

Ordinance 81-5
Highway Drainage Ordinance

Be it hereby resolved and ordained that:

Whereas, due to the heavy soil condition prevalent within the town, it is essential to the maintenance of town highways that the same be adequately drained at all times;

And whereas, on numerous occasions in years past, said highways have been damaged, sometimes extensively, through the act or neglect of private property owners in obstructing or permitting to be obstructed the drainage ditches which abut Town Roads;

Now, therefore:

1. It shall be unlawful for any person to interfere with the free flow of water through any drainage ditch abutting a town road, either by actively placing any manner of obstruction therein or by disturbing adjacent surface conditions such that surface material or other debris is permitted to be washed into such drainage ditch.
2. It shall be unlawful for any person to construct or maintain any driveway or private access road opening upon any town road unless such person shall have first installed a culvert within the ditch abutting said town road at the point of such opening. Such culvert shall only be installed under permit of the Town Board and shall conform in all respects to the specifications of the same.
3. Penalties. (a) Obstructing drainage ditch. Any person who violates the provisions of Section 1 shall forfeit not less than \$250.00 nor more than \$1,000.00. (b) Failure to install culvert. In case of a violation of section 2 the Town Board may order the installation of a proper culvert and the person or persons responsible for such violation shall forfeit the actual cost to the Town of such installation, together with an additional sum of not less than \$250.00 nor more than \$1000.00
4. Assessment of forfeitures, Notice and Hearing. No notice shall be required prior to the installation of a culvert by the Town as provided in 3(b), above. However, prior to the assessment of any forfeiture hereunder, any person or persons against whom it is proposed to levy such assessment shall be notified by Certified Mail and given the opportunity to be heard on the matter at any regular or special Town Board meeting held not less than 10 days after notice. All such forfeitures shall be assessed and levied by the Town Board after notice and hearing or default.
5. Collection of forfeitures. All forfeitures hereunder shall be paid to the Treasurer of the Town within 60 days of the levy, except that in cases of hardship the Board may extend the time of payment. In case of nonpayment within the time limited, the Treasurer shall add such forfeiture or the balance thereof to the current year's property taxes of the person or persons so assessed as a special assessment and the same shall be collected accordingly.

Dated at Phelps, Wisconsin, this 5th day of October, 1981.

Clarence Kinner, Chairman

Richard Buell, Supervisor

Harold Caesar, Supervisor

Fran Jaryszak, Clerk