

CHAPTER 26
REGULATIONS ON USE OF HIGHWAY RIGHTS-OF-WAY

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26.01 DEFINITIONS.

"Highway" means all county roads, highways, and bridges located within the unincorporated areas of the County of Sheboygan and over which this County has jurisdiction. This includes all lands within the right-of-way, whether paved or unpaved.

"Obstruction" means all materials placed within a right-of-way without a written permit issued by the Highway Commissioner or his designee that may impede the flow of drainage water, obstruct visibility of highway users, increase the risk of injury to a highway user who collides with the material, or interfere with highway maintenance operations, including the ability of County employees or agents to access or occupy any portion of the right-of-way. As illustrations, obstructions include stones or rocks; snow and/or ice; railroad ties, landscape timbers, other decorative landscaping; fences; garbage, rubbish, refuse, or other discarded materials; all agricultural crops regardless of height; and trees, shrubs, bushes, and other decorative plantings that extend above the natural or established grade by more than six (6) inches.

"Right-of-way" means the full extent of the lands acquired for highway purposes, whether by deed, easement, statute, patent, court order, or prescriptive use.

26.02 CULTIVATION AND LANDSCAPING.

- (1) No person may cultivate, plant, harvest, or maintain agricultural crops, trees, or shrubs within a right-of-way.
- (2) No person may cultivate, plant, or maintain grasses, flowers, or other vegetative plants in any manner that obstructs the visibility of the highway by highway users.

26.03 ALTERATION OF GRADE. No person may alter or change the depth or contour of any portion of any ditch or embankment in a right-of-way without a written permit issued by the Highway Commissioner or his designee.

26.04 MAILBOXES, SIGNS, AND NEWSPAPER BOXES.

- (1) No sign of any nature may be placed or allowed to remain in any right-of-way except an official traffic sign placed by a governmental authority and except other signage permitted by the Wisconsin Administrative Code.
- (2) Mailboxes and newspaper boxes are permitted within a right-of-way if the installation complies with all requirements of the U.S. Postal Service and guidelines of the Wisconsin Department of Transportation.

26.05 OTHER OBSTRUCTIONS. No person may place, maintain, or allow any obstruction in a right-of-way other than those specifically permitted by this Ordinance, by other laws, or by a written permit issued by the Highway Commissioner or his designee.

26.06 PRIVATE CULVERTS. Any adjoining land owner or tenant may install a culvert in a right-of-way if all applicable local, County, and State regulations and policies have been observed and a written permit has been issued by the Highway Commissioner or his designee.

26.07 ENFORCEMENT AND PENALTIES.

- (1) Correction Order. Upon being informed of a violation of this Ordinance, the Highway Commissioner or his designee shall notify the adjoining land owner or tenant of the violation in writing and shall order removal and correction of the violation within thirty (30) days. If the Highway Committee determines that the degree of hazard constitutes an emergency risk to public safety, the Highway Commissioner or his designee may immediately correct the violation after diligent attempts to notify the adjoining owner or tenant.
- (2) Failure to Comply. If compliance with the correction order is not made by the deadline set, the violator shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) and not more than Five Hundred Dollars (\$500.00) per day of violation retroactive to the date the violator received the correction order. In addition, the Highway Commissioner may then make the necessary arrangements for removal and correction of the violation. All expenses of correction, including reasonable attorneys' fees, shall be billed to the violator.

History: Ord. No. 6 (2010/11)