


POLICY ID: PW-007		TITLE: Right-of-Way Encroachments	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISION EFFECTIVE DATE: February 1, 2015		APPROVED BY VILLAGE BOARD:  Village Clerk DATE: January 13, 2015	
APPLIES TO: <input type="checkbox"/> FLSA EXEMPT <input type="checkbox"/> FLSA NON-EXEMPT <input type="checkbox"/> REPRESENTED EMPLOYEES <input type="checkbox"/> Non-REPRESENTED EMPLOYEES <input checked="" type="checkbox"/> Property owners in the Village of Kronenwetter			
<i>This policy applies to all Village of Kronenwetter employees in the categories checked in this section. Provisions within individual personal contracts or a collective bargaining agreement may supersede certain parts of this policy.</i>			

Purpose – Winter of 2014 had several months of temperatures being negative degrees below zero, and abundance amount of snow, which had required the Village snow plow operators to push back snow for additional snow storage and push back snow piles at intersections and driveways to clear sight vision for oncoming traffic and pedestrians. This type of snow plow operations require right-of ways R/W to be clear of fences, plantings, signs and other obstacles such as sprinkler heads, flower gardens/beds, branches, and stone and/or rock retaining walls that maybe damaged.

Order and Notice: – Encroachments upon the highway right-of-way in Wisconsin §86.04 states in part as follows:

"If any Highway right-of-way shall be encroached upon, under or over by any fence, stand, building or other structure or object, the Director of Public Works (in the case of a Municipal Roadway), may order the occupant or owner of the land through or by which such roadway runs, and to which the encroachment shall be appurtenant, to remove the same beyond the limits of such roadway within 30 days."

Thus, as with other encroachments to a roadway, "roadside receptacle" is accidentally damaged in the process of removing snow, mowing the right-of-way graveling the shoulder, or any other act of maintenance or construction on the roadway right-of-way, it is the owner of the object, the landowner's or occupant's obligation and responsibility to repair or replace the receptacles.

The Public Works Department may on occasion come upon right-of-way encroachments created by private property owners. An encroachment is any prohibited use or activity within the right-of-way therefore restricting the full use or purpose for which the right-of-way was established. It is the policy of the Village of Kronenwetter to review and correct these right-of-way encroachments on a case-by-case basis. Encroachments may include, but are not limited to, improperly located mailboxes, trees, signs, crops, fences, headwalls, etc.

Only official signs authorized by the Village of Kronenwetter may be placed in the right-of-way. Official signs include speed limits, stop signs, curve and intersection warning signs, and road names. No real estate, rummage sale, political or other advertising signs are allowed in the right-of-way.