

300.11 Use of Town Right-of-Way Policy

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SECTION I – PURPOSE

The right-of-way adjacent to town roads is primarily under the control and responsibility of the town. As such, any use of the right-of-way by adjacent landowners is permissive use, and such permission to use the right-of-way may be revoked at any time by the town. Placement of items on the right-of-way, or the growing of crops, trees, bushes, or other vegetation, on the right-of-way by the adjacent landowners, should be considered temporary, as the town reserves the right to remove such items or vegetation at any time.

SECTION II – MOWING IN THE RIGHT-OF-WAY

The mowing of the grass in the right-of-way is with the town's permission. While the town encourages property owners to mow lawns up to the edge of the road, thereby improving aesthetics and reducing work for the town roadmen, no property interest is gained in maintaining such grassy right-of-way.

SECTION III – RIGHT TO ALTER THE RIGHT-OF-WAY

The town reserves the right to alter the right-of-way at any time. If the turf or any other planting in the right-of-way is damaged by snowplowing, rough mowing or any other town activity, the town has no responsibility to repair or replace it. The town will not reimburse anyone for plantings, crops or anything else removed from the right-of-way by them.

SECTION IV – RIGHT TO REMOVE OBSTRUCTIONS IN THE RIGHT-OF-WAY

The town retains the right to remove trees, brush, crops and other obstructions when, in the town's sole opinion, the safety of road use and the efficiency of road repair and maintenance require such removal. To the extent possible and reasonable, advance notification to adjacent property owners will be provided, but is not required. Where practical, the town will refrain from removing crops growing in the right-of-way until such crops can be harvested. Residents are encouraged to seek advice from the Town Highway Superintendent before planting in the right-of-way.

SECTION V – ERECTION AND REMOVAL OF FENCES

Fences adjoining town right-of-way shall be erected and maintained in accordance with applicable state statute. Replacing a fence removed or altered to accommodate town road repair, rebuilding or ditching shall be at the expense of the town only if the existing fence is on the property line or a permitted structure in the right-of-way.

SECTION V – EFFECTIVE DATE

This Policy shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 18th day of February, 2019

Attest: Brenda Kahl
Brenda Kahl, Clerk/Treasurer

Anthony Varda
Anthony Varda, Chairperson

Posted: February 19, 2019

Jeff Davis
Jeff Davis, Supervisor

Michael Statz
Michael Statz, Supervisor

Joe Kruchten
Joe Kruchten, Supervisor

Duane Haag
Duane Haag, Supervisor