

TOWN OF ARCADIA  
ROADSIDE MAINTENANCE POLICY

STATEMENT OF BELIEF

Regarding the Maintenance and Rehabilitation of Town of Arcadia roadways, the Town Board believes:

1. Legal control of a town road's right of way is vested with the Town Board. (WI Statute 82.3, 2003-2004). Therefore, the determination of what natural or man-made objects are permitted in the right of ways is the exclusive responsibility of the Town Board.
2. The desire of each landowner adjacent to the right of way will be given primary consideration during the maintenance or rehabilitation process as to vegetation and objects permitted in the right of way.

LANDOWNER RIGHTS AND RESTRICTIONS

1. Landowners may mow roadsides adjacent to their land at their discretion. They may trim or cut vegetation in the town right of way, but all branches and logs must be removed from the right of way.
2. If trees to be cut by agents of the Town Board within the right of way are over 10" diameter (excluding box elder), then the landowner shall be notified. The landowner may appeal the proposed tree removal at the next town board meeting before cutting occurs. The wood is the property of the landowners and shall be disposed of according to their wishes. If the wood is unwanted by the landowner the Town Board may contract for removal. Wood to be retained by the landowner shall be left on the landowner's property outside of the right of way where space permits or if left in the right of way it must be removed by the landowner within 30 days of cutting. Where wood is left in the right of way and not removed within the timeframe specified then the Town Board may contract for removal. The Landowner is responsible to contact the Town Board when an issue with a tree exists.
3. The town is not responsible for trimming branches that protrude into fields or yards from trees growing in the right of way.
4. Landowners or their agents may not till or plow within seven feet of the edge of the pavement. Under no conditions shall shoulders or ditches (both slopes) be disturbed. To reduce damage to the edge of the pavement and to protect public safety, it is the policy of the Town of Arcadia to discourage use of town roads as an end-of-field turnaround for tillage or harvesting equipment. If damage occurs, the Landowner would be responsible for the costs of repair to the town road. (See Wisconsin Statutes Chapter 86 (03-04).

CLEAR ZONE

1. It is the goal of the Town of Arcadia to maintain a clear zone at ground level from the edge of the pavement to the distance within the right of way as what the Town Board determines is necessary and appropriate for each road. This determination will be decided by a spring and/or fall inspection. A vertical clear zone of sixteen feet above the pavement and above the shoulder shall be maintained. Where this goal is not met the town board will respond on a complaint basis.
2. Organic farming practices will be considered and will include a buffer zone to ensure herbicides do not interfere. Broadcast spraying will not be allowed near organic farms.

METHOD OF CONTROLLING VEGETATION

1. It is the policy of the Town of Arcadia to maintain roadsides by mowing (6 feet plus whatever is necessary) during the mowing season each year and by selective cutting and limbing of other vegetation. Herbicides will only be used along town roadsides

to selectively paint stumps if necessary. Woody vegetation, such as poison ivy, may be selectively spot sprayed with the adjacent landowner's permission. Power companies will be asked to follow the same procedure.

2. The Town Board also allows the practice of burning the right of way when necessary to control weeds and brush. Permits must be obtained before the controlled burn is allowed.

#### AESTHETIC VALUES OF RIGHT OF WAY

1. Pursuant to its Land Use Plan and the importance of a rural environment to its citizens, it is the policy of the Town of Arcadia to encourage and maintain aesthetic areas along both right of ways beyond the clear zone. However the town board may selectively remove trees or boulders that are deemed to threaten public safety or may in other instances set lower speed limits. A tree may be judged hazardous based on death and disease, serious decay or poor tensile strength. To further enhance the attractiveness of the town, the town board shall periodically and as opportunities arise encourage power companies serving the town to bury lines.

#### NEW ROAD CONSTRUCTION OR MAJOR REHABILITATION

1. For the Town of Arcadia, safety and aesthetics are primary concerns when making decisions about the right of way. The construction of ditches and shoulders during rehabilitation will require the clearing of more vegetation than normal maintenance. However, in some instances individual landmark trees may be saved by using sensitive construction techniques in the root zone of those trees. It is also the policy of the Town of Arcadia after consideration of the desires of the adjacent landowners to retain stone fences and boulders that do not directly interfere with road construction activities. General adherence to the goals and policies of this statement will ensure that the Town of Arcadia will have an aesthetically pleasing road system.

ATTACHMENTS: Wisconsin Statutes (2003–2004) Chapter 86 Miscellaneous Highway Provisions 86.02, 86.021, and 86.022.

#### CHAPTER 86

#### MISCELLANEOUS HIGHWAY PROVISIONS

**86.02 INJURY TO HIGHWAY.** Any person who shall injure any highway by obstructing or diverting any creek or watercourse, or by dragging logs or timber thereon, or by any other act, shall be liable in treble damages, to be recovered by the political division chargeable with the maintenance of highway injured, and the amount recovered shall be credited to the highway maintenance fund.

**86.021 HIGHWAYS, CULTIVATION OF; INJURY BY FARM MACHINERY.** (1) No person shall, within the limits of any public highway, plow, cultivate or otherwise work any lands in such manner as to interfere with or obstruct the drainage in any public ditch, nor shall any person operate any farm or other machinery on, over, along or across any public highway in such manner as to materially damage the said highway. If damage occurs, the Landowner shall pay the whole cost of restoring the ditch or highway, or both, to their former condition.

**86.022 OBSTRUCTING HIGHWAY WITH EMBANKMENT OR DITCH.** Any person who shall willfully or maliciously make any ditch, depression or embankment or place any obstruction in any public highway intended or calculated to impede or incommode the use of such highway, or who shall place any obstruction in any ditch constructed to drain any highway,

shall pay all costs to restore the land to its former condition, as well as any costs associated with damage that may have occurred due to the obstruction.

Adopted this \_\_\_\_ day of January, 2016.