

**ORDINANCE**  
2009-001

CASSIAN TOWN ROAD AND RIGHT-OF-WAY PROTECTION ORDINANCE '

It is the intention of the Town Board of Cassian to adopt an ordinance to guide and direct the activities of loggers and others who harvest forest products and/or utilize Town roads in the Town of Cassian. In order to apply these policies, the Board has adopted this Ordinance for the Town of Cassian effective immediately.

1. No stacking or loading of wood is permitted on Town Road Right-of-Ways. Decking and loading must be done on an area off the Town Road Right-of-Way. This policy is necessary to protect Town roads.
2. Loggers do not have to obtain a Driveway Permit prior to commencing logging operations in forests in the Town. However, if the logger opens or uses a driveway off a Town road, they must build a tank trap/berm' at the driveway that is used for access to the logging timber area after logging is complete. Loggers may either get a Driveway Permit for logging or they can do so without a Driveway Permit if they close off the driveway after usage.
3. A gravel approach must be constructed where all driveways intersect Town roads. Construction of a new logging road. Loggers must notify property owners when they are constructing driveways into logging areas and advise them that such driveways are not legally authorized driveways until Driveway Permits are issued.
4. With the exception of agricultural or logging uses for driveway entrances, the driveway fire number must be obtained by the property owner prior to accessing the property from a Town road for any purpose other than agricultural/logging use on the property. At such time as the agricultural/logging use is completed, the logger has the responsibility of constructing the tank trap/berm blocking off any driveways which are not permitted driveways with fire numbers and permits. For purposes of this policy, if there is no logging for a period of 90 days, logging is considered complete and the berm must be constructed.
5. All loggers must obtain Cutting Permits from Oneida County prior to commencing cutting operations on a new or existing logging road.
6. Any individual who damages a Cassian Town Road must repair the damage within 30 days of the date it occurs and/or the date written notice from the Town is mailed notifying the individual to correct such damage.. Individuals responsible for damage are responsible for all costs of repair. After written notice from the Town, the individual responsible shall either hire a contractor to complete the work in accordance with the Town Road Specifications within 30 days or post a bond for payment of the cost to complete the work with the Town within 30 days. Failure to comply with the terms of this section shall result in enforcement action pursuant to the penalty provisions contained in the next paragraph.
7. Cassian shall adopt weight restrictions on specific Town roads during the course of the year and notice of such restrictions will be posted by signs on the roads during the applicable period. Penalties will be

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'Definition - Tank Trap/Berm - Shall mean a structure built on a driveway within 10' of a Town road right-of-way to block and prevent motor vehicles from accessing the driveway, a berm with excavation, a pile of large boulders or other similar obstacle.

assessed for violation of weight limitations as defined in Section 348.21 of the Wis. Statutes. Enforcement of this provision shall be done in accordance with paragraph 8 of this Ordinance.

8, Penalty Provisions:

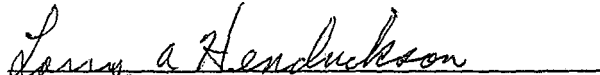
- i) Unless specified in this paragraph, any person who shall violate any of the provisions of this Ordinance shall upon conviction of such violation be subject to a penalty as follows:
  - a) First Offense. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, together with the costs of prosecution.
  - b) Second Offense. Any person found guilty of violating this Ordinance who previously had been convicted of a violation of this Ordinance within one (1) year, shall, upon conviction thereof, forfeit not less than \$500 nor more than \$1,000 for each such offense, together with the costs of prosecution.
- ii) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action to prevent, enjoin or remove violation of any provision of this Ordinance.
- iii) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and the costs of prosecution upon the order of any court for violation of any terms of this Ordinance, the court may issue an execution against the property of the defendant for such forfeiture and costs.
- iv) Citation Method of Enforcement. Citations may be issued for violations of this Ordinance including any portion of this Ordinance for which a statutory counterpart exists. This form of such citation shall comply with Section 66.0113(1)(b) Wis. Stats.
  - (a) The issuance of citations is expressly limited to following town officials and the authority delegated to a town official to issue such citations may only be granted or revoked by the town board. The town chairman and town clerk are authorized to issue citations for violations of the Cassian Town Road and Right-of-Way Protection Ordinance.
  - (b) Cash deposits from citations issued shall be paid at the clerk's office or mailing to the Town Clerk. Upon receipt of the deposit, the Town Treasurer shall issue a receipt for the same.
  - (c) Cash deposits for violation of any provision of the Cassian Town Road and Right-of-Way Protection Ordinance shall be \$500 and in addition shall include any and all court costs, assessments and penalty assessments as permitted by Section 165.87 Wis. Stats., including a 23% penalty assessment, a \$5 justice information fee, a \$40 court support fee, \$20 court costs, \$5 circuit court automation project fee and \$10 jail assessment fee.
  - (d) Whenever any violation has occurred, the town attorney shall prosecute as provided by law.
  - (e) In addition to the forfeiture described above, the person who damages Town roads shall be subject to paying all costs necessary to rectify the infraction. These costs may consist of, but not be limited to, the following: Surveying costs, recording fees, removal or relocation of structures, removal, abandonment or resurfacing of roadways and roadbeds and attorney fees incurred by the Town.

9. Effective Date:

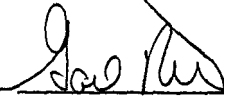
This Ordinance shall take effect and be in force from and after publication by the Cassian Town Board and posting as provided by law and publication.

Adopted this 7<sup>th</sup> day of July, 2009.

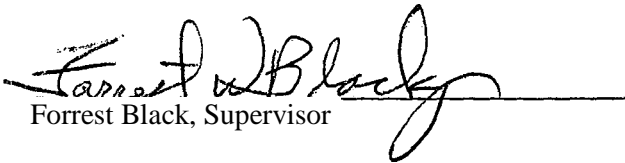
TOWN OF CASSIAN  
BOARD OF SUPERVISORS



Larry Alendrickson, Town Chairman



Gail Winnie, Supervisor



Forrest Black, Supervisor

ATTEST:



Mary Thomps, Town Clerk