



Powers of Municipalities FAQ 12

May a municipality plow snow from and spread salt on private roads, driveways, and parking lots?

Yes, subject to several important conditions.

A fairly substantial body of law exists addressing whether municipalities may plow snow from private property. Wisconsin Stat. § 86.105 expressly authorizes municipal governing bodies to enter into contracts to remove snow from private roads and driveways. However, there is also an attorney general opinion, 67 Op. Att’y Gen. 304 (1978), interpreting the extent of municipal authority under § 86.105, and a relevant Wisconsin Supreme Court decision invalidating a previously existing closely related statute, *Heimerl v. Ozaukee County*, 256 Wis. 151, 40 N.W.2d 564 (1949).

A review of this body of law strongly supports the conclusion that a municipality may, pursuant to § 86.105 and its statutory home rule powers, enter into a contract for plowing and salting private roads, driveways, and parking lots only if the following circumstances and conditions are in place:

- such work is necessary to provide ingress and egress to the public highway from the private property;
- the contract sets forth a fee schedule for the work to be performed and requires prepayment of the fee; and
- there are no private persons in the municipality willing and capable of performing such work.

(rev. 10/21)