



TOWN OF PERRY

POLICY 2018-1

Town Road Right of Way Clearing & Tree Policy

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Adopted by Board: October 9, 2018
Effective: October 9, 2018

Background:

Towns own an easement, or right of way, that extends to 33 feet from the center of the road for road maintenance. For the public benefit of a road, the abutting landowner is stopped from exercising his or her full rights to the land under the right of way. The town has the authority to remove trees and other growing things, straighten curves, expand the traveled portion and maintain or improve the road surface, all without the permission of the owners of the land the easement crosses, provided the work is done within the limits of the easement.

Towns are responsible and liable for the management of their roads, including right of way maintenance. Wis. Stat. § 82.03

Policy:

- The patrolman shall remove, cut, or trim any tree, shrub, or other vegetation in the town road right of way to 33 feet from the center of the road.
- The patrolman shall move downed trees in the town road to the right of way.
- The patrolman shall trim branches that are hanging less than 25 feet above an area that covers the road width.
- Any wood that is cut will be left in appropriate lengths along the roadway for landowners to collect. If the wood is not picked up within 30 days, the patrolman may make other arrangements.

Wisconsin Statutes:

86.03 Trees on and adjacent to highway.

(1) REMOVAL OF FALLEN TREES. "It shall be the duty of the highway patrolman to remove from any highway any fallen tree or trees therein."

(3) PLANTING TREES AND SHRUBS IN HIGHWAY. Any person owning or occupying land adjoining any highway may, with the approval of the public authority maintaining the highway, plant, cultivate and maintain trees, shrubs or hedges on the side of the highway contiguous to and within 10 feet of that person's land. Such

trees, shrubs or hedges shall be cut or removed only by the owner or occupant of the abutting land or by the public authority having control of the highway.

(4) CUTTING OR INJURING TREES ON HIGHWAY. No person shall cut down, break, or in any other manner injure any public or private trees, shrubs, or hedges growing within the highway, except as the owner thereof or the public authority maintaining the highway may cut down, trim and remove trees, shrubs, and hedges for the purpose of and conducing to the benefit and improvement of the owner's land or the highway facility.

82.03 Duties of town board.

(5) MAINTENANCE.

(a) The town supervisors may enter any lands near any highway in the town to construct necessary drains or ditches or embankments for the improvement or protection of the highway.

(b) The town supervisors may enter any private lands with their employees and agents for the following purposes:

1. To remove weeds and brush to keep the highway reasonably safe for travel.
2. To erect or remove snow fences to keep highways reasonably free from snow and open for travel during the winter season.

66.1037 Beautification and protection.

(1) "It shall be unlawful for any person to injure any tree or shrub, or cut or trim any vegetation other than grass, or make any excavation in any highway laid out after June 23, 1931, or where the right to protect vegetation has been acquired, without the consent of the highway authority and under its direction. The authority shall remove, cut, or trim or consent to the removing, cutting, or trimming of any tree, shrub, or vegetation in order to provide safety to users of the highway."