

Ordinance No. 21-06

**AN ORDINANCE ESTABLISHING VEHICLE WEIGHT LIMITS ON
TOWN HIGHWAYS AND PROVIDING FOR PERMITS**

WHEREAS, the Town Board of the Town of Calumet, Fond du Lac County, Wisconsin, has the specific authority under ss. 82.03, 349.15 (2), and 349.16, Wis. Stats., to adopt this ordinance; and

WHEREAS, this ordinance is adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given.

THEREFORE, the Town Board of the Town of Calumet adopts the following:

Vehicle Weight Limitations

A. Designation of Class "B" Highways

1. The following town highways in the Town of Calumet are designated class "B" highways subject to the weight limits set forth in s. 348.16 (2), Wis. Stats., unless increased by town ordinance:
 - a. Kiel Road;
 - b. South Tower Road: Contingent upon approval of Town of Brothertown
 - c. South Town Hall Road: Contingent upon approval of Town of Brothertown
 - d. Calmar Road, from County Road W to County Road Q: Contingent upon approval of Town of Marshfield
 - e. Dorn Road: Contingent upon approval of Town of New Holstein
 - f. Johnsborg Road: Contingent upon approval of Town of Taycheedah
 - g. Saint Paul Road
 - h. Schoenborn Road
 - i. Schumacher Road
 - j. Town Hall Road
 - k. Weber Road
 - l. Artesia Beach Road
 - m. Buechel Road
 - n. Calumet Harbor Road
 - o. Camp Shaginappi Road
 - p. Highway 151 segments where speed limit is 35 mph (Pipe & Calumetville)
 - q. Koenigs Road
 - r. Korb Road
 - s. Lakeshore Drive
 - t. Lefeber Road
 - u. Nett Road
 - v. Roehrig Road

w. S. Washington Road
x. Sippel Road
y. Sunset Lane
z. Velvet Beach Road
aa. Zellner Road

2. The Highway Superintendent shall place appropriate traffic signs on the above-described highways on or before the effective date of this ordinance.

B. Special or Seasonal Weight Limits

1. The Town's designated Highway Superintendent is authorized and empowered to establish special and/or seasonal weight limitations to protect the Town's highways from serious damage or destruction due to weakness of the roadbed due to, deterioration or climatic conditions, including, but not limited to, the ground thawing in the Spring or other periods of excess ground moisture.
2. Pursuant to s. 349.16 (3), Wis. Stats., all of the following are exempt from special or seasonal weight limitations:
 - a. A vehicle that is used to transport material pumped from a septic or holding tank if, because of health concerns, material needs to be removed from a septic or holding tank within 24 hours after the vehicle owner or operator is notified and if the vehicle is operated for the purpose of emptying the septic or holding tank and disposing of its contents and is operated on a route that minimizes travel on highways subject to weight limitations imposed under section A. Within 72 hours after so operating a vehicle, the owner or operator of the vehicle shall notify the town board [or other authority in charge of maintenance of the town highways over which the vehicle was operated].
 - b. A vehicle operated by or at the direction of any of the following for the purpose of producing or furnishing heat, light, power, or water to its members, which is being operated for the purpose of responding to a service interruption:
 - i. A public utility, as defined in s. 196.01 (5), Wis. Stats.
 - ii. A telecommunications provider, as defined in s. 196.01 (8p), Wis. Stats.
 - iii. A cooperative association organized under ch. 185, Wis. Stats.
 - c. A vehicle being operated to deliver propane for heating purposes if the gross weight imposed on the highway by the vehicle does not exceed 30,000 pounds for a vehicle with a single rear axle or 40,000 pounds for a vehicle with tandem rear axles, and if the vehicle is a tank vehicle, the tank is loaded to no more than 50% of the capacity of the tank.

3. The Highway Superintendent shall erect signs as required under s. 349.16 (2), Wis. Stats., on or before the effective date of this ordinance and during periods when special or season weight limits apply.

C. Overweight Vehicle Permits

1. The Town's Highway Superintendent is hereby authorized to issue overweight vehicle permits allowing vehicles not otherwise exempt from the weight limits established in this ordinance to utilize Town highways. The Highway Superintendent shall not issue a permit until receiving a completed permit application and the appropriate fee according to the Town's overweight vehicle fee schedule.
2. Permits issued by the Highway Superintendent shall include the following:
 - a. A description of the vehicle including its license plate number and weight;
 - b. The highways, routes, and specific locations the vehicle will travel on or to;
 - c. Whether the permit is issued as a single trip or multiple trip permit;
 - d. The dates for which the permit is valid; and
 - e. The Highway Superintendent's signature.
3. The Highway Superintendent shall issue no-fee permits for any Category B implement of husbandry or Agriculture Commercial Motor Vehicle that exceeds 92,000 pounds gross vehicle weight.

D. Enforcement and Penalties

1. No person may operate a vehicle in violation of the weight limits set forth in ss. 348.15(3) and 348.16 (2), Wis. Stats., unless exempted from the weight limits by statute, or granted a permit by the Town's Highway Superintendent.
2. Any person convicted of violating the weight limits established by this ordinance or the weight limit set forth in a valid permit shall be penalized as follows:
 - a. If the weight exceeds the applicable limit by 1,000 pounds or less, a forfeiture of not less than \$50 nor more than \$100 plus the applicable surcharges, assessments, and costs for the first violation. Upon a second and each subsequent conviction within twelve (12) months, a forfeiture of not less than \$100 nor more than \$200 plus the applicable surcharges, assessments, and costs for each violation.
 - b. If the weight exceeds the applicable limit by more than 1,000 pounds, the forfeiture shall be computed based on the following schedule:

- i. For a first offense, not less than \$50 nor more than \$200 plus five (\$.05) cents for each pound of total excess load weight plus the applicable surcharges, assessments, and costs; or
 - ii. For a second offense and each subsequent conviction within twelve (12) months, not less than \$100 nor more than \$300 plus ten (10) cents for each pound of total excess load weight plus the applicable surcharges, assessments, and costs for each violation.
3. 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.

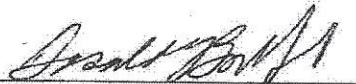
The town clerk shall properly post this ordinance as required under s. 60.80, Wis. Stats.

This ordinance is effective upon posting by the Town Clerk and the Highway Superintendent erecting signs in conformance with the Manual on Uniform Traffic Control Devices.

Adopted this 24th day of August, 2021.

Attest:


Jodie Goebel, Town Clerk


Don Breth, Town Chairman