

Town of Cary Wood County

Road Damage Repairs and Damage Cost Recovery

Effective Immediately June 11 2018

Authorized by Chair Town of Cary

This policy outlines the Statutory responsibility of the town to maintain roads in a manner to assure safe travel. The Town of Cary will bill the responsible party/parties for said costs to effect repairs. Unpaid bills will be settled in Small Claims actions.

The State Statutes list the penalties for Road damage (see below). The Town of Cary will effect any repairs to the road or ditch as necessary and will bill the responsible party/parties.

SS 86.02 Injury to Highway \*\*\*\* Any person who shall injure any highway by obstructing or diverting any creek or watercourse or sluiceway, or by dragging logs or timber thereon, or by any other act, shall be liable in treble damages, to be recovered by the political division chargeable with the maintenance of highway injured, and the amount recovered shall be credited to the highway maintenance fund.

SS 86.021 Highways, cultivation of; injury by farm machinery.

- (1) No person shall, within the limits of any public highway, plow, cultivate or otherwise work any lands in such a manner as to interfere with or obstruct the drainage in in any public highway ditch, nor shall any person operate any farm or other machinery on, over, along or across any public highway in such manner as to materially damage the said highway.
- (2) Any person who shall violate the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$10 nor more than \$50, or by imprisonment in the county jail not less than 10 days nor more than 30 days, and shall in addition pay the whole cost of restoring the ditch or highway, or both, to their former condition.