

TOWN OF NEW HOLSTEIN ORDINANCE 92-1
USE OF TOWN HIGHWAYS AND OBSTRUCTIONS OF DITCHES AND EMBANKMENTS

Section 2. Prohibitions

- 2.1 Alter or change the depth or contour of any ditch or embankment of any town road within the town road right-of-way.
- 2.2 Place or deposit any obstruction, stones, rocks, culverts, debris, or other material in any ditch or embankment of any town road within the town road right-of-way.

Section 4. Penalties

- 4.1 Any person who violates any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$100.00 or more than \$500.00 for each offense, together with the costs of prosecution. Each day of violation shall be a separate offense.
- 4.2 In addition to the provisions of Section 4.1, the person violating any provision of this Ordinance shall immediately remove any such obstruction at his/her expense.
- 4.3 In addition to all other penalties set forth herein, the provisions of Section 86.04, Wisconsin Statutes, regarding highway encroachments are incorporated herein by reference.

Ordinance 92-1 maybe viewed at the clerk's office upon request.

NOTE: Pushing snow or other materials onto or across highways from private driveways often causes hazards to the traveling public, and is **prohibited by Wis. Statutes 86.01 and 346.94**. For safety reasons, and to permit reasonable and prompt maintenance on roadways, we must report all violators.

Respectfully,

Town of New Holstein Board

Complete Ordinance

TOWN OF NEW HOLSTEIN
CALUMET COUNTY, WISCONSIN
ORDINANCE NUMBER 92-1
ORDINANCE RELATING TO USE OF TOWN HIGHWAYS
AND OBSTRUCTIONS OF DITCHES AND EMBANKMENTS

WHEREAS, it is in the public interest for the Town of New Holstein, Calumet County, Wisconsin, to regulate the use of the untraveled portions of town highways, and to regulate the deposit of any obstruction in any ditch or on any embankment within the town right-of-way; and

WHEREAS, this Ordinance is deemed to be in the safety, health, and convenience for the residents of the Town of New Holstein.

NOW, THEREFORE, the Town Board of the Town of New Holstein, Calumet County, Wisconsin, do ordain as follows:

1. Definitions.

1.1 "Person" shall include an individual, partnership, corporation, municipality, governmental entity, or any other entity.

1.2 "Roadway" means that portion of a town highway between the regularly established curb lines or that portion of a town highway which is improved, designed, or ordinarily used for vehicular travel, excluding the berm or shoulder.

1.3 "Snowmobile" shall be as defined in Section 340.01(58)(a) of the Wisconsin Statutes, as any engine-driven vehicle of a type which utilizes sled-type runners, or skis, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include such vehicles which are either manually propelled

or driven by a motor of four horsepower or less and operated only on private property.

1.4 "All-terrain Vehicle" means an engine-driven device which has a net weight of 500 pounds or less, which has a width of 46 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed to travel on three or more low-pressure tires, as defined in Section 340.01(2g), Wisconsin Statutes.

2. Prohibitions.

No person shall do or cause to be done any of the following without obtaining a permit from the Town Board pursuant to Section 3 of this Ordinance:

2.1 Alter or change the depth or contour of any ditch or embankment of any town road within the town road right-of-way.

2.2 Place or deposit any obstruction, stones, rocks, culverts, debris, or other material in any ditch or embankment of any town road within the town road right-of-way.

2.3 Use or cross the town road right-of-way located outside the roadway for entry to or exit from adjacent lands, excepting the following:

(a) At official driveway entrances to such town road.

(b) In operation of a snowmobile pursuant to the terms of Section 350.02, Wisconsin Statutes.

(c) In operation of an all-terrain vehicle pursuant to the terms of Section 23.33, Wisconsin Statutes.

3. Permit Procedure.

3.1 Application. Every person wishing to do or cause to be done any activity outlined in Section 2 of this Ordinance, except those activities specifically excepted under Sections 2.3(a) - (c), shall first apply to the Town Board for a permit therefor. The application shall designate the premises and the area for the activity and shall include the following information and what further information the Town Board may require:

Name of Applicant
Address of Applicant
Telephone Number of Applicant
Date of Application
Date or Time Period for Requested Permit
Premises and Area Requested for Permit
Description of the Activity or Project at the
Premises or Area
The Projected Time from Commencement to Termination
of the Activity or Project at the Premises or
Area
Payment of the Permit Application Fee Determined by
the Town Board

3.2 The Town Board shall review the application and determine whether the permit is in the best interests of the residents of the Town of New Holstein. The Town Board may establish conditions for the issuance of such a permit. Each permit shall be signed on behalf of the Town and shall contain a period of time for which it is valid.

3.3 No person shall be issued or reissued a permit until the appropriate fee has been paid to the Town of New Holstein. No person shall be issued or reissued a permit who has failed to properly and fully complete the application form as provided by the Town. No person shall be issued or reissued a permit until the

person has agreed by signature to the conditions established by the permit.

4. Penalties.

4.1 Any person who violates any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$500.00 for each offense, together with the costs of prosecution. Each day of violation shall be a separate offense.

4.2 In addition to the provisions of Section 4.1, the person violating any provision of this Ordinance shall immediately remove any such obstruction at his/her expense.

4.3 In addition to all other penalties set forth herein, the provisions of Section 86.04, Wisconsin Statutes, regarding highway encroachments are incorporated herein by reference.

5. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the other portions of this Ordinance which shall remain in full force and effect.

6. Repeal of Conflicting Provisions.

Any ordinance heretofore adopted by the Town Board of the Town of New Holstein which is in conflict with the terms of this Ordinance is hereby repealed.

7. Statutory References.

All references to Wisconsin Statutes set forth herein shall include future amendments and successors thereto.

8. Effective Date.

This Ordinance shall be effective upon adoption and posting as required by law.

Adopted: August 12, 1992.

TOWN OF NEW HOLSTEIN

Ralph Steiner
Ralph Steiner, Town Chairman

ATTEST:

Mary Stein
Mary Stein, Town Clerk

William R. Hau
William Hau, Supervisor

George L. Engel
George Engel, Supervisor

Adopted: August 12, 1992

Posted: August-18-1992

Published: August-20-1992

Town of New Holstein

LEGAL NOTICE

The Town Board of the Town of New Holstein has amended the following permit procedure to the Town of New Holstein Ordinance Relating to Use of Town Highways and Obstructions of Ditches and Embankments.

That the following minimum specification shall apply under this ordinance.

Section 3.1 Application. Every person wishing to do or cause to be done any activity outlined in Section 2 of this Ordinance, except those activities specifically excepted under Sections 2.3(a) - (c), shall first apply to the Town Board for a permit therefore. The application shall designate the premises and the area for the activity and shall include the following information and what further information the Town Board requires:

Name of Applicant
Address of Applicant
Telephone Number of Applicant
Date of Application
Date or Time Period for Requested Permit
Premises and Area Requested for Permit
Description of the Activity or Project at the Premises or Area
The Projected Time from Commencement to Termination of Activity or Project at the Premises or Area
Payment of the Permit Application Fee of \$15.00. (Length of Application is 1 year from date of Application)

This Amendment will be in full force and effective upon publication.

Dated this 9th day of July, 2003.

Marlene Thede - Clerk
Gerald Lorenz - Chairperson
Michael Walsdorf - Supervisor
Kenneth Irwin - Supervisor