
ORDINANCE NO. 2023-06**AN ORDINANCE REPEALING AND RECREATING ORDINANCE 13-01
DEPOSITING OF SNOW, GRASS CLIPPINGS, AND YARD WASTE ON PUBLIC
RIGHT-OF-WAYS IN THE TOWN OF EAGLE**

WHEREAS, on or about March 20, 2013, the Town of Eagle Town Board adopted Ordinance 13-01, an “Ordinance Regarding Depositing of Snow on Public Right-of-Ways”; and

WHEREAS, The Town Board of Supervisors have made the following findings:

1. The deposit and accumulation grass clippings, leaves, or other yard waste upon the Town roadways have created a public problem by posing a risk to the operations of motorized and non-motorized vehicles, pedestrians, or any mode of transportation, increasing runoff into ditches and culverts, and making the Township less visually attractive; and
2. A significant portion of the debris in the roads results from persons intentionally blowing, dumping, or placing grass clippings, leaves and yard waste into the Town roads; and
3. Repealing and recreating Ordinance 13-01 to include snow, ice, grass clippings, leaves and other yard waste is required to remediate the problems identified herein.

PURPOSE. The purpose of this ordinance is to ensure that the traveled portion of any public right-of-way is not impeded by the depositing of snow, ice, grass clippings, leaves and other yard waste from private property. This ordinance protects the health, safety, and welfare of the citizens of the Town of Eagle.

AUTHORITY. This ordinance is enacted pursuant to § 82.03, Wis. Stats., which grants the Town the obligation for the care and supervision of all highways under the Town jurisdiction, and § 86.01, which states: “Materials left in highway; penalty. It shall be unlawful for any highway superintendent or any other person to leave any materials in the traveled portion of any highway not closed to public travel...”

**Section 1. DEPOSITING OF SNOW, ICE, GRASS CLIPPINGS, LEAVES AND
OTHER YARD WASTE ON PUBLIC RIGHT-OF-WAYS PROHIBITED.**

- A. No person shall cause or allow any snow, ice, grass clippings, leaves and other yard waste to be removed from any private premises in the Town of Eagle and placed or deposited on or across the traveled portion of any public right-of-way in the Town of Eagle, or any paths and/or walkways.

B. Snow, ice, grass clippings, leaves and other yard waste removed from private property shall not be deposited or stored in any manner that will interfere, obstruct, or limit vehicular or pedestrian vision, movement upon, or access to any public right of way in the Town of Eagle, or in any way make any Town right-of-way unsafe.

Section 2. VIOLATIONS DECLARED A NUISANCE. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance shall be deemed to be a threat to public health, safety, and welfare and is declared and shall be deemed a public nuisance. In addition to the imposition of a forfeiture, the violation may be summarily abated or restored at the violator's expense and/or a civil action to abate, enjoin, or otherwise compel the cessation of such public nuisance may be taken. The bringing of a public nuisance action shall not preclude the seeking of any other enforcement or cause of action allowable by law.

Section 3. PENALTY. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$500.00 for the first offense within 5 years, not less than \$150.00 nor more than \$1,000.00 for the second offense within 5 years, and not less than \$300.00 nor more than \$1,000.00 for a third offense within 5 years, together with the costs of prosecution thereof, and default of payment of such forfeiture and costs, shall be imprisoned in the County Jail of Waukesha County until such time as they are paid, not to exceed 30 days. Each such day in which a violation of this Ordinance occurs shall be deemed a separate offense for purposes of this Ordinance.

Section 4. CHARGE FOR REMOVAL BY THE TOWN. In addition to the penalties provided for the violation of this Section, the Town may summarily remove any snow, ice, grass clippings, leaves and other yard waste so deposited, and assess the cost of removal to the owner of the property from which the snow or ice was removed. Upon failure of the property owner to pay the cost, it may be charged as a special charge pursuant to Wis. Stat. § 66.0627 against the property from which the snow or ice was removed.

Adopted by the Town Board of Eagle on the 17 day of January, 2024 on motion of Supervisor Shorr, seconded by Supervisor Rozinski.

Approved:

Chris Mommaerts
Chris Mommaerts, Town Chairperson

Attest: Mercia Christian

Mercia Christian, Town Clerk

Ayes 5 Noes 0 Absent/Abstain 0