

**ORDINANCE NO. 2024-1
TOWN OF MAIDEN ROCK**

AN ORDINANCE TO ESTABLISH PREVENTATIVE MEASURES AND DAMAGE ASSESSMENT POLICIES TO PROTECT TOWN HIGHWAYS IN THE TOWN OF MAIDEN ROCK AND TO REPEAL ORDINANCE NO. 2011-1

WHEREAS, the Town Board of the Town of Maiden Rock has jurisdiction over all Town highways and rights-of-way and it is in the interest of the Town and all highway users to protect the integrity of Town highways; and

WHEREAS, Wis. Stat. Sec. 86.02 provides any person who causes damage to a highway is liable in treble damages for the cost of repair thereto; and

WHEREAS, from time-to-time owners or operators of large-scale farming operations, including concentrated animal feeding operations, or their licensees, including owners, operators and licensees located outside of the Town, traverse Town highways for the purpose of transporting solid and liquid livestock and/or poultry waste (“waste”) to be spread over fields owned or leased by the owners or operators of the large-scale farm operation, or their licensees; and

WHEREAS, in order to distribute the waste permits are often required to be obtained from certain public authorities, and the scale of the hauling is of such intensity that substantial planning and scheduling is necessary to accomplish the task, such that the owner or operator or licensee knows, or is likely to know, reasonably far in advance of the planned operation and notice could therefore be given to the Town Board or its designees, well in advance of the transport and distribution of waste; and

WHEREAS, with advance notice the Town Board or its designees could promote and protect public health and safety by giving notice to the Pierce County Sheriff’s Department and local fire department authorities of possible anticipated highway blockages, and could also undertake a pre-hauling assessment of the condition of the Town highway so as to establish and/or document baseline highway conditions to be better able to determine to what extent any damage caused to the highway has been caused by the waste transportation and distribution operation (“planned operation”); and

WHEREAS, it is reasonable that large-scale farm operators and industrial transporters be required to give reasonable advance notice to the Town of the planned operation; and

WHEREAS, the Town heretofore adopted Ordinance No. 2011-1 to establish charges for damage done to highways in the Town, and this Ordinance is intended to replace same;

NOW THEREFORE, the Town Board of the Town of Maiden Rock does hereby ordain as follows:

1. Any large-scale farm operator or other agricultural or industrial user of the Town highways in the Town of Maiden Rock shall give advance notice of the planned operation not less than seven (7) days in advance of the commencement of same. Notice shall be given to the Town Chair, Town Clerk or any Town Board Supervisor. The notice shall be given in writing. Notice shall not be deemed given until received. Email notice shall only be deemed valid if a "read receipt" confirmation is received by the owner, operator or licensee.
2. The term "planned operation" shall refer to any waste transport and distribution operation which involves transport of waste by more than ten (10) separate truck transports (10 round-trip transports per day) where the number of gallons of waste hauled on one-half or more of the transports exceeds 2,200 gallons per truck or attached unit.
3. The notice to the Town by the owner, operator or licensee shall include the following:
 - a. Name, address, email address and telephone number of owner or operator, and licensee if applicable.
 - b. The date or dates when the transport and distribution operation shall take effect.
 - c. The anticipated number of round trips each day.
 - d. The address and legal description of the lands to which the waste is to be hauled and distributed.
 - e. The owner of the lands to which the waste is to be hauled and distributed.
 - f. To what extent traffic can reasonably be expected to be impeded by the operation.
4. Upon receipt of notice from an owner, operator or licensee to whom this Ordinance applies, and with respect to whom notice has been given to the Town, the Town Clerk or the Town Chair, or their designee, shall give notice to the Pierce County Sheriff and the local fire department authorities of the planned operation, said notice to include approximate dates and times, and specifying whether and to what extent the owner, operator or licensee believes traffic may be impeded as a result of the transport and distribution of waste.
5. Any owner, operator or licensee causing damage to a Town highway in connection with such waste hauling and distribution operation shall be liable to the Town for treble damages.
6. Any repairs made to damaged Town highways by Town personnel shall be charged at the rate then in effect by the Town Board for Town highway repairs where the repairs are undertaken by Town personnel, otherwise the charge to be based upon such contractor or subcontractor hired for that purpose by the Town.
7. Any person violating this Ordinance shall be subject to a fine of \$3,000 for the first offense, and \$5,000 for any subsequent offense, plus \$50 for each one-way trip by a truck or other vehicle engaged in the waste hauling and distribution operation with respect to which the notice required by this Ordinance was not timely given. In addition, any person found guilty of violating this Ordinance shall pay all costs of prosecution, plus reasonable attorney's fees where applicable.

8. Ordinance 2011-01 is hereby repealed.

TOWN BOARD, TOWN OF MAIDEN ROCK

Passed and Adopted: _____, 2024

By: _____
Jerry Duden, Town Chair

ATTEST: _____
Carla Schuster Town Clerk/Treasurer

I, the undersigned Town Clerk/Treasurer, hereby certify the foregoing Ordinance was posted in the following three public places in the Town of Maiden Rock on _____, 2024.

ATTEST: _____
Carla Schuster Town Clerk/Treasurer