town of Sun Prairie, November 1 through April 1.

Section 5: Right-of-Ways

1.) No person shall cause blockage or obstruction of a culvert in the right-of-way within the Town of Sun Prairie.

2.) No person shall throw, deposit or discharge any weeds, sod, brush, grass clippings, leaves, manure or other waste or rubbish in the right-of-way in the Town of Sun Prairie.

3.) No person shall plant any trees in the right-of-way in the Town of Sun Prairie without the approval of the Town Board of the Town of Sun Prairie.

4.) Objects placed in the right-of-way must have an approved permit obtained through the Town of Sun Prairie and must be properly marked and maintained by the utilities at all times, so that it does not become a hazard to equipment used for Town operations.

- a.) An object includes, but is not limited to, telephone pedestals, internet pedestals, road markers, survey stakes and any other object that may be struck by a road-side mower, string trimmer, snow plow or other equipment operated by the Town of Sun Prairie employees.
- b.) Objects installed in the Town road right-of-way shall be fitted with a 4' marker at all times, by the utility that installed the object.
- c.) The ground area within 2' of such marker shall be kept clear of weeds and brush at all times, by the utility that installed the marker.
- d.) The project will be completed to include, restoration to the Town right-of-way or neighboring property to the condition prior to the project. Any repairs needed to

the project location will be the responsibility of the utilities along with any costs to repair damaged areas.

- e.) Town of Sun Prairie is not responsible for any damage that may happen to any object located in the right-of-way.

Section 6: Severability

Any provision of this ordinance judged by the courts to be invalid or unconstitutional shall not affect the validity of the other provisions.

Section 7: Effective Date

This ordinance shall take effect and be in full force from the date of posting in the usual three places in the Town of Sun Prairie.

Approved:

J. Michael Blaska, Chair
Vernon Pogue, Supervisor
Dianne Wade, Supervisor

This is to certify that the foregoing ordinance was adopted by the Town Board of the Town of Sun Prairie at a meeting held on the 6th day of July, 1992.

Claudia J. Quick, Town Clerk