

ORDINANCE No. 2015-01

**AN ORDINANCE REGULATING DEPOSITING AND
PLOWING SNOW UPON PUBLIC RIGHT-OF-WAYS**

The Town Board of the Town of Lucas, Dunn County, Wisconsin, do ordain as follows:

SECTION I. ADOPTION OF PROVISIONS.

Section 6-1-4 of the Town of Lucas Code of Ordinances is adopted to read as follows:

**Sec. 6-1-4 Depositing and Plowing Snow Upon
Public Right-of-Ways.**

- (a) **Improper Deposit Across Roadways.** No person, firm or corporation shall plow, shovel, push or blow across and deposit upon any public roadway, street, or right-of-way in the Town of Lucas significant quantities of snow and/or ice taken or removed from property privately owned or occupied, or cause said actions to occur.
 - (b) **Improper Deposit Upon Roadways.** No person, firm or corporation shall deposit, or cause to be deposited, in or upon the traveled portion of any public roadway or street in the Town of Lucas significant quantities of snow and/or ice taken or removed from property privately owned or occupied.
 - (c) **Deposit of Snow/Ice Near Corners.** No person, firm or corporation shall deposit or store, or cause to be deposited or stored, in or upon any portion of a public right-of-way in the Town of Lucas that lies within twenty-five (25) feet of the corner of any public roadway or street snow and/or ice taken or removed from property privately owned or occupied.
 - (d) **Prima Facie Violations.** The existence of any significant quantities of snow and/or ice deposited by mechanical, blowing or other artificial means in violation of Subsections (a)-(c) above on any public roadway, street or right-of-way shall be prima facie evidence that the owner or occupant of the abutting or adjacent property with closest roadway access thereto placed or deposited said snow and/or ice across or upon said public roadway, street or right-of-way.
 - (e) **Penalties.** Any person, firm or corporation with a first violation of this Section shall forfeit not less than Fifty Dollars (\$50.00) nor more than Two Hundred and Fifty Dollars (\$250.00) plus court and prosecution costs. Any person, firm or corporation with a second or subsequent violation of this
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Section shall forfeit double the forfeiture amount assessed for a first violation plus court and prosecution costs. Each day in violation of this Section shall be considered a separate offense. In addition to, or as an alternative as determined by the Town, to any forfeiture imposed under this Section, the violating party shall be assessed as a special charge pursuant to Section 66.0627, Wis. Stats., an amount to reimburse the Town of Lucas for any and all costs and expenses associated with the removal of snow and/or ice by Town employees or agents which is necessitated by the said violation of this Section. The minimum special charge for such removal work by the Town shall be One Hundred Dollars (\$100.00).

(f) **Definitions.** For purposes of this Section:

- (1) **Significant Quantities of Snow and/or Ice.** Snow and/or ice in quantities such that public safety, traffic visibility, structural integrity of roadways, snow storage capacity for Town snow removal activities, or drainage capabilities of ditches in public right-of-ways are impaired, as determined by the Town of Lucas.

State Law Reference: Section 66.0627, Wis. Stats.

SECTION II. SEVERABILITY.

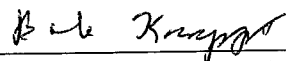
If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 14th day of May, 2015.

TOWN OF LUCAS, WISCONSIN



Town Chairperson-Supervisor



Town Supervisor

Eugene Rueger
Town Supervisor Chairperson

Stacy Simonson
Town Clerk

INTRODUCED: May 12th 2015

ADOPTED: May 12th 2015

POSTED: _____

State of Wisconsin:
County of Dunn:

I hereby certify that the foregoing ordinance is a true, correct, and complete copy of an ordinance duly and regularly enacted by the Town Board of the Town of Lucas on the ~~12th~~ day of May, 2015 and that said ordinance has not been repealed or amended and is now in full force and effect.

Dated this ~~12th~~ day of May, 2015

Stacy Simonson
Town Clerk