



## Snow and Winter Issues

**Q. Residents have complained that their road was not plowed fast enough. What duty does the town have to plow snow? How soon must the town clear snow or ice from its roads?**

A. The town board is required to keep its roads passable at all times. See Wis. Stat. § 82.03. As a part of this requirement, the town board must ensure that its roads are plowed in the winter. Additionally, municipalities must remove accumulated snow and ice from their roads within three weeks or face liability for any resulting damage or injury. See Wis. Stat. § 893.83.

**Q. One of our town roads is not used much in the winter. We would like to close that road for a few months rather than continue to plow it all winter long. Is this allowed?**

A. The town board may not close roads seasonally. As noted above, the town board has a duty to keep town roads passable at all times—regardless of how often the road is used or how difficult it is to plow.

**Q. Are towns and villages allowed to plow private driveways and parking lots?**

A. Wisconsin Statutes allow municipalities to enter into contracts to plow private roads and driveways. See Wis. Stat. § 86.105. This means that the town or village may plow private roads or driveways for a fee, but should not do so for free. This statute does not allow municipalities to plow private parking lots.

**Q. Residents have complained that their neighbors are pushing snow onto the road. What can the town board do about this?**

A. Wis. Stat. § 346.94(5) prohibits anyone from placing or causing to be placed upon a highway any foreign substance which is or may be injurious to any vehicle. This prohibits anyone from plowing, shoveling, or blowing snow onto a road. The penalty for violating this statute is \$50 for each offense. Additionally, Wis. Stat. § 86.022 makes it a misdemeanor punishable by fine to place any obstruction in a road ditch which will impede drainage. As such, individuals should not be filling ditches with compacted snow.

Municipalities may request that the sheriff's department cite individuals for these violations of state law. If the sheriff's department will not help, the municipality may adopt its own ordinance and issue its own citations. It may also be sufficient to send a warning letter to the individual before alerting the sheriff or issuing a citation.



## Snow Removal, Hazardous Mailboxes, and Related Issues

### **Q. Are towns and villages allowed to plow private driveways?**

A. Yes, under Wis. Stat. § 86.105, municipalities *may* enter into contracts to plow private roads and driveways. This is optional, not a requirement, so it's up to each town or village board to decide whether to offer this service each year. If a town or village contracts with private property owners for the plowing of private roads or driveways, the amount charged must be sufficient to cover the municipality's actual costs of providing the service to ensure that no general tax revenue is used to supplement the expense. Additionally, municipalities may *not* plow private parking lots.

### **Q. Can a snowplow driver go onto private property to turn a plow around if there isn't room to do so within the public road right of way?**

A. A snowplow driver would only be allowed to use private property, such as a private road or driveway, to turn a plow around if the property owner gave the town permission for drivers to do so. If no such agreement can be made, the snowplow driver would either have to back the plow out of the public road or the town would need to expand the public road to create a turnaround. If necessary, a town can condemn land to make turnaround when one has not been created as part of the regular platting process so that there is a place to turn snowplows around. See Wis. Stats. §§ 32.05 and 82.14.

### **Q. What can towns do to prevent people from plowing snow out of their driveway and onto or across town roads?**

A. There is no state statute that directly prohibits pushing or plowing snow across a roadway. However, state law prohibits anyone from placing or causing to be placed upon a highway any foreign substance which is or may be injurious to any vehicle, such as snow and ice accumulations created by plowing, shoveling, or blowing snow onto a road. The penalty for violating this statute is \$50 for each offense. See Wis. Stats. §§ 346.94(5) and 346.95(3). Additionally, Wis. Stat. § 86.022 makes it a misdemeanor punishable by fine to place any obstruction in a road ditch which will impede drainage, meaning that individuals could be cited for filling ditches with compacted snow.

Towns and villages can ask their county sheriff's departments to cite individuals for these violations of state law. If the sheriff's department will not help, the municipality may adopt its own ordinance and issue its own citations. It may also be sufficient to send a warning letter to the individual before alerting the sheriff or issuing a citation.

### **Q. What can our town do to limit parking on town roads during snowstorms?**

A. Towns and villages have general authority to adopt parking ordinances under Wis. Stat. § 349.13. Additionally, Wis. Stats. §§ 349.13(1e)(c)2., 323.11, and 323.14(4)(a) give local governments the

# Wisconsin Statutes - Available Online

**86.105 Snow removal in private driveways.** The governing body of any county, town, city or village may enter into contracts to remove snow from private roads and driveways.

This section must be construed narrowly. Plowing of private parking lots is not authorized. Only in exceptional circumstances would plowing private driveways be permissible. 67 Atty. Gen. 304.