

TOWN OF BRIGHAM, IOWA COUNTY

**ORDINANCE 3.04
AN ORDINANCE REGARDING DEPOSITING OF SNOW
ON PUBLIC RIGHT-OF-WAYS IN THE TOWN**

PURPOSE. The purpose of this ordinance is to ensure that the traveled portion of any public right-of-way is not impeded by the depositing of snow from private property. This ordinance protects the health, safety and welfare of the citizens of the Town of Brigham.

AUTHORITY. This ordinance is enacted pursuant to § 82.03, Wis. Stats., which grants the Town the obligation for the care and supervision of all highways under the Town jurisdiction, and § 86.01, which states: "Materials left in highway; penalty. It shall be unlawful for any person to leave any materials in the traveled portion of any highway not closed to public travel..."

Section 1. DEPOSITING OF SNOW OR ICE ON PUBLIC RIGHT-OF-WAYS PROHIBITED.

- A. No person shall cause or allow any snow or ice to be removed from any private premises in the Town of Brigham and placed or deposited on or across the traveled portion of any public right-of-way in the Town of Brigham, or any paths and/or walkways.
- B. Snow or ice removed from private property shall not be deposited or stored in any manner that will interfere, obstruct or limit vehicular or pedestrian vision, movement upon, or access to any public right of way in the Town of Brigham, or in any way make any Town right-of-way unsafe.

Section 2. VIOLATIONS DECLARED A NUISANCE. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance shall be deemed to be a threat to public health, safety, and welfare and is declared and shall be deemed a public nuisance. In addition to the imposition of a forfeiture, the violation may be summarily abated or restored at the violator's expense and/or a civil action to abate, enjoin, or otherwise compel the cessation of such public nuisance may be taken. The bringing of a public nuisance action shall not preclude the seeking of any other enforcement or cause of action allowable by law.

Section 3. PENALTY. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$500.00 for the first offense within 5 years, not less than \$150.00 nor more than \$1,000.00 for the second offense within 5 years, and not less than \$300.00 nor more than \$1,000.00 for a third offense within 5 years, together with the costs of prosecution thereof, and default of payment of such forfeiture and costs, shall be imprisoned in the County Jail of Iowa County until such time as they are paid, not to exceed 30 days. Each such day in which a violation of this Ordinance occurs shall be deemed a separate offense for purposes of this Ordinance.

Section 4. CHARGE FOR REMOVAL BY THE TOWN. In addition to the penalties provided for the violation of this Section, the Town may summarily remove any snow or ice so deposited, and assess the cost of removal to the owner of the property from which the snow or ice was removed. Upon failure of the property owner to pay the cost, it may be charged as a special

charge pursuant to Wis. Stat. § 66.0627 against the property from which the snow or ice was removed.

Adopted by the Town Board of Brigham on the 8th day of March, 2017, on motion of

_____, seconded by _____.

Approved:

Jason Carden, Town Chairman

Attest:

Audrey Rue, Town Clerk

Ayes _____ Noes _____ Absent _____