

ORDINANCE NO. 2023-1

AN ORDINANCE REGARDING WEIGHT LIMITS ON TOWN HIGHWAYS

The Town Board of the Town of Mackford in session duly begun on the 19th day of June, 2023, does hereby ordain as follows:

SECTION I – AUTHORITY; DEFINITIONS

Pursuant to §§ 349.15 and 349.16, Wis. Stats., the Town Board of the Town of Mackford, Green Lake County, Wisconsin, adopts this ordinance. The Town of Mackford adopts Ch. 348, Wis. Stats., in its entirety. Class “A” and “B” highway weight limitations shall be as defined therein.

SECTION II – HIGHWAYS DESIGNATED AS CLASS “B” HIGHWAYS; SIGNAGE; EXEMPTIONS

- A. All of the Town highways in the Town of Mackford are designated Class “B” highways subject to weight limits set forth in §348.16(2), Wis. Stats., unless increased by Town ordinance.
- B. The Town Chairperson, or his or her designee, shall place appropriate traffic signs on all of the Town highways on or before the effective date of this ordinance.
- C. In accordance with §349.17, Wis. Stats., heavy vehicles obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such a street or highway may not be prohibited from using roads restricted under this section. This section shall not apply to trucks pumping septic or holding tanks, public vehicles, garbage/recycling haulers, and emergency vehicles. The Town Board requires that exempt haulers take every precaution within their power to protect the roads while traveling within the Town of Mackford. This exemption in no way reduces or limits liability for damages to Town roads for these exempted parties.

SECTION III – SPECIAL OR SEASONAL WEIGHT RESTRICTIONS

- A. The Town Chairperson, or his or her designee, may impose special or seasonal weight limitations on any Town highway or portion thereof, which, because of weakness of the roadbed due to deterioration, climactic conditions or other special or temporary conditions, would likely be damaged or destroyed in the absence of such special limitations.
- B. The Town Chairperson, or his or her designee, may impose special or seasonal weight limitations on any Town bridges or culverts when in his or her judgment such bridge or culvert cannot safely sustain the maximum weights permitted by statute.
- C. Imposition of special or seasonal weight restrictions authorized by this section shall be done by erecting signs on or along the highway on which it is desired to impose the limitation sufficient to give reasonable notice that a special or seasonal weight limitation is in effect and the nature of that limitation. Imposition of special or seasonal weight limitations on bridge or culverts shall be done by erecting signs on each side of the respective bridge or culvert.
- D. This section shall not apply to trucks pumping septic or holding tanks, public vehicles, garbage/recycling haulers, and emergency vehicles.

SECTION IV – PERMIT REQUIREMENTS

A. Permits required.

1. Haulers of loads exceeding the weight limitations of a Class “B” highway may request a permit to exceed the imposed weight limits for travel on a Town highway. Permits can be applied for a single trip or for multiple trips. Permits are to be issued by the Town Chairperson or his or her designee.
2. The issuance of a permit does not in any way reduce or limit liability for damage to the Town highway for the permitted party, and all permitted parties are subject to the penalties of Section V of this ordinance.
3. A permit fee shall be paid prior to issuance of a permit as listed in the Town Fees and Licenses Schedule.

SECTION V – VIOLATIONS AND PENALTIES

- A. No person may operate any vehicle on highways as listed in Section II of this ordinance in violation of the weight limits set forth in §348.16(2), Wis. Stats. Upon conviction for a violation of this ordinance, the violator shall pay a forfeiture of not less than \$25 no more than \$500, plus the applicable surcharges, assessments, and costs for each violation. Each trip in violation of this ordinance constitutes a separate offense. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.
- B. Violations of special or seasonal weight restrictions or failure to obtain a permit shall be subject to a forfeiture of not less than \$25 no more than \$500, plus applicable surcharges, assessment, and cost for each violation. Each trip in violation of this ordinance constitutes a separate offense. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.
- C. The vehicle need not be physically weighed, nor must a precise weight of the vehicle be shown, to prove violation of this ordinance, provided that there is clear and convincing circumstantial evidence a violation existed. The manufacturer’s published empty weight of a vehicle shall be presumed to be the empty weight of a vehicle, in the absence of evidence to the contrary.

SECTION VI – SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION XIV – EFFECTIVE DATE

This ordinance shall become effective upon passage and publication or posting.

The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

Roll Call Ayes 3 Nays 0 Absent 0 Abstain 0

APPROVED this 19th day of June, 2023.

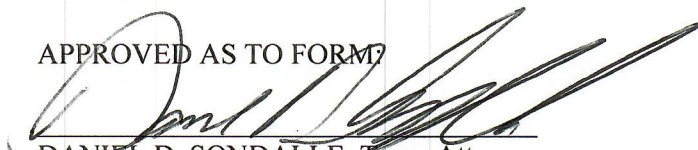
TOWN OF MACKFORD


Town Chairperson

ATTEST:


Town Clerk

APPROVED AS TO FORM:


DANIEL D. SONDALLE, Town Attorney

Published: 6-24-2023

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