TOWN OF EAST TROY

Resolution No. 2026-22

RESOLUTION ESTABLISHING RESIDENTIAL SNOW PLOWING CHARGE ON PRIVATE ROADS PLOWED WITH APPROVAL OF THE TOWN BOARD

Whereas, the Town Board of the Town of East Troy has in the past agreed to offer the Town=s Department of Public Works to provide snow plowing services to town residents residing on private roads; and

Whereas, the offered service has been accepted in the past and monies collected from those town residents receiving said service; and

Whereas, the Town Board finds that there is a public purpose that is fulfilled by offering said plowing service to town residents residing on private roads, including, but not limited to, providing safe passage for emergency vehicles; and

Whereas, the Wisconsin Court of Appeals has upheld the practice of municipal snowplowing against a challenge based upon the public purpose doctrine and has ruled that a court is not to overrule the determination of what constitutes a public purpose unless that determination is "manifestly arbitrary or unreasonable" (see *Samz v. Town of Argonne*), and;

Whereas, the Town Board of the Town of East Troy has again contemplated the historical practice of, and the majority of the Board has agreed to continue offering, said snowplowing service to town residents residing on private roads for the 2026-2027 winter season, and;

Whereas, the cost of fuel, salt, brine, maintenance and depreciation of town equipment, and town employee wages has been calculated to determine the additional cost that is added to the tax bills of town residents who are benefitted by this particular service on private roads (the calculated cost, as determined by the Town's DPW Supervisor for the last season, is $63.04 per residence for the 254 residences benefitted, based upon 47 snow plowing events last season as shown on the attached exhibits), and;

Whereas, the Town Board is allowed to set the cost of this service, has determined the fee as provided in Chapter 3.45.020 of the Town Code, and is allowed to contract for snow plowing on private roads pursuant to Wisconsin Statutes; and

Whereas, a snow plow agreement has been mailed and/or delivered to the Town residents on private roads to authorize said service by the Town of East Troy; and

Whereas, as of the date of this Resolution, a majority of the residents on private roads have returned a signed copy of the written contract authorizing said service to the Town, or 191 of the 256 private road residences provided snow plowing services last year,

NOW, THEREFORE, BE IT RESOLVED:

1. That the Town of East Troy Town Board agrees to allow the Town=s Department of Public Works to provide snow plowing services to town residents on private roads for a cost.

2. That the cost of snow plowing services to be provided to town residents on private roads shall be billed to each residence served in an amount of $89.44. The charge of $89.44 shall be added to the tax bill of every property benefitted by said service. The levying and collection of this charge is authorized in Chapter 3.25 of the Town Code and is based upon the average fee charged for the last three (3) years plus all related costs to the Town as determined by the DPW and Town staff.

Dated this 12th day of October, 2026.

TOWN OF EAST TROY

BY: _____
JOSEPH G. JONES, Chairperson

ATTEST:

_____
CAITLIN OWENS, Clerk