

## Town of Forest Road Right of Way Maintenance Ordinance No. 6-2023

**Ordinance:** The Township roads are 66 feet wide. (WIS state 82.18) Definition of Road is as follows: A road consists of the driving surface / shoulder and right of way. The right of way is measured as follows: The road surface is measured then divided in half to determine the center of the road, then measured 33' from the center of the road to the end of the right of way on each side of the road.

Under WI statute 66.1037 (1) Towns have the authority to remove, cut, or trim any tree, shrub, or other vegetation (within the road right-of-way) in order to provide safety to highway users.

The trees growing in the right-of-way belong to the adjacent landowner, and any wood resulting from tree trimming must be offered to the adjacent landowner. Wi statute 86.03 (2).

According to WIS statute 86.03 (1), if a tree falls from an adjacent landowner's property onto the highway, both property owner and the municipality share responsibility for removing the tree from the highway. However, Towns face liability for negligent failing to remove such a tree in a prompt manner. The adjacent landowner will have 14 days to remove the tree and brush from the right-of-way, or the Town will remove it after 14 days. If the adjacent landowner doesn't claim and remove the wood from the tree within 14 days, the township will remove it and haul it away. The Township will trim the tree from the roadway so traffic can pass by.

Dated this 12<sup>th</sup> day of June, 2023

\_\_\_\_\_ Chairman

\_\_\_\_\_ Supervisor 1

\_\_\_\_\_ Supervisor 2