

TOWN OF PLEASANT VALLEY
Eau Claire County, Wisconsin

ORDINANCE NO: 12-15-07
CHAPTER 6-PUBLIC WORKS AND INFRASTRUCTURE
ARTICLE - VEHICLE WEIGHT LIMITS

The following Article of the Code of Ordinances of the Town of Pleasant Valley is hereby created to read as follows:

WHEREAS the Town Board of the Town of Pleasant Valley, Eau Claire County, Wisconsin, (hereinafter called 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 roads located in Town of Pleasant Valley, Eau Claire County, Wisconsin (hereinafter called the “Town”) 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 PLEASANT VALLEY DOES ORDAIN AS FOLLOWS:

6.1 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.

6.2 Designation of Highways. Pursuant to s. 349.15 Wi Stats, the Town Board may designate any Town Road in the Town as a class “B” highway, when it is determined to be advisable because of deterioration of the roadway or because of increases in heavy traffic which may accelerate roadway deterioration. If so designated, 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.

6.3 Class “B” Weight Limits. No person, firm, corporation, partnership, or other entity (hereinafter called 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 Wisconsin Stats § 348.15(3), without a permit issued by the Town.

6.4 Exceptions to Class B Weight Limits:

(A.) 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.

(B.) By Agreement. The provisions of this Section may be modified by an agreement between the Town and any operator, group of operators, or person employing or contracting with one or more operators, collectively hereinafter called "the 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.

(1.) Such agreement shall provide for the construction, repair, maintenance, and reconstruction of any Town Road specified in the agreement, or used by the operator for such heavy hauling contrary to the agreement, during and at the conclusion of the term of the agreement, at the expense of the operator. 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.

(2.) 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 6.6(B), below

(3.) Upon execution of said agreement by all parties to it, the Town Chair shall issue a permit for the operation of vehicles of greater weights than otherwise permitted as provided for in the agreement.

(C.) Specific Vehicles. The reduced weight limits imposed by this Article shall not apply to emergency vehicles, vehicles operated by a governmental authority, or vehicles carrying energy resources, fuel, septage or milk commodities.

(D.) Harvest Transportation. Between September 1 and November 30 of each year, no permit shall be required for the transportation of corn, soybeans, potatoes, vegetables, or cranberries 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, or from the field to initial processing.

(E.) 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 Wis. Stats. § 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 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.

6.5 Temporary or Seasonal Road Limits. Whenever it appears by reason of deterioration, rain, snow, frost, thaw, 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 Chair, 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 but not less than three tons, shall not be operated on the roads so designated by the Town Chair when signs have been erected giving notice of such weight limitations, except when the vehicle is being operated under a permit expressly authorizing such weight limitations to be exceeded. The temporary road weight limits may be restricted to certain designated roads or may be declared on a Town-wide basis applicable to all Town roads, streets and highways.

6.6 Overweight Permits.

(A.) Upon good cause shown, the Town Chair may issue single trip or annual permits to exceed weight limits in the manner prescribed in Wi Stats § 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 Wi Stats. § 348.25, § 348.26, § 348.27, and § 348.28, Application for such permit shall be made on forms furnished by the Town, and must be accompanied by a non-refundable processing fee, which shall be the estimated cost to the Town of processing the application. The amount of the fee shall be shall be in addition to any fee specified in Wi. Stats. § 348.25.

(B.) Bond. Except when an operator has entered into an agreement pursuant to paragraph 6.4(B)2. above, an applicant for a permit under this Article must file with the Town Board a bond in the amount determined by the Town Board 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:

(1) a surety bond issued by a bonding company licensed to do business in the State of Wisconsin,

(2) 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

(3) 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.

6.7 Violation of this Section is designated an unclassified offense and the deposit amount shall be established as follows:

A. 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:

1. One cent for each pound of total excess load when the total excess is not over 2,000 pounds.
2. Two cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
3. Three cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.
4. Five cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
5. Seven cents for each pound of total excess load if the excess is over 5,000 pounds.

B. 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:

1. Two cents for each pound of total excess load when the total excess is not over 2,000 pounds.
2. Four cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
3. Six cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds.
4. Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
5. Ten cents for each pound of total excess load if the excess is over 5,000 pounds.

6.8 Conflicts All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

6.9 Severability Clause 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.

6.10 Effective date.

This ordinance shall take effect upon passage and publication by law.

Passed this 8th day of October 2012.

Town Board, Town of Pleasant Valley

Dan Hanson, Town Chairman

Dan Green, Town Supervisor

Douglas Nelson, Town Supervisor

Attested _____
Dale Welke, Clerk