

## TOWN OF DRAMMEN

### ORDINANCE NO: 2013-M3

WHEREAS the Town Board finds that use of Town Roads by heavy vehicles is harmful to said roads, and said harm is directly related to the number of heavy vehicles driven on Town Roads; and

WHEREAS the Town Board finds that such use of Town Roads would impose an inordinate and disproportionate tax burden on the taxpayers of the Town unless the Town Board acts to protect the Town Roads; and

WHEREAS the Town Board finds that frequent and unregulated use of Town Roads by heavy vehicles creates abnormal dangers to occupants of other vehicles, children entering or alighting from school busses, and persons operating farm machinery.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF DRAMMEN DOES ORDAIN AS FOLLOWS:

#### TOWN HIGHWAY WEIGHT ORDINANCE

- A. Damage to Highway. No person, shall, within the limits of any public highway, operate any vehicle or machinery of any sort, over, along, or across such highway so as to materially damage said highway.
- B. Designation of Highways. All Town Roads in the Town are hereby designated class "B" highways. If the Town Board finds that road conditions and other circumstances would permit its operation as a Class A Highway without undue wear on the highway, undue negative effects on safety, or undue negative effects on the organic, inorganic, and aesthetic environment of the highway, the Town Board may, by resolution, temporarily reclassify a highway to Class A.
- C. Permanent Weight Limits. No person, firm, corporation, partnership, or other entity (hereinafter caller the "operator") shall operate on any class "B" highway in the Town any vehicle or combination of vehicles imposing wheel, axle, group of axles, or gross weight on the highway exceeding 60 percent of the weights authorized in Section 348.15(3), Wisconsin Statutes, without a permit issued by the Town.
- D. Signs. The Town Board shall cause to be erected appropriate signs at locations recommended by the Wisconsin Department of Transportation informing the public of the weight limits in effect.
- E. Exceptions:
  - 1. Pickup or Delivery. Any motor vehicle whose operation is pickup or delivery, including operation for the purpose of moving

or delivering supplies, commodities or construction services to or from any farm, place of business or residence that has an entrance on a class "B" highway, may pick up or deliver on a class "B" highway without complying with the gross vehicle weight limitations in this Article. Such vehicles shall use the shortest possible route from or to a state or county highway.

2. By Agreement. The provisions of this Section may be modified by an agreement between the Town and any operator. Such agreement shall: (1) protect the interests of the Town, its residents, visitors, and taxpayers so the cost of construction, repair, maintenance, and reconstruction of any Town Road specified in the agreement does not exceed the cost of the road to the Town if said hauling had not occurred; and (2) protect the health and safety of persons within the Town from risks associated with hauling heavy loads in excess of those imposed above.
  - a. Such agreement shall provide for the construction, repair, maintenance, and reconstruction of any Town Road specified in the agreement, or used by the person for such heavy hauling contrary to the agreement, during and at the conclusion of the term of the agreement, at the expense of the person. Said agreement may address other matters such as the time and routes used for hauling, the condition of the vehicles which will do the hauling, and any other conditions necessary or convenient to achieve the protective goals of this paragraph. The Town board may reasonably exercise its discretion in determining with whom it shall contract and what shall be the terms of any such agreement.
  - b. Said agreement shall require the operator to provide financial assurance that it will pay to have the covered Town Roads repaired or reconstructed as called for under the agreement. Such financial assurance may, in the discretion of the Town Board, be in the form of a bond described in Paragraph H, below
  - c. Upon execution of said agreement by all parties to it, the Town Administrator shall issue a permit for the operation of vehicles of greater weights than otherwise permitted as provided for in the agreement.
3. Specific Vehicles. The reduced weight limits imposed by this chapter shall not apply to emergency vehicles, vehicles operated by a governmental authority, or vehicles carrying fuel, or milk commodities.
4. Harvest Transportation. Between May 1 and December 31 of each year, no permit shall be required for the transportation of crops grown in the Town from the field to storage on the grower's owned or leased land, from the field to initial storage at a location not owned or leased by the grower, from the field to initial processing, or from

storage to the purchaser, processor, or consignee of said crops.

5. Seasonal operation of vehicles hauling peeled or unpeeled forest products cut crosswise or abrasives or salt for highway winter maintenance. The transportation of peeled or unpeeled forest products cut crosswise or of abrasives or salt for highway winter maintenance in excess of gross weight limitations under s. 348.15 shall be permitted during the winter months when the highways are so frozen that no damage may result thereto by reason of such transportation. On the first day that conditions warrant their determination of such frozen condition and freedom of damage to such highways by transportation, the Town Board Chairperson shall declare particular highways as eligible for increased weight limitations, and each declaration shall be effective as of 12:01 a.m. on the 2nd day following the declaration. Such declaration shall include the maximum weight on each axle, combination of axles and the gross weight allowed. Any person transporting any such product over any highway of this Town under this section is liable to the Town for any damage caused to such highway.
- F. Temporary or Seasonal Road Limits. Whenever it appears by reason of deterioration, rain, snow or other climatic conditions that certain road will be seriously damaged or destroyed by vehicles weighing in excess of a certain designated amount, the Town Board Chairperson for a period not to exceed 120 days without Town Board authorization, may declare a temporary embargo whereby vehicles weighing in excess of an amount designated by the Town Board Chairperson, but not less than three tons, shall not be operated on the streets so designated by the Town Board Chairperson in a Class Two notice to be published in the official newspaper of the Town prior to the effective date of the temporary road weight limits. The temporary road weight limits may be restricted to certain designated streets or may be declared on a Town-wide basis applicable to all Town streets and highways.
- G. Overweight Permits. Upon good cause shown, the Town Board Chairperson may issue single trip or annual permits to exceed weight limits in the manner prescribed in Sections 348.26 and 346.27. The permits may be route specific or general and shall apply to only one vehicle, or combination of vehicles. A copy of the permit shall be carried in the permitted vehicle at all times; and shall be presented for review, upon demand of any law enforcement officer. No overweight permit shall be issued by the Town unless the applicant is also in full compliance with the provisions of Sections 348.25, 348.26, 348.27, and 348.28, Stats. Application for such permit shall be made on forms furnished by the Town, and must be accompanied by a non-refundable processing fee established by the Town Board. The amount of the fee shall be in addition to any fee specified in Section 348.25, Stats.

- H. Bond. Except when an operator has entered into an agreement pursuant to paragraph E.2. above, an applicant for a permit under this Article must file with the Town Clerk a bond in the amount determined by the Town Board Chairperson and in a form approved by the Town Attorney, to indemnify the Town for the entire cost of repairing or restoring any pavement, bridge, culvert, or other highway improvement that may be injured by reason of the use of the highways by the operator. Said bond shall be secured by one of the following: (a) a surety bond issued by a bonding company licensed to do business in the State of Wisconsin, (b) the pledge of a deposit of funds in a financial institution insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund, which is assigned in such a way that the Town can receive the funds without action or further consent of the operator, or (c) by an unconditional letter of credit from a financial institution insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. The amount of the surety bond, deposit or letter of credit shall be in the amount of the Town Board's estimate of the full cost of reconstructing those Town Roads on which the operator is permitted to travel, including the cost of construction, engineering, and administration, adjusted upward for estimated inflation between the time the bond is filed and the expiration date of the permit, plus the anticipated cost of penalties for early withdrawal and enforcement of the contract, bond, pledge or letter of credit.
- I. Violation of this Section is designated an unclassified offense and the deposit amount shall be established as follows:
1. For the first conviction, a forfeiture of not less than \$50 or more than \$200 plus an amount equal to whichever of the following applies:
    - a. One cent for each pound of total excess load when the total excess is not over 2,000 pounds.
    - b. Two cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
    - c. Three cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.
    - d. Five cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
    - e. Seven cents for each pound of total excess load if the excess is over 5,000 pounds.
  2. For the 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$300, plus an amount equal to whichever of the following applies:
    - a. Two cents for each pound of total excess load when the total excess is not over 2,000 pounds.
    - b. Four cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
    - c. Six cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds.

- d. Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
- e. Ten cents for each pound of total excess load if the excess is over 5,000 pounds.

- J. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.
- K. The provisions of this Ordinance are severable. If any part or provision of any section, clause, or provision hereof is invalid or if its application to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

Dated this 28th day of February, 2013.

\_\_\_\_\_ Town Chairman

\_\_\_\_\_ Town Clerk

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