

## **Ordinance #16**

### **Snow Plowing of Private Roads**

WHEREAS, owners of property on private roads may contract with the town for the removal of snow pursuant to Section 86.105; and

WHEREAS, the Town Board has taken input from private road town residents regarding the likelihood that all of property owners along any private road would agree to contract with the town for the removal of snow pursuant to Section 86.105; and

WHEREAS, the Town Board finds that is unlikely that the property owners can agree regarding snow removal due in part to the fact that many owners on private roads do not use their properties in the winter; and

WHEREAS, due to the length of many of the private roads and the number of homes on the roads there is a significant public health and safety issue if the private roads are not plowed in the winter; and

WHEREAS, Section 66.0627 allows for special charges to be assessed for the cost of services rendered to properties and snow and ice removal are specifically listed as a service under that statute;

NOW THEREFORE, the Town Board of the Town of Poygan ordain as follows:

#### **SNOW REMOVAL ON PRIVATE ROADS.**

- (1) The town shall contract with private contractors for removal of snow from those private roads designated by the Town Board. The owners of properties abutting upon such roadways shall reimburse the Town for the actual cost of the service.
- (2) The cost of plowing private roads shall be divided equally among the dwelling units fronting on all the private roads which are plowed. The Town Board shall levy special assessments pursuant to Section 66.0627 to reimburse the town for plowing costs. Contractors performing snow removal services shall be required to itemize their billing showing work performed on private roads at the rate specified in their contract with the Town. The Town Board shall review these billings annually and adjust the assessment to reflect actual cost.
- (3) Nothing in this ordinance prohibits private road residents from privately contracting for snow removal or for contracting with the town pursuant to Section 86.105.
- (4) If the owners of any private road desire to contract privately for snow removal they may notify the Town that they will contract for snow removal with a private party and that the Town should not remove snow. The owners shall provide notice to the Town by November 1 if they do not want snow removal services for the following snow season.

Section 2. All existing Town Ordinances, parts of Town Ordinances, in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 3. The various parts of this Ordinance are declared to be severable and should any part be held to be invalid, such invalidity shall apply only to the part in question and shall not affect the remainder of the ordinance.

Section 4. Effective Date. This ordinance shall be in full force and effect upon passage and publication.

Dated this 20<sup>th</sup> day of June, 2012.

TOWN OF POYGAN

By: Martin Johnson, Chairman

**ATTEST:**

Julie Reinert, Clerk

Approved as to form:

John M. Blazel, Town Attorney