

**ORDINANCE NO. 2025-4**  
**TOWN OF KINNICKINNIC**  
**ROADSIDE MAINTENANCE ORDINANCE**

**WHEREAS**, Sec. 60.50(2), Wis. Stat., empowers the Town Board to maintain roads and right-of-ways;  
and

**WHEREAS**, Care and supervision of the right-of ways is vested with the Town Board under Wis. Stat. 82.03; and

**WHEREAS**, Determination of which natural or man-made objects are permitted in the right-of-ways is the exclusive responsibility of the Town Board, with safety of the traveling public a priority;

**NOW THEREFORE** Be it resolved by the Town Board of the Town of Kinnickinnic as follows:

**1.0 REPEAL**

Ordinance 2017-1 is hereby repealed.

**2.0 Definitions**

- 2.1 “Back slope” means the sloped area between the ditch bottom and the closest right-of-way line. The back slope lies on the opposite side of the ditch from the road.
- 2.2 “Clear zone” means the area within the Town road right-of-way that shall be cleared of any obstructions to provide a safe corridor in which to travel.
- 2.3 “Cut slope” means the slope condition where the elevation at the right-of-way line is higher than the ditch bottom.
- 2.4 “Fill slope” means the condition where the slope falls continually away from the road between the shoulder and the right-of-way line, and no ditch bottom occurs within the right-of-way.
- 2.5 “Fore slope” means the sloped area located between the road shoulder and the ditch bottom.
- 2.6 “Landowners” means the owners of lands adjoining right-of-way.
- 2.7 “Right-of-way” means the entire width of land located between the boundary lines on each side of the centerline of recorded and unrecorded Town Highways. These boundaries are typically 33’ from the centerline.
- 2.8 “Root zone” means the soil volume surrounding a plant containing the roots.
- 2.9 “Vision triangle” means an unoccupied triangular space at the intersection of a road or driveway with another road. Such vision clearance triangles shall be bounded by the intersecting road or driveway and a setback line connecting points located on such right-of-way lines by measurement from the intersection as specified in the attached Exhibit B.

### **3.0 Landowner Rights and Restrictions**

- 3.1 Landowners may mow the right-of-way adjacent to their land at their discretion. They may trim or cut vegetation in the Town right-of-way, doing so at their own risk. The landowner shall remove all branches and logs from the right-of-way.
- 3.2 If trees, brush or shrubbery within the right-of-way are to be cut by agents of the Town, all wood and debris shall be removed from the right-of-way by the Town unless the landowner indicates they want it, in which case they shall promptly remove it, doing so at their own risk.
- 3.3 The Town is not responsible for trimming branches that protrude into fields or yards from trees growing in the right-of-way.
- 3.4 Landowners or their agents may not till or plow within the right-of-way. Under no conditions shall shoulders or ditches (both slopes) be disturbed. To reduce damage to the edge of the pavement and to protect public safety, Town roads shall not be used as end-of-field turnarounds for tillage or harvesting equipment. The provisions of Wis. Stat. 86.02 shall apply to anyone causing damage to a Town road in violation of this subsection or otherwise.

### **4.0 Clear Zone**

- 4.1 The Town will maintain a clear zone at ground level to a point 23' from the center of the road on a cut slope and 25' from the center of the road on a fill slope. A vertical clear zone of 15' shall be maintained above the road and the gravel shoulder surfaces. A vertical clear zone of 13' shall be maintained above the fore slope, ditch and back slope areas. See Exhibit A.
- 4.2 At intersections, the Town will maintain a widened clear zone, also referred to as an intersection clear zone. This intersection clear zone of subsection 4.1 shall begin 60' back from the center of the intersection, at which point the normal clear zone shall apply. Proceeding toward the intersection, the clear zone shall be widened gradually so that at a point 33' back from the center of the intersection, the entire 33' wide right-of-way shall be cleared of obstructions. This widened clear zone at intersections shall apply for all legs of the intersection, and for all directions of travel. See Exhibit B.
- 4.3 Vision triangles shall be maintained by property owners at driveways and intersections in accordance with the Town Road and Driveway Ordinance and the St. Croix County Zoning Ordinance, and as they may from time to time be amended.
- 4.4 Emergency situations or imminent safety concerns could require a deviation from the customary practices, where the Town may need to cut trees outside the clear zone.

### **5.0 Method of Controlling Vegetation**

- 5.1 The Town shall maintain the right-of-way each year by mowing or other means, and by selective cutting and limbing of other vegetation as the Town, in its sole discretion, and in the interest of public safety (not aesthetics) may deem necessary.
- 5.2 Oak trees will normally not be trimmed from April 1 to October 1 due to Oak Wilt disease, unless the trees are storm damaged. Elm trees with Dutch Elm disease will be removed.
- 5.3 Herbicides may be used by trained personnel along Town roadsides to spray for noxious weeds such as poison ivy and wild parsnip, and to control growth of woody vegetation such as box elder, tag alder, black locust or other undesirable or invasive vegetation species.
- 5.4 Utility companies shall follow the same procedure where possible.

## **6.0 Aesthetic Values of Right-of-way**

- 6.1 Pursuant to its Comprehensive Plan and the importance of maintaining a rural environment, it is the policy of the Town to encourage and maintain aesthetic areas along the rights-of-way beyond the clear zone. However, the Town may selectively remove trees, boulders, or other hazards beyond the clear zone if they are deemed a threat to public safety. A tree may be judged hazardous based on death, disease, serious decay, or poor tensile strength. (See Section 7.5 of this ordinance.)
- 6.2 To further enhance the attractiveness of the Town, the Town Board shall periodically and as opportunities arise encourage utility companies serving the Town to bury lines.
- 6.3 Safety shall be the primary concern when making decisions about the right-of-way. In some instances, individual landmark trees may be saved by using sensitive construction techniques in the root zone of those trees that are located on the right-of-way line.

## **7.0 Standards for Removal of Woody Vegetation**

- 7.1 This section establishes standards for landowners who have permission to maintain trees and shrubs in the right-of-way, and Town/County personnel and private contractors hired by the Town to perform tree, shrub, and brush maintenance along Town road right-of-way.
- 7.2 The process of performing trimming and/or removal of woody plant materials will follow the most current version of American National Standard for Tree Care Operations ANSI A300, and/or the St. Croix County Forester. The intent of this practice is to prevent the spread of diseases such as Oak Wilt, Dutch elm disease, and insect pests such as the emerald ash borer, Asian long horned beetle, gypsy moth, and other diseases.
- 7.3 All trees and brush that may create a safety hazard such as growth under bridge structures, vision obstructions, interference with water flow in ditches, areas that could cause undesirable snow drifting or inhibit snow removal, and growth around culvert ends, right-of-way posts, signs, and guardrails shall be removed by the Town.
- 7.4 Vegetation at bridges, box culverts, pipe culverts, posts, poles, guard rails, and other structures shall be removed to allow good visibility around the structure, as well as to allow inspection and maintenance of the structure.
- 7.5 Tree Management in the Road Right-Of-Way (ROW)
  - (A) Generally, trees within the right-of-way are managed to ensure safety and clear visibility for traffic. The Town is responsible for removal of trees, brush, and other vegetation in the right-of-way to keep the roads safe for travel under Wis. Stat. 82.03.
  - (B) If a tree located in the right-of-way falls onto a Town road, it is the responsibility of the Town to clean up under Wis. Stat. 86.03(1).
  - (C) If any tree falls from adjacent land onto any Town road or road right-of-way, the landowner shall immediately remove the tree from the road or road right-of-way. If the landowner does not remove the tree following notice from the Town, the Town may remove it and charge the cost to the landowner under Wis. Stat. 66.0627.
  - (D) Hazardous trees, as defined in section 7.5.1 of this Ordinance, may trigger preventive action(s) as described in section 7.5.6.
- 7.5.1 Hazardous trees are trees, either dead or alive, with serious structural defects (including cracks, decay, dead branches, or a tree leaning over a target at a 45-degree angle or more,

indicating lack of adequate anchorage by the root system), posing a safety risk due to the possibility it may break or fall upon and damage a target, including people, buildings, vehicles, and power or phone line. Both elements (the defective tree and the target) must be present for a tree to be classified as hazardous.

- 7.5.2 Power lines present direct safety hazards. Where overhead lines are encountered, the utility is responsible and must be notified for hazardous tree removal.
- 7.5.3 During the spring and fall road reviews, the Town reviews vegetation growth along town roads. Hazardous trees are identified, and the appropriate course of action is recommended by the Road Committee to the Town Board for approval.
- 7.5.4 Hazardous trees reported to the Town are investigated by the Road Committee on a case-by-case basis throughout the year. Appropriate measures are recommended to the Town Board for approval. The final decision concerning tree removal shall be made by the Town Board. Only trees deemed hazardous shall be authorized for removal.
- 7.5.5 Emergency measures addressing control of hazardous trees, e.g. trees affecting safe travel on a town road, and trees posing an imminent threat after violent wind or thunderstorms, can be authorized by the Town Chair or delegate(s) without prior Town Board approval.
- 7.5.6 Action options to address hazardous trees include, but are not limited to: Removing the target; blocking access to the area threatened by a hazardous tree; and pruning or removing the tree.
- 7.5.7 Defective trees not endangering people or property should be left in place to provide habitat for wildlife. Landowners may remove such trees only with the written permission of the Town Board or its designee. Any such removal shall be at the landowner's sole risk and cost. Trees located on the roadside beyond the clear zone should be pruned or removed only if there is a reasonable chance the tree will fall onto the roadway or damage personal property on adjacent land.

## **8.0 Plantings / landscape features Permitted in Right-of-Way (ROW)**

- 8.1 Plantings or installation of landscape features by landowners within the right-of-way requires approval by the Town Board. The Town Board may delegate this approval authority to the Road Committee. Landowner shall submit letter of intent and a planting/landscape plan showing species, description, and locations of plantings and/or landscape features.
- 8.2 No plantings or landscape features shall be allowed in the right-of-way which could impair vision and safety.
- 8.3 Trees and shrubs planted by a landowner must be beyond the road right-of-way boundary and provide adequate setback so that future trunk growth will not touch the property/right-of-way line.
- 8.4 Allowable plantings in the right-of-way include low height natural prairies, wildflowers, and native ground cover.
- 8.5 Plantings and/or landscape features approved by the Town and installed by the landowner shall be maintained to the Town's satisfaction by the landowner.
- 8.6 Private utilities owned by homeowners (e.g., sprinkler systems, etc.) are not allowed in the right-of-way.

## **9.0 Appeals Process**


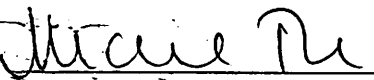
- 9.1 A landowner may request review of a decision by the Town to remove trees, vegetation, rocks, and other obstructions within the right-of-way.
- 9.2 The following criteria must be met in order for the Town to grant an appeal pursuant to such a request:
  - 9.2.1 Trees, limbs, or obstructions must be outside the clear zone.
  - 9.2.2 Trees, limbs, or obstructions cannot prohibit installation or maintenance of public utilities within the right-of-way.
  - 9.2.3 Trees, limbs, or obstructions cannot create a known vision or safety hazard.
  - 9.2.4 Trees, limbs, or obstructions cannot be damaged, blighted, overgrown, or likely to become a safety hazard that will require remedial action by the Town.
  - 9.2.5 Trees, limbs, or obstructions cannot restrict the flow of water in the ditch.
- 9.3 The Town Road Committee will review written appeals, visit the site, and may request additional information from the applicant. The Town Road Committee will make a recommendation for approval or denial of the appeal to the Town Board. The Town Board will make the final decision on the appeal.

## **10.0 PENALTY.**

- 10.1 Any person violating any provision of this Ordinance shall be liable for a forfeiture in the amount of not less than \$100 and not more than \$500, plus costs of prosecution, for each day a violation continues. In addition to any forfeiture imposed for violation of the Ordinance, the Town may take action in a Court of competent jurisdiction to enjoin any violation of this Ordinance.
- 11.0** This Ordinance shall take effect upon passage and publication/posting as required by law.

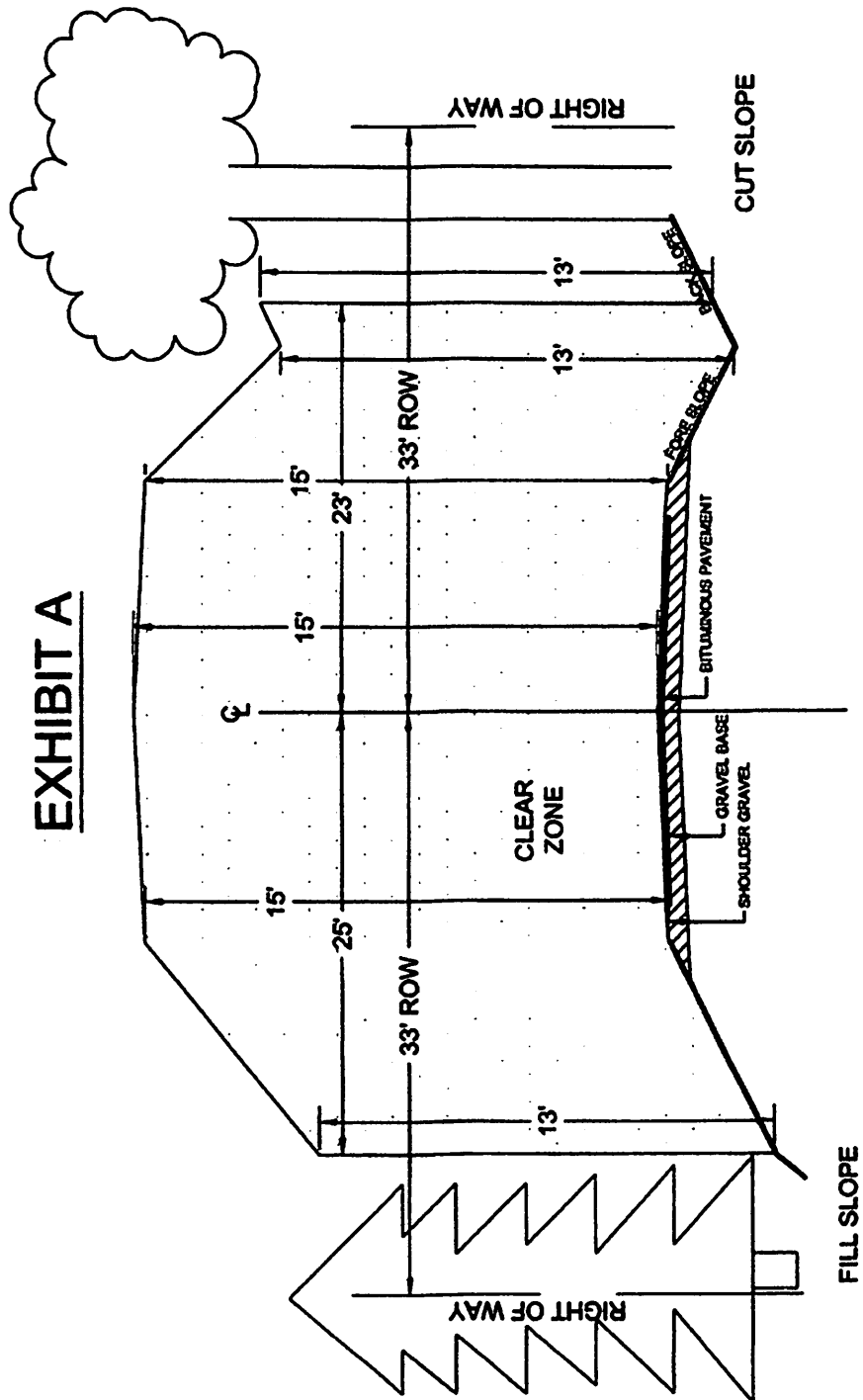
Passed and adopted this 4th day of November, 2025.

Town of Kinnickinnic

  
\_\_\_\_\_  
Axel Bogdan, Town Chair  
\_\_\_\_\_  
Nicky Thompson, Town Clerk

#### ORDINANCE CERTIFICATION

I, Nicky Thompson, being the Town Clerk of the Town of Kinnickinnic, St. Croix County, Wisconsin hereby certify that on November 4, 2025, Ordinance No. 2025-4, a true and accurate copy of which is attached, was duly enacted by the Town of Kinnickinnic, St. Croix County, Wisconsin, and entered into the Town of Kinnickinnic record books. This Ordinance Notice was posted in the following three locations in the Town on November 25, 2025: Town Hall Front Door, Town Website and The Pierce County Journal.



**EXHIBIT B**

