

**TOWN OF MILTON
ORDINANCE NO. 2018-14**

SEASONAL WEIGHT LIMITATIONS ORDINANCE

WHEREAS, pursuant to Wis. Stat. §349.16, the Town Board of the Town of Milton is authorized to impose seasonal weight limitations on Town highways, the imposition of the limitations authorized to be done to be effected by erecting signs on or along the highway upon which such limitations are imposed in manner sufficient to give reasonable notice that a special weight limitation is in effect and the nature of that limitation; and

WHEREAS, the Town Board deems it expedient and necessary to establish seasonal weight limitations for use of Town highways;

NOW THEREFORE, the Town Board of the Town of Milton does hereby ordain as follows:

SECTION 1. Seasonal Weight Limitations. Where seasonal weight limitations are in effect the limitations shall be as follows:

<u>Size of Vehicle</u>	<u>Weight Limit Not to Exceed</u>
Single Axel Vehicle:	Eight (8) Tons
Tandem Axle Vehicles:	Thirteen (13) Tons
Any Combination of a Truck, Tractor or Trailer:	Eighteen (18) Tons

SECTION 2. Periods in Effect. The Town Board acting by and through the Town Chairperson, or his or her designee, shall from time-to-time, establish the specific dates between which seasonal weight limitations shall apply. The start date shall commence at 12:01 a.m. on the date specified as the beginning of the Seasonal Weight Limitation. The seasonal weight limitation period shall end at 11:59 p.m. on the end date so specified.

SECTION 3. Signs. The Town Chairperson or his or her designee shall cause to be erected signs as required by and in conformance with Wis. Stat. §349.16(2) declaring seasonal weight limitations to be then in effect.

SECTION 4. Designated Highways. Seasonal weight limits shall be established in the manner set forth in this Ordinance, on the following Town highways:

- Waumandee Creed Rd.

- Park St.
- Indian Creek Rd.
- Haney Dr.
- Bechly Rd.
- Conrad St.
- Badger Rd.
- Henry Ln.
- Pine St.
- Schlawin Rd.
- Kamrowski Rd.
- Prairie Moon Rd.

SECTION 5. Prohibition and Penalty. Where Seasonal Weight Limits have been imposed and the Town highway affected by such Seasonal Weight Limit restriction has been properly posted by sign required per Wis. Stat. §349.16(2), then no person may operate, nor may the owner of any vehicle allow to be operated, any prohibited vehicle having a weight in excess of the weight limits set forth in Section 1 above, without first obtaining special written permit issued by the Town Chairperson of the Town of Milton or his or her designee.

Any person operating a vehicle, or the owner of a vehicle, violating this Ordinance shall be subject to a forfeiture of not less than \$500, nor more than \$2,500, plus Court costs. Each violation shall be treated as a separate violation. By way of example, each trip or course of travel undertaken on a Designated Highway shall be deemed a separate offense. Both operator and owner shall be subject to separate citation for the same offending incident.

The Town Board may seek injunctive relief to enjoin further violations of this Ordinance. Such relief shall be in addition to any forfeiture prosecution.

SECTION 6. Exceptions. Pursuant to Wis. Stat. §349.16(3) all of the following are exempt from the weight limitation imposed under this Ordinance:

- 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 this Ordinance. Within 72 hours after so operating a vehicle, the owner or operator of the vehicle shall notify the Town Board.
- 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, that is being operated for the purpose of responding to a service interruption:

1. A public utility, as defined in Wis. Stat. §196.01(5);
2. A telecommunications provided as defined in Wis. Stat. 21 196.01(8p); and
3. A cooperative association organized under Wis. Stat. §185.


SECTION 7. Invalidity of Part Not Affecting Whole. If any Section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 8. Effective Date. This Ordinance shall take effect upon passage and publication as provided by law.

Passed and adopted this 17th day of April, 2018.

TOWN OF MILTON

By: 
Ben Adank, Town Chairperson

Attest: 
Kalene Engel, Town Clerk