

Wisconsin Towns Association

February 2026



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Shawano, WI 54166

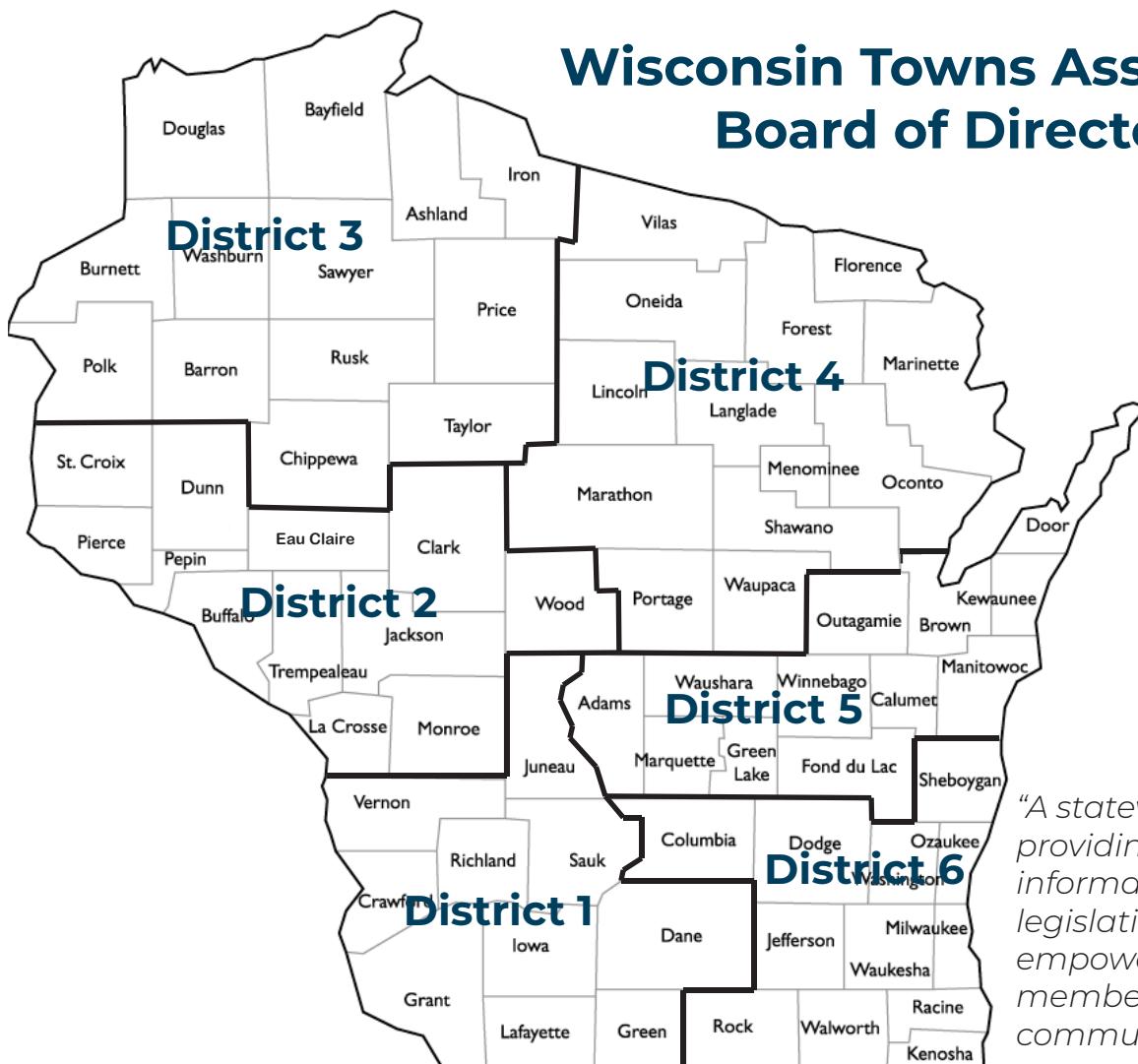
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Volume 456

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Wisconsin Towns

February 2026

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Empowering Town Officials

FROM THE EXECUTIVE DIRECTOR



By
Mike Koles

Spring Training



MLB spring training begins in February. The Milwaukee Brewer pitchers and catchers report to camp on February 12th. It's an exciting time as veterans brush off some rust and

potential rookies attempt to convince management that they are ready "for the bigs."

One day I'll make the trek to Arizona to catch a Brew Crew exhibition game, but for now I'll have to trust my friends who have told me that perhaps the most impressive part is the player focus on fundamentals. At spring training you'll see players that make \$10,000 or more per plate appearance hitting off tees and gold glovers rapidly bouncing tennis balls to each other.

Truthfully, this happens throughout the season, but it's just more publicly viewable during spring training. Players know that you win championships by constantly focusing on the basics. Similarly, successful town officials know in order to unlock the power of democracy to transform your community, there must also be a focus on the fundamentals.

While there is no spring training for town officials, and WTA is in "education season" a vast majority of the year, if there was a period of time to brush up on some core subject matter, it might well be the first few months of each year.

In winter, we host **District Meetings** on Fridays and Saturdays beginning in January and running through March. Here you can catch your Board of Review basics and required certification. Our

team prides themselves on being the best when it comes to BOR education. We provide good old-fashioned live, certified trainers with plenty of time for questions and answers that allow for you to learn from each other in the room. This year's District Meetings will also include a robust discussion on EMS collaboration efforts and an important session on the future of a very fragile road funding system and the changes for which we need you to advocate.

In April, we host the third annual (and now perennial) **Town Road School**. In two short years we expanded from over 200 attendees to nearly 500. The 2026 version is being held April 27 – 29 at the Chula Vista in Wisconsin Dells. Road workers will learn tools and strategies related to asphalt, chip seal, culverts, crack fill, worker safety, brushing, invasive species control, and so much more. Policymakers will keep abreast of these same tools and also learn about road related legislation and the new small bridge program. And, don't forget flagger certification rounds out the event.

WTA is also helping to sponsor a UW-Extension provided workshop on artificial intelligence - **Understanding AI: A Forum for Local & Tribal Governments**, which is being held in four locations in March. To be sure, I wish someone would bring back fax machines and 8-tracks, but that ain't happening. Towns will be significantly impacted by artificial intelligence, and the ones that harness its power will be more effective. We already have towns using it to write a vast portion of grant applications.

Information on all of these opportunities is in this magazine issue



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2026 WTA Convention Lodging

Sunday, October 4 - Tuesday, October 6, 2026
Holiday Inn Hotel and Convention Center, Stevens Point

Room Blocks will open January 15th and are set up under Wisconsin Towns Association or WTA at the hotels listed below.
You may not make more than 3 room reservations under your name. Please DO NOT call our office concerning rooms.

HOLIDAY INN HOTEL & CONVENTION CENTER - 715-344-0200
1001 Amber Ave., Stevens Point – RATE: \$98.00 - \$120.00

HOLIDAY INN EXPRESS – 715-344-0000
1100 Amber Ave., Stevens Point – RATE: \$98.00 - \$120.00

LA QUINTA – 715-344-1900
4917 Main St., Stevens Point – RATE - \$94.00

FAIRFIELD INN & SUITES – 715-342-9300
5317 HWY 10 East, Stevens Point – RATE - \$139.00

COBBLESTONE HOTEL & SUITES – 715-343-0522
1117 Centerpoint Dr., Stevens Point – RATE - \$110.00

COMFORT INN – 715-496-2007
1560 American Dr., Plover – RATE - \$110.00

HAMPTON INN PLOVER – 715-295-9900
3090 Village Park Dr., Plover – RATE - \$98.00

DAYS INN & SUITES – 715-254-8685
159 Division St., Stevens Point – RATE - \$89.00



Rates subject to change. Please confirm your rate with the hotel of your choice and have your tax exempt number ready before calling the hotel.

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LEGAL OPINIONS



By **Atty. Joe Ruth**
Government Affairs
Director

Ethics and Conflicts of Interest

Public officials lead diverse and active lives beyond their public service, creating the potential for conflicts of interest. Many officials own local businesses, for example, or actively participate in organizations unrelated to their public duties. How do you balance the public and private halves of your life? What challenges arise along the way? This article will help you navigate a few of those ethical issues that public officials regularly face.

Conflicts of Interest

The Wisconsin Statutes prohibit various activities by public officials, creating the foundation for our ethical code. Specifically, section 19.59(1)(a) prohibits a public official from using his or her position to “obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated.” To fully understand the meaning of that section, let’s begin by defining its terms. First, remember that public officials can be elected or appointed and include individuals such as officers, administrators, commissioners, and committee members. Second, “immediate family” only includes a spouse, or a relative by marriage, lineal descent or adoption who receives one-half or more of his or her support from the public official (or the public official receives one-half or more of his or her support from the relative). See Wis. Stat. § 19.42(7). This definition generally includes children living at home, but excludes adult children who support themselves. Finally, an official is “associated” with an organization if the official is an officer, director, trustee, authorized representative, or agent of the organization, or if the official owns or controls 10 percent or more of the organization. This definition generally excludes employees unless there is an ownership or control aspect to that employment.

Simply, this statute prohibits a public official from using his or her position to obtain financial gain or a substantial benefit for himself or herself, or for any of the groups we just defined. For example, it would be an ethical violation under § 19.59 for a board member to vote to award a contract to his or her spouse’s business. It would similarly be a violation for a board member to accept a \$50 gift card from a resident as a thank you related to the board member’s official duties.

The simplest way to analyze whether a situation presents an ethical conflict is to consider how it will look to others. If you would be embarrassed by the situation, or if others would question your motives, then there may be an ethical conflict. Often the fact that you are questioning whether or not something presents a conflict is a good indication that it does.

So how do you avoid ethical conflicts, and what should you do when they arise? If you know that a conflict exists, then you should abstain from voting and recuse yourself from all deliberation surrounding the issue. It may also be a good idea to physically remove yourself from the deliberation by leaving the room or sitting in the public section of the room rather than continuing to sit with other public officials. Physically distancing yourself from the deliberation will clearly indicate your nonparticipation in the decision-making process, and prevent even the appearance of an ethical violation.

It is important to note that no one can force a public official to abstain or recuse themselves; doing so is a personal decision. If an ethical violation does occur, however, you may be prosecuted for your actions and fined up to \$1,000. This penalty, while substantial, can pale in comparison to the public embarrassment that often accompanies violations.

Contracts with the Town or Village

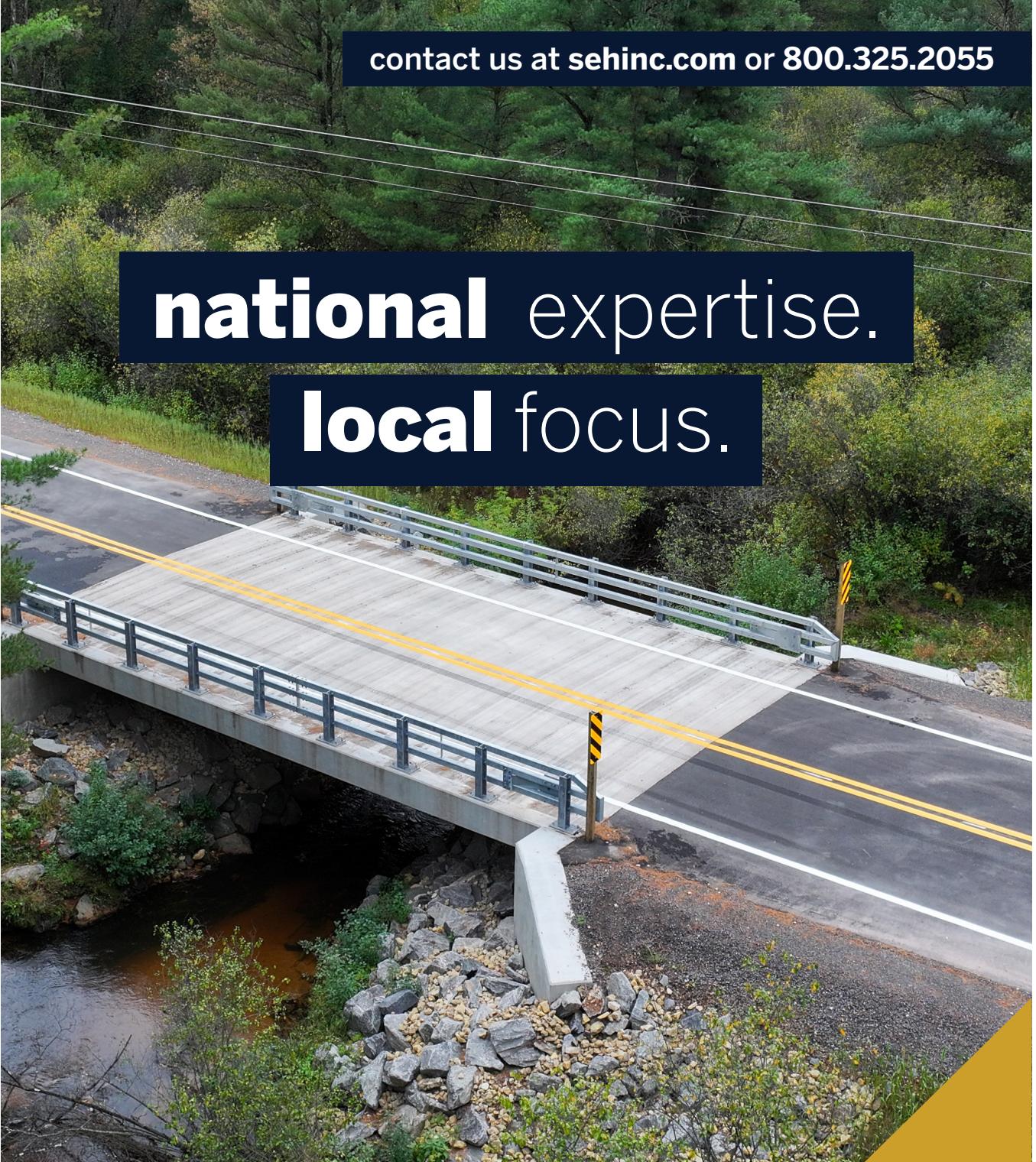
While the statutes do prohibit a public official from using his or her position to receive a private benefit, the statutes do not completely prohibit officials from entering into contracts with their town or village. In fact, public officials and employees are allowed to negotiate, bid, or enter into contracts with the town or village for up to \$15,000 worth of work per year. See Wis. Stat. § 946.13(2). This is an aggregate limit, so the combined total of all contracts with the town or village may not be greater than \$15,000 per year for any given officer or employee. A public official could submit a bid for a \$15,000 project, for example, but that official could not submit a bid (or multiple bids) worth \$20,000. Anyone who contracts above this limit is guilty of a Class I felony. See Wis. Stat. § 946.12(1). Moreover, officials must still recuse themselves from any discussion or voting on their contract(s).

Local Rules

While the statutes set a baseline of ethical standards, local governments are allowed to enact stricter rules through a local code of ethics for public officials and employees. See Wis. Stat. § 19.59(1m). Such an ordinance might require public officials to identify their economic interests, for example, or prevent officials from taking action on matters that benefit any family member. Additionally, a local code of ethics could allow the clerk to remove a candidate's name from a ballot or withhold an official's salary for failing to comply with ethical obligations. The maximum penalty for a violation of a local ordinance is \$1,000. See Wis. Stat. § 19.59(3)(f).

Questions?

Ethical issues will inevitably arise. If you have questions about the code of ethics for local public officials, you can call the Wisconsin Towns Association or the Wisconsin Ethics Commission for more information. The Wisconsin Ethics Commission is the state agency charged with enforcing the statutory code of ethics. At times, it may also be best to contact your town or village attorney in order to receive specific legal advice and/or to remain anonymous.



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LEGAL OPINIONS



By Atty. Lara Carlson
Legal Counsel

What's Your Backup Plan?

Q. Can a town supervisor who spends the winter in Arizona attend town board meetings remotely?

A. This is left up to the town board. There is no state law that explicitly addresses board members participating in meetings remotely, but a town board could authorize remote meeting participation by adopting a local policy. This type of policy should address issues such as the following:

- How must requests to participate remotely be made (to whom, in what format, by what deadline, etc.)?
- Who decides whether to grant these requests, and what criteria will they use to make their decision?
- Are there any limits on when remote participation will be allowed (for example, only due to illness or work-related travel vs. for vacations or personal scheduling conflicts)?
- Are there any limits on the types of meetings for which remote participation will be allowed (for example, requiring in-person attendance for hearings at which complex evidence, testimony, maps, plans, documents, etc. may be presented)?
- How will the town ensure compliance with the accessibility requirements of the open meetings law by setting up necessary technology (such as a speaker phone, video screen, microphones, etc.) so that all board members and members of the public can hear the remote participant and vice versa?
- Will remote participants be allowed to vote, and how will remote voting be recorded (such as requiring roll call votes if one or more board members attend remotely)?

Q. Who is responsible for chairing a town board meeting if the chair is absent?

A. If remote participation is not an option, a board meeting could be held without the chair if a quorum of board members are present. State law does not answer the question of which supervisor assumes the chair's duties in the chair's absence, so it's helpful for boards to adopt local policies clarifying who will preside over meetings in this circumstance. If no such policy exists, the board members in attendance at the meeting would need to vote to assign the chair's responsibilities.

Q. Who can perform the clerk's duties while our town clerk is in the hospital?

A. Ideally, a deputy can fill in until the clerk is able to return to work. A town clerk may appoint one or more deputies under Wis. Stat. § 60.331, and a town treasurer may do the same under § 60.341. Deputies are appointed by and serve under the clerk or treasurer (not the town board), and the deputy only serves while the appointing clerk or treasurer remains in office. Deputies are subject to the same oath of office and bonding requirements as the clerk and treasurer. A deputy may perform any of the clerk or treasurer's duties in their absence or as assigned by the clerk or treasurer. For example, a deputy clerk may take meeting minutes or oversee an election in the clerk's absence, or a deputy treasurer may handle tax collection for the treasurer. However, a town clerk may not serve as the treasurer's deputy or vice versa,

as the positions' separate powers are meant to act as checks and balances to protect the town's finances.

If there is no deputy, the town board also has the option to appoint another person to discharge the duties of an elected clerk or treasurer who is absent or temporarily incapacitated due to any cause. Wis. Stat. § 60.30(5). The appointee must take the oath of office and be bonded. This statute also allows a town board to appoint someone to substitute during a chair or supervisor's temporary absence, but only if the board member is "temporarily incapacitated because of physical or mental disability." See § 60.30(5)(c).

Q. Who can sign checks if the town clerk, treasurer, or chair are absent?

A. Under Wis. Stat. § 66.0607(3), checks must be signed by the clerk, treasurer, and chair, unless the board has adopted an ordinance or resolution removing the chair's signature requirement. Requiring all three signatures is recommended to ensure checks and balances and the security of the town finances. Town boards can authorize additional town officers to act as signatories on the town's checking account by adopting an ordinance or resolution. For example, the board could make the deputy clerk and deputy treasurer alternative signatories in the clerk or treasurer's absence, and the board could authorize other town supervisors to sign checks in the chair's absence. All individuals authorized to sign checks must also be added to the town's signature card with the town's designated public depository.

Q. Our elected town treasurer wants to resign. How can we fill the vacant position?

A. A town official who intends to resign must file a written letter of resignation with the clerk (or with the chair if the clerk is the one resigning). The resignation is considered effective immediately unless the letter specifies a future effective date. The board should note in its meeting minutes that the resignation was received, but voting to "accept" the resignation is not required.

The procedure for filling vacancies in town offices is outlined in Wis. Stat. § 17.25. If a vacancy occurs in an elected town treasurer position, the town board must vote to appoint a town resident to fill the vacancy for the remainder of the current term of office. State law does not require any special public notice or advertisement prior to this appointment, but the board could decide to post or publish a notice seeking resumes or letters of interest to find the best candidate for the job, conduct candidate interviews, etc., at the board's discretion. Importantly, because the position is elected, all board discussion and voting regarding the vacancy (including any candidate interviews) must take place in open session.

Alternatively, the town board could attempt to convert the elected treasurer position to an appointed one before filling the vacancy, meaning the position would no longer be listed on the ballot at elections and would instead be filled by the town board going forward. This would remove the residency requirement and allow the board to search for qualified candidates who live outside the town. Under 2025 Wisconsin Act 71, the town board could have the town electors vote to make the town treasurer position appointed at either the annual town meeting in April or a special town elector meeting called for this purpose and properly noticed under § 60.12. If the electors at the meeting vote in favor, the change will become effective immediately due to the current vacancy in the position. (In contrast, if no vacancy exists, the change doesn't take effect until the current term of office for the elected position expires.)

Clerk's Corner



By: Melissa Kono, UW Ext./WTA Clerk Specialist

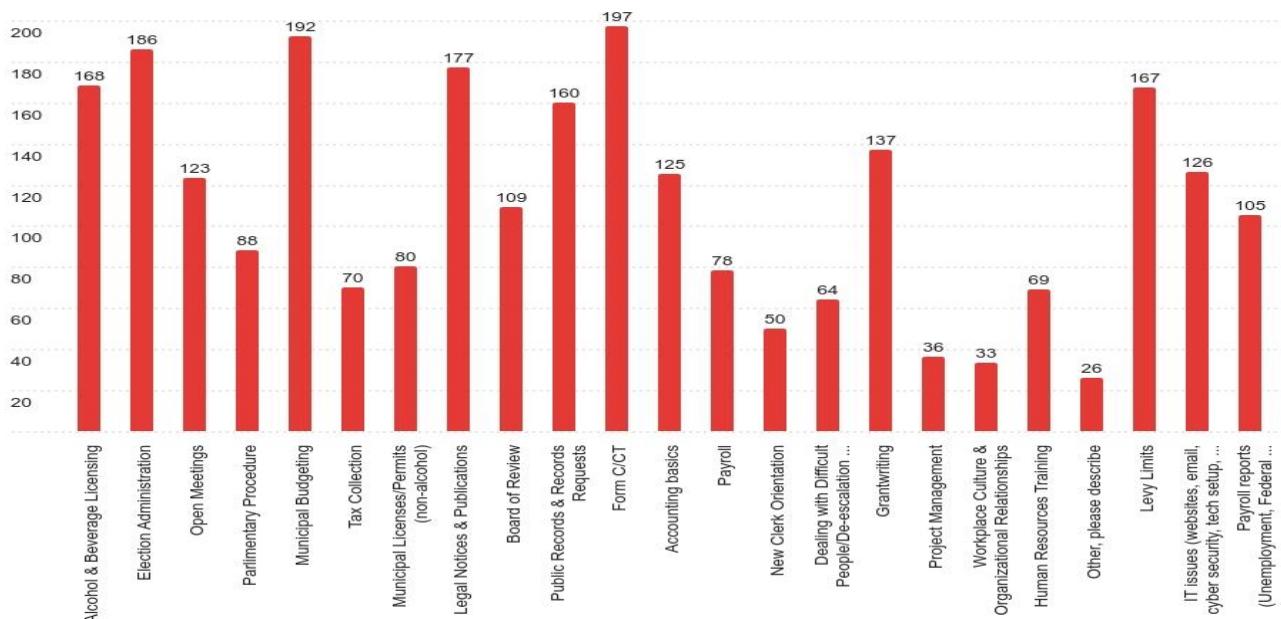
Clerk Needs Assessment Survey Results

Thank you to everyone who took time to complete the Clerk Needs Assessment distributed electronically through the Wisconsin Towns Association and League of Wisconsin Municipalities to town, village, and city clerks, and combined clerk/treasurers in the Fall 2025. There were 572 responses representing an excellent response rate (31% of towns, 27% of villages, and 36% of cities). The survey was designed to gather input from clerks regarding their educational needs, training format preferences and barriers to attending training. It also included questions regarding position type, association membership, years of experience, number of support staff, and part-time versus full-time positions.

There were 389 town clerks, combined clerk/treasurers and administrators who completed the survey. Town respondents were much more likely to be considered part-time (295 town clerks serving part-time versus only 15 city/village clerks). Fifty-six town clerks who responded to the survey were full-time employees versus 146 city/village clerks. Forty-four percent of town clerks were appointed and 56% elected. WTA keeps track of this statistic via the annual roster members submit, and this is very close to the actual distribution (39% appointed, 61% elected). Over a third (33%) of town clerks responding to the survey had over 10 years of clerk experience while a quarter (26%) had less than 3 years.

The top training topics were identified as Form C/CT (197 responses), Municipal Budgeting (192), Election Administration (186), Legal Notices (177), Alcohol & Beverage Licensing (168) followed closely by Levy Limits (167).

Training Topics--Towns



In many ways, the results affirmed what we already know about the educational needs for town clerks and how the WTA's robust offering of programming throughout the year responds to those needs. There are several upcoming programs that satisfy the top demands for clerk education. First, the District Meetings held in many locations throughout Wisconsin, as well as a virtual option, start the end of January and run through March, and will cover the required Board of Review training. A detailed schedule and registration can be found in this magazine.

Next, coming up in March and April, the UW Local Government Education program will be offering a series of Form C/CT workshops, look for an email with these dates and registration information. There are also training videos on the Department of Revenue website that covers each section of the Form C/CT in detail: <https://www.revenue.wi.gov/Pages/Training/MFR-training-home.aspx>. An Alcohol & Beverage Licensing webinar is also offered in the spring through the Local Government Education program at the University of Wisconsin-Madison Extension in partnership with WTA. A training announcement will also be emailed to clerks once details are finalized.

Looking ahead to later in the year, Fall Workshops are held at several regional locations throughout Wisconsin, along with a virtual option, and cover municipal budgeting and levy limits as towns begin the budget process in the fall. Finally, the overwhelming popular new Lunch and Learn webinar series focused on topics pertinent to clerks will continue to be offered on a monthly basis in 2026. I am excited about upcoming Lunch and Learn topics, including Unemployment Insurance for Towns, and training election workers. The input from the Clerk Needs Assessment will be used to inform the topics for future Lunch and Learn webinars.

The survey results also included feedback about both the scale and scope of training. These comments ranged from requests to offer more advanced clerk training to educational programs geared towards new clerk orientation. There were several comments suggesting a calendar of events for clerks, one existing resource that I would like to highlight is the Calendar of Main Events: <https://www.wisctowns.com/search/?searchTerm=calendar> (login required) that is a helpful tool in providing an overview of the year of deadlines and duties.

Survey respondents were asked about their training format preferences (virtual, recorded, in-person) and barriers to attending training. We know that many factors such as travel distance, cost, taking time off from work, as well as being away from clerk duties or family commitments influence the ability for town officials to attend training. We also know that depending on the content of the training, the preference for the format will vary. For technical topics, such as municipal budgeting, or understanding the process for exceeding the levy limit, an in-person, focused training may be preferable. For lighter, more easily digestible content, short, recording training videos may suffice. To meet this need, we have added virtual options to our District Meetings, Spring Workshops (held in odd years), and the Fall Workshops, along with the new Lunch and Learn series. For those preferring an in-person format, these offerings, as well as the WTA Annual Convention, New Clerk Bootcamps, and Clerk College are designed for networking and in-depth learning. In 2026 I hope to see many of you at the events I have highlighted here and I look forward to continuing to develop new programs guided by the input from the clerk needs assessment survey.



WTA 2026 DISTRICT MEETING IN PERSON & VIRTUAL

IN PERSON

8:15am-8:45am

Registration

Morning refreshments sponsored by Scott Construction, Inc.



8:45am-9:00am

Call to Order, Introductions and Announcements

9:00am-11:15am

Board of Review (BOR) Certification Training

State law requires that at least one BOR member be certified annually. The WTA recommends that all BOR members attend this training.

11:15am-11:45am

Town Office Vacancies and Appointments

Does your town have an upcoming retirement? Maybe a current town board supervisor is going to be moving out of the town? Wondering what you're supposed to do? This session will review town official vacancies and what your town can do to fill a vacancy. This presentation, provided by WTA staff, will also review several important changes created by the recently passed Town Law Fix bill.

11:45am-12:45pm

Lunch

Lunch sponsored by Thunder Road.



12:45pm-1:45pm

Saving EMS: One Size Does Not Fit All

This past decade has proven that Emergency Medical Services (EMS) have been in a state of crisis, and Wisconsin EMS has not been immune to these challenges. Something must be done to save EMS in our local communities, but what? Using successful real-life case scenarios from across Wisconsin, presenter Dana Sechler will highlight solutions that municipalities have implemented to create a viable ambulance service that can provide sustainable EMS within their communities. Dana has been involved in the fire service and EMS communities in various capacities for over 34 years and is one of the co-founding Principals of Strategic Management and Consulting, LLC.

1:45pm-2:00pm

Break

Afternoon refreshments sponsored by Rural Mutual Insurance.



2:00pm-3:00pm

Transportation Funding: Today and Tomorrow?

Over the course of the last decade there have been significant increases in state funded transportation investments. The Local Road Improvement Program witnessed the creation of the Supplemental and Agricultural components. General Transportation Aids increased as well. The enhancements were funded in large part through general purpose revenues and to a lesser degree through dedicated transportation revenues. This was possible due to a strong economy and significant and multiple state budget surpluses. When the economy cools, surpluses cease, or inflation runs rampant again, how will local road funding keep up in the absence of large amounts of general purpose revenue? Learn from Debby Jackson, Transportation Development Association Executive Director, and WTA staff about how you can play a role in ensuring transportation funding isn't decreased, addresses needs, and keeps up with inflation.

2026 DISTRICT MEETINGS **Dates & Locations**

Friday, January 30, 2026 – The MARQ, 3177 French Rd., De Pere, WI 54155

Saturday, January 31, 2026 – The Eagle’s Club, 1104 S. Oak Ave., Marshfield, WI 54449

Friday, February 6, 2026 – Deer Valley Lodge, 401 W. Industrial Dr., Barneveld, WI 53507

Saturday, February 7, 2026 – The Wilderness Resort – Glacier Canyon Lodge, 45 Hillman Rd., Wisconsin Dells, WI 53965

Friday, February 13, 2026 – The Pines Event Center, 5840 Forest Ln., Rhinelander, WI 54501

Saturday, February 14, 2026 – Potawatomi Carter Casino, 620 HWY 32, Wabeno, WI 54566

Friday, February 27, 2026 – Holiday Inn Hotel & Convention Center, 1001 Amber Ave., Stevens Point, WI 54481

Saturday, February 28, 2026 – Farm Discovery Center, 7001 Gass Lake Rd., Manitowoc, WI 54220

Friday, March 6, 2026 – Stony Creek Hotel & Conference Center, 3060 S. Kinney Coulee Rd., Onalaska WI 54650

Saturday, March 7, 2026 – The Florian Gardens Conference Center, 2340 Lorch Ave., Eau Claire, WI 54701

Friday, March 13, 2026 – 841 Brewhouse, 841 W. Milwaukee St., Whitewater, WI 53190

Saturday, March 14, 2026 – Old Hickory Golf Club, W7596 State Road 33, Beaver Dam, WI 53916

Friday, March 27, 2026 – Turtle Back Golf Course, 1985 18 ½ St., Rice Lake, WI 54868

Saturday, March 28, 2026 – Lakewoods Resort & Lodge, 21540 CTH M, Cable, WI 54821

Monday, March 30, 2026 – Virtual Session – agenda available at www.wisctowns.com.

Tuesday, March 31, 2026 – Virtual Session: agenda available at www.wisctowns.com.

Please see our website for a link to Google maps for each location.

Inclement Weather: If a meeting is going to be cancelled due to inclement weather, there will be a Message on the WTA voicemail between 6am and 7am the day of the meeting. 715-526-3157

2026 DISTRICT MEETING REGISTRATION FORM

\$65 – Early registration

(payment must be received at least 10 days in advance of the workshop date)

\$80 – Late and walk-in registration

In-person registrants will receive a packet of printed materials, access to virtual programming, and access to recorded videos of each presentation. Virtual registrants will receive an email with electronic materials. All attendees will receive an email with information about how to participate in the virtual events via telephone/computer and how to access the recordings. **AN EMAIL IS REQUIRED FOR REGISTRATION. If you plan to attend the virtual events via telephone, the phone number from which you will be calling is also required.**

Name	Office	
Town	County	
Address		
City	State	Zip
Telephone (REQUIRED for teleconference access)		
Email (REQUIRED)		

I plan to attend the following workshop (please check one):

- Friday, January 30, 2026: De Pere – The MARQ
- Saturday, January 31, 2026: Marshfield – The Eagle’s Club
- Friday, February 6, 2026: Barneveld – Deer Valley Lodge
- Saturday, February 7, 2026: Wisconsin Dells – The Wilderness Resort-Glacier Canyon Lodge
- Friday, February 13, 2026: Rhinelander – The Pines Event Center
- Saturday, February 14, 2026: Wabeno – Potawatomi Carter Casino
- Friday, February 27, 2026: Stevens Point – Holiday Inn Hotel & Conference Center
- Saturday, February 28, 2026: Manitowoc – Farm Discovery Center
- Friday, March 6, 2026: Onalaska – Stony Creek Hotel & Conference Center
- Saturday, March 7, 2026: Eau Claire – The Florian Gardens Conference Center
- Friday, March 13, 2026: Whitewater – 841 Brewhouse
- Saturday, March 14, 2026: Beaver Dam – Old Hickory Golf Club
- Friday, March 27, 2026: Rice Lake – Turtle Back Golf Course
- Saturday, March 28, 2026: Cable – Lakewoods Resort & Lodge
- Monday, March 30, 2026 & Tuesday, March 31, 2026 - **VIRTUAL PROGRAMMING ONLY**

This form should be copied for multiple registrations. Make check payable to the Wisconsin Towns Association and mail along with registration forms to: Wisconsin Towns Association; W7686 County Road MMM; Shawano, WI 54166.

Registration and payment may also be submitted online on the WTA website, www.wisctowns.com.

Total charges will include a \$2.65 credit card processing convenience fee for payments made via credit card. If you have any questions, please email wtowns@wisctowns.com or call (715) 526-3157.

Cancellations received 10 days or more in advance of the workshop date will receive a full refund less a \$15.00 administrative fee. Cancellations received less than 10 days in advance will be charged a \$15.00 administrative fee plus the cost of food. Refund requests submitted 30 or more days after the event will not be processed.



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REACHING OUT



By Jake Langenhahn
Outreach Specialist

Road Right of Way Issues

Q. How do we determine the width of a road?

A. State statute does not provide a uniform standard to determine the width of a road. The answer to this question ultimately depends on the method used in the town's acquisition of the road. If the highway was acquired by deed or written easement, the width of the road should be indicated on the deed or easement. The same is true if the road was acquired by acceptance of a plat. The width should be indicated on the deed or plat filed with the register of deeds.

If the town laid out the road by issuing a highway order, the width should have been specified in that order. If no width was specified in that order, state statute provides that the road is 66 feet wide. However, if the road was acquired by having worked it 10 years or more and there is not a written record laying out the road, the width is presumed to be 66 feet. See Wis. Stat. § 82.18.

Towns should be aware that the *presumption* of a 4-rod road (66 feet) can be overcome by evidence of an ancient fence line, trees growing up to the edge of the road, natural barriers such as bluffs, etc. If the facts concerning the width are in dispute, litigation may have to be used to resolve the issue or the town might consider purchasing additional right of way by deed or entertaining a petition (or introducing a resolution) to widen the road and pay damages under Wis. Stat. § 82.10-14.

Q. The town has been noticing a lot of vegetation growing within the road right of way and has determined it is a hazard to highway users. What can the town do?

A. Under Wis. Stat. § 66.1037(1), towns have the authority to remove, cut, or trim any tree, shrub, or other vegetation (within the road right of way) in order to provide safety to highway users.

Q. The town removed some trees in the right of way and is wondering who owns the wood. Who owns the wood cut from trees in the right of way?

A. The answer to this question depends on the town's acquisition of the highway. If the town owns the highway, having acquired it by deed or plat, the town owns the trees and any resulting wood. If the road was acquired by order or use, the town only has an easement for highway purposes. In these cases, the trees growing in the right of way belong to the adjacent landowner, and any wood resulting from trimming must be offered to the adjacent landowner. See Wis. Stat. § 86.03 (2).

Q. During a recent snowstorm a tree fell onto a town road. Who is responsible for the removal of the tree?

A. According to Wis. Stat. § 86.03(1), if a tree falls from an adjacent landowner's property into the highway, both the property owner and the municipality share responsibility for removing the tree from the highway. However, towns can face liability for negligently failing to remove such a tree in a prompt manner. So, the town should create a system whereby it is clear which town officer or employee will take

care of having the tree removed as soon as possible if such a situation arises. For example, the chair might be the first contact person on the list, but if the chair is unavailable or out of the area, the next person on the list is contacted, and so on. Don't rely on the adjacent property owner to take care of the problem. In some situations, the town might be able to assess the adjacent property owner a special charge for taking care of a tree that fell from private property into the road right of way. See Wis. Stat. § 66.0627.

Q. We have a resident who erected a stone wall in the right of way. The town has determined that the wall poses a hazard to the traveling public while it remains in the right of way. How can the town get it removed?

A. Firstly, the town should determine whether the object remaining in the road right of way could cause unnecessary damage to a car if it were to leave the traveled portion of the road and run into the object. The town may be liable for damages or injuries that may occur if the object is struck. If the town determines that the object is hazardous then it is best to get into contact with the property owner/occupant. Most people do not realize that the right-of-way extends beyond the paved road surface. They may not know a lot about town road management and using this as an opportunity to educate them can avoid potential future problems.

If the property owner/occupant refuses to remove their obstruction, the state statutes provide a process that the town may pursue to remove it. Under Wis. Stat. § 86.04, the town would send a notice to the property owner or occupant seeking removal of the obstruction. A sample is available in the Town Law Forms book here:

https://docs.legis.wisconsin.gov/statutes/townlaw/forms/order_for_the_removal_of_obstruction_in_case_of_encroachment?view=section

The property owner/occupant will then have 30 days to remove the object. If they do not remove the object or deny the encroachment, then a forfeiture of \$1 per day will begin to accrue. The town may choose to bring an action in circuit court to recover the penalty, and if the town wins, a judgment ordering the property owner/occupant to remove the item within a specified time period will be issued. If the property owner/occupant does not obey the order, the town may then remove the object and recover the costs from the defendant (which may include putting the cost of removal on the tax bill under Wis. Stat. § 66.0627).

A town should consider the practical application of this process given the circumstances surrounding the obstruction. If there is a known and compelling danger to the public, the town should take immediate steps to limit its risk for liability. Erecting barriers or road closures may be possible actions for the town to pursue if in an emergency. The town might also decide to seek a court order for immediate removal. Finally, if the town has been granted permission to remove an item from the road right of way, do not destroy the item without permission. That item is still the property owner's/occupant's personal property.

Q. What about individuals who plant in the road right of way?

A. State statute prohibits individuals from plowing, cultivating, or working within the road right of way that affects drainage. See Wis. Stat. § 86.021. According to Wis. Stat. § 86.021(2), anyone who is in violation of this statute is guilty of a misdemeanor. If convicted, the individual could face fines and possible jail time. Offenders would also be expected to pay the entire cost of restoring the ditch and/or highway to their former condition.

Wisconsin Towns Association Town Road School 2026

Chula Vista Resort and Conference Center
Wisconsin Dells, WI

Monday April 27 – Wednesday April 29, 2026

WHO: Local Government Elected Officials, Road Workers, Road Superintendents, Public Works Directors, Engineers, Contractors, anyone involved in constructing and maintaining town roads and village streets.

WHAT: Attendees will learn about specific products and techniques from the private sector. The plethora of new transportation programs, including Transportation Funding and Legislative Priorities, Transportation Plans, Paser Ratings, LRIP Updates, will be reviewed. Road workers will obtain flagger certification. A rich opportunity to network with fellow officials and service providers will be provided. Top all of that off with some fun, food, and support of the WTA scholarship program.

REGISTRATION: See form in magazine or register online at www.wisctowns.com. Registration deadline is April 3, 2026.

HOTEL RESERVATIONS: A room block is available at the Chula Vista. The hotel room reservation deadline is April 3, 2026. To make a room reservation, please contact the reservation department at (833) 459-5638. The booking ID number is L03884. The room block is reserved under the Wisconsin Towns Association (WTA). Room rates per night are \$101.00 single; \$129 double; \$239 for a 2-bedroom condo, \$369 for a 3-bedroom condo. To receive your tax exemption, please email billing@chulavistaresort.com and provide a copy of your tax exempt certificate and your confirmation number no later than several weeks prior to arrival.



AUCTION: WTA provides ten \$1,500 scholarships to Wisconsin graduating seniors annually. Have some fun and help support the program by participating or donating. The auction will begin at 5:00pm on Tuesday, April 28. Towns are encouraged to consider donating an item or a package of items of approximately \$50 in value that highlights your region of the state. Towns donating items will be recognized when your item is auctioned. For questions about the auction, please contact Gary Kennedy at 920-323-6500 or hwgk@gmail.com.

Wisconsin Towns Association Town Road School 2026

Chula Vista Resort and Conference Center - Wisconsin Dells, WI

Monday April 27 - Wednesday April 29, 2026

Registration

Register before April 3 - \$199.00 Town Official

Register before April 3 - \$125.00 Spouse/Guest

OR

Register after April 3 - \$299.00 Town Official

Register after April 3 - \$225 Spouse/Guest

Registration includes all meals, workshops and events.

Please select which you will attend below.

Name:

Office/Position:

Town:

County:

Spouse/Guest Name:

Address:

Email:

Phone:

Amount Enclosed: \$

<i>*Must be completed to register.</i>	Yes	No
Tuesday Breakfast		
Tuesday Lunch		
Transportation Service Provider Reception		
Wednesday Breakfast		

Mail completed form and payment to WTA, W7686 Co. Rd. MMM, Shawano, WI 54166

or



Register online at www.wisctowns.com.

Cancellation Policy:

Cancellations received 10 days or more in advance of the start of the meeting will receive a full refund less a \$15.00 administrative fee. Cancellations received less than 10 days in advance of the start of the meeting will be charged a \$15.00 administrative fee plus the cost of food. Refund requests submitted 30 or more days after the event will not be processed.



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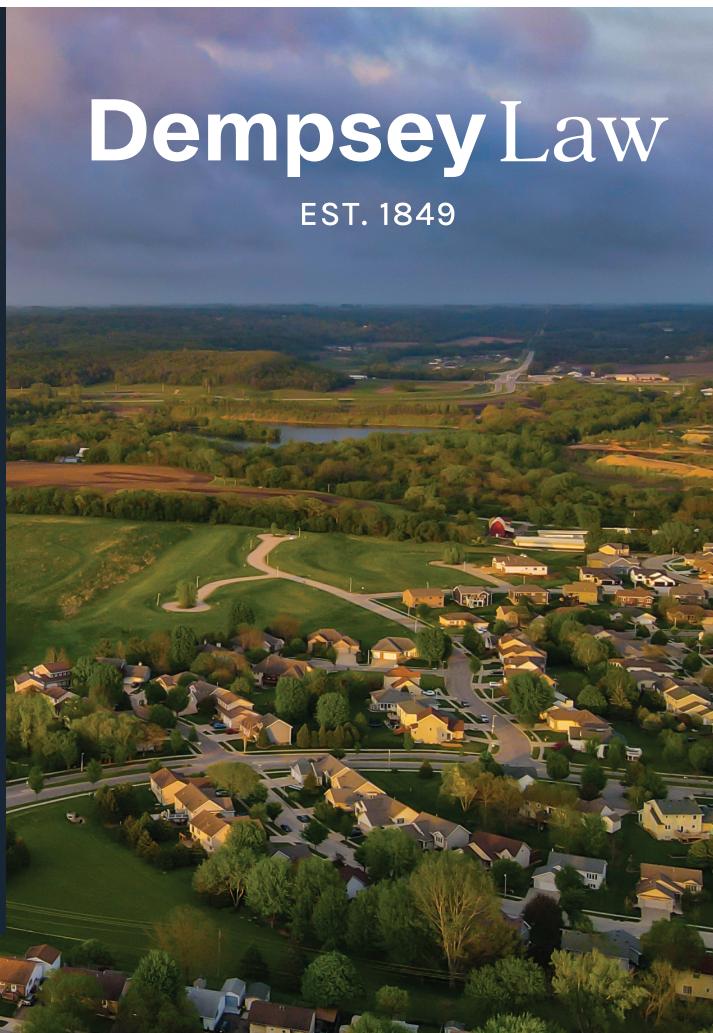
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INVENTORY AND MAPPING

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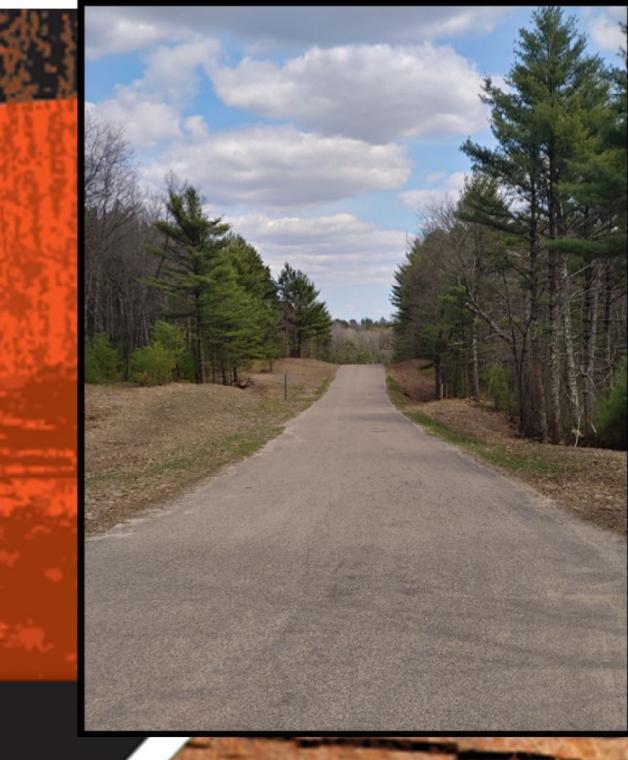
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