

*Town of Troy*  
Walworth County  
N8870 Briggs Street  
East Troy, Wisconsin 53120

**Chapter 19**  
**ORDINANCE NO. 2010-3**

**AN ORDINANCE TO AUTHORIZE CLOSURE OF TOWN HIGHWAYS WHEN SUCH  
HIGHWAYS ARE IMPASSABLE OR UNSAFE FOR TRAVEL**

**WHEREAS**, Wisconsin Statutes Section 86.06 provides that authorities in charge of the maintenance or construction of highways may close a highway that is impassable or unsafe for travel, or during the construction or repair of any such highway, and keep it closed until it is ready for traffic, subject to certain limitations described therein; and

**WHEREAS**, Wisconsin Statutes Section 82.05(3) authorizes the Superintendent in charge of any Town highway to close the highway when it becomes impassable; and

**WHEREAS**, the Town Board of the Town of Troy finds that it is necessary and appropriate to close Town highways from time to time, to ensure the safety of travelers on the highway, and by this Ordinance intends to further define and describe how this closure of Town highways shall be conducted.

**NOW, THEREFORE**, the Town Board of the Town of Troy, Walworth County, Wisconsin **DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1: AUTHORIZED PERSONS.** The following persons have the authority to close Town highways pursuant to this Ordinance, under the circumstances described herein:

- A. The Town Highway Superintendent.
- B. The Town Public Works Supervisor.
- C. The Town Public Works Supervisor's designee.
- D. The Town Chair.
- E. Any Town Supervisor.

**SECTION 2: TOWN BOARD OVERSIGHT.** Any decision to close a Town highway shall be immediately reported to the Town Board. The Town Board shall have 2 ultimate authority over whether the Town highway will be opened or closed, and may rescind action taken by authorized persons under Section 1. Prior approval of the Town Board is not required, however, for authorized persons to act pursuant to this Ordinance.

**SECTION 3: CIRCUMSTANCES FOR CLOSURE.** A public highway may be closed under this Ordinance only if the authorized person determines that the highway is impassable or unsafe for travel, or during the construction or repair of any such highway.

**SECTION 4: PLACEMENT OF BARRIERS.** Any Town highway that is closed pursuant to this Ordinance shall be marked as a closed highway by the placement of barriers. The barriers shall be of such material and construction and so placed as to indicate that the highway is closed. If the highway is closed at night, the barriers shall be lighted at night.

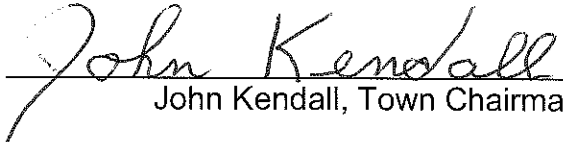
**SECTION 5: PENALTIES.** In addition to, and not to the exclusion or prejudice of such other penalties and remedies as may apply, any person who, without lawful authority, removes, takes down, alters the position of, destroys, passes over or beyond any barrier erected pursuant to this Ordinance, or travels with any vehicle upon any portion of a highway closed by barriers as described in this Ordinance, or walks or travels in any manner upon the materials placed thereon as part of the repair or construction work, shall be subject to a forfeiture of not less than \$10.00 nor more than \$100.00, and in addition thereto shall be liable for all damages done to the highway.

**SECTION 6: SEVERABILITY.** The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION 7: EFFECTIVE DATE.** This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 9th day of June, 2010.

TOWN OF TROY

  
John Kendall, Town Chairman

ATTEST:

  
Ruth Polinski, Town Clerk

Published and/or posted this 15th day of June, 2010.