

Town says it doesn't have to clear Hwy. 33 walkways

Written by KRISTYN HALBIG ZIEHM
Wednesday, 13 February 2013 19:14

Officials contend legal opinion reaffirms claim that City of Port, Village of Saukville are responsible for snow removal

Town of Port Washington officials said last week that they are not responsible to clear the sidewalk and bike path along Highway 33 — a stance they have held for months.

An opinion from Town Attorney Steve Cain, based on information from the Department of Transportation, makes it final, officials said.

“The town isn’t responsible for it,” Chairman Jim Melichar said.

The City of Port Washington is responsible for maintaining the walkways east of Jackson Road, he said, while the Village of Saukville is responsible for the walkways west of Jackson Road.

“The city and the village signed off on it at the beginning of the project,” Melichar said, adding the agreement was signed years ago. “It was a benefit to them.”

The communities asked that the walkways be installed as part of the highway 33 project, and also agreed to maintain them as part of the agreement with the DOT, he said.

The DOT cited an agreement signed by both communities that says each shall maintain “sidewalks and landscaping features along the project.”

The county is responsible for plowing the road, but not clearing the sidewalks, DOT Maintenance Supr. Adrian Lopez told Cain in a letter that also outlined the city and village responsibilities.

The area in question is in the Town of Port Washington, where the bike path runs along the north side of the highway and the sidewalk on the south side.

Prior to the Highway 33 reconstruction, pedestrians had to walk on the gravel shoulder of the road.

Town officials have made it clear that they will not require residents to shovel the walkways.

The town does not have an ordinance requiring property owners to clear walkways, in large part because there are few sidewalks in the township, they noted.

But the city and village do have such ordinances.

The issue of clearing the walkways took on greater importance because town residents living along the highway no longer receive mail in boxes outside their homes. Instead, a large neighborhood mailbox has been installed near the driveway at Stevlin’s Hardware.

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City of Port Washington Administrator Mark Grams said the city is clearing the walkways on its portion of the road.

Saukville Village Administrator Dawn Wagner said, "The village staff is reviewing the additional information received and will be discussing it with the village attorney and Village Board."