

ORDINANCE SNOW IN RIGHT OF WAY
TOWN OF COOPERSTOWN

ORDINANCE 2009-1

WHEREAS, this ordinance is adopted pursuant to the general powers granted under Section 60.22 (3) and 61.34 (1) Wisconsin Statutes. Additional authority is noted under 86.01 and 86.022 Wisconsin Statutes;

WHEREAS, leaving snow and other material on roadways or right of way is illegal. Performing these activities can lead to accidents resulting in property damage, bodily injury, and even death. These activities are prohibited by Wisconsin State Statutes 86.01, 86.022, 346.94 (5)(7) and 941.01. Following of these statutes will avoid penalty and liability, and will help keep highway travel safe for everyone. The County Sheriff's Department will be working with the Town Highway Department and Town Constable to enforce this law;

WHEREAS, Section 86.01 Wisconsin Statute, material left in highway, penalty. It shall be unlawful for any highway superintendent or any other person to leave any materials in the traveled portion of any highway not closed to public travel in piles or rows after sunset without placing within one hour after sunset upon such piles or at the end of such rows a lighted lantern containing sufficient oil or fuel to keep the same burning until daylight. Any person violating any of the provisions of this section shall be liable to a fine of not less than \$10 nor more than \$100;

WHEREAS, Section 86.022 Wisconsin Statute, obstructing highway with embankment or ditch. Any person who shall willfully or maliciously make any ditch, depression or embankment or place any obstruction in any public highway intended or calculated to impede or incommode the use of such highway, or who shall place any obstruction in any ditch constructed to drain any highway, shall be guilty of a misdemeanor any upon conviction shall be punished by a fine of not less than \$10 nor more than \$100;

WHEREAS, Section 346.94 (5)(7) Wisconsin Statutes, placing injurious substances on highway and spilling loads of waste or foreign matter. No person shall place or cause to be placed upon a highway any foreign substance which is or may be injurious to any vehicle or part thereof. The operator of every vehicle transporting waste or foreign matter on the highways of this state shall provide adequate facilities to prevent such waste or foreign matter from spilling on or along the highways;

WHEREAS, Section 941.01 Wisconsin Statute, negligent operation of vehicle. Whoever endangers another's safety by a high degree of negligence in the operation of a vehicle, not upon a highway as defined in s. 340.01, is guilty of a Class A misdemeanor;

WHEREAS, the Town Constable will send a certified letter of warning stating the fee for violating the ordinance of \$50 to the violator for the first offense. A second occurrence by the violator, a certified letter and a fine of \$50 will be sent to the violator;

WHEREAS, the Town Board of the Town of Cooperstown has reviewed the ordinance and finds that it is in the best interest of the town to approve and adopt the ordinance;

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of Cooperstown that it hereby approves and this ordinance, effective immediately; and

BE IT FURTHER RESOLVED that a copy of this ordinance shall be published, and that the Town Clerk shall promptly file the certified copy of the ordinance with the County Clerk.

Adopted this 10 day of March, 2009 by the Town Board of the Town of Cooperstown.

Chairman: C Ross Johnson
Date 3-10-09

Supervisor: Richard Duckett
Date 3-10-09

Supervisor: Fred Lemens
Date 3-10-09

Attested by Town Clerk
Susan Kornely
Clerk
Date 3-10-09
Published _____