

CHAPTER 20: ROADS

Section 28.02. Ordinance Establishing Special or Seasonal Weight Limits

The Town Board of the Town of Little Black, Taylor County Wisconsin has the specific authority under s.349.16, Wis. Stats., to adopt this ordinance.

The Town Board of the Town of Little Black, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the town to establish special or seasonal weight limits as follows:

A. The following seasonal or special weight limits shall be effective for the periods stated below on the following Town of Little Black, town roads, which are declared to be a class “B” roads under s.349.15(2), Wis. Stats.:

Weight Limits – 7500 pounds per axle

Dates – March 16 to November 30, each year

B. The town chairperson, or his or her designee, shall place appropriate traffic signs on the above-described roads on or before the effective date of this ordinance. Signs will be taken down from December 1 to March 15 of each year.

C. Except as provided by s. 348.17(5) and (6), no person may operate any vehicle on the above-noted roads, in violation of the above noted weight limits, without a written permit issued by the Town Board of the Town of Little Black and except as providing any surety as may be required by the Town Board for the repair of roads caused by such use. Any violations shall be subject to penalties under s.348.21, Wis. Stats.

D. To enforce the lower weight limits, the Town “officer in charge of maintenance of roads” may “order the owner or operator of any vehicle being operated on a road to suspend operation if in the official’s judgment such vehicle is causing or likely to cause injury to such road or is visibly injuring the permanence thereof or the public investment therein.” Wis. Stat. § 349.16(1)(c).

1. If the Town has no such officer, the Town Board can likely exercise these duties. See Wis. Stat. § 82.03(1)(a). “Traffic officers also may order suspension of operation under the circumstances and subject to the limitations in this paragraph.”

2. A “traffic officer” is defined as “every officer authorized by law to direct or regulate traffic or to make arrests for violation of traffic regulations and also includes, for purposes of enforcing s. 346.505 (2) or any local ordinance in conformity with s. 346.505 (2) or any prohibition established under s. 349.13 (1m), any person who is employed by a municipality or county and is designated by that municipality or county as authorized to enforce violations of s. 346.505 (2) or a local ordinance in conformity with s. 346.505 (2) or any prohibition established under s. 349.13 (1m).” Wis. Stat. § 340.01(70).

3. The Town “officer in charge of maintenance of roads” or any traffic officer who suspects that any vehicle is in excess of weight limits, shall direct that vehicle to the Medford Coop Feed Store located at Gravel Road to be weighed by that official. If found in violation the town will mail the ticket to the owner or driver of the vehicle within thirty days.

E. Penalties: The penalties available to impose depend on the violation. For example:

Violation	Penalty
Failure to suspend operation when directed to because of the damage the vehicle is causing or likely to cause to the road or the public investment therein (for special weight limits), or after being directed to stop to be weighed.	Not less than \$50 nor more than \$100 upon the first conviction, or not less than \$100 or more than \$200 for the second conviction in a 12-month period. Wis. Stat. § 348.21(2)(a).
Violation of Class A or Class B weight limits or weight limits in an overweight permit	If 1,000 pounds or less, same penalty as above. If more than 1,000 pounds overweight, forfeiture of \$50-\$200 plus an escalator depending on how far over the weight limit the load is. (1 cent/pound if not over 2,000 pounds, 3 cents/pound if between 2-3,000 pounds, etc., up to 15 cents/pound if over 5,000 pounds). Penalties are greater for 2nd and subsequent convictions within a 12-month period.
Violation of an overweight permit weight limit or permit condition	Depends on the violation and the permit conditions

This ordinance is effective on posting.

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

Town Board
Daniel C. Hoffman
Bryan Joehimsen
Chad J. Smith
Attest: Town Clerk

adopted this 2nd day of Aug 2019
Jann Smith