**TOWN OF ATLANTA**

**SPECIAL TOWN MEETING OF ELECTORS - HEARING FOR ROAD LIMITS/ORDINANCE HEARING MINUTES**

**DATE: November 14, 2024 TIME: 6:30 PM PLACE: Atlanta Town Hall**

Attendees: Steve Tiegs – Chairman, Roger Roehl – Supervisor, Dennis Draus - Chris McGinnis—Clerk, Vern Chandler

Non-electors: None

1. **Call meeting to order**. **Statement of proper noticing.** Steve Tiegs called the budget hearing to order at 6:30p.m. noting that the meeting had been properly noticed. (Posted at Town Hall, Post Office, and website)
2. **Review Regulation of Weight Limitations on Town Roads Ordinance. Chairman Tiegs read the Weight limitations attached.** Discussion by Vern Chandler on wording for final approval. (see below)
3. **Adjourn.** Motion by Roehl, seconded by Draus toadjourn meeting –motion carried. Meeting ended at 7:01 p.m.

*Prepared by Christine McGinnis*

**TOWN OF ATLANTA**

**RUSK COUNTY, WISCONSIN**

**REGULATION OF WEIGHT LIMITATIONS ON TOWN ROADS**

**ORDINANCE XXXX-XX**

The Town Board of the Town of Atlanta, Rusk County, Wisconsin does hereby ordain as follows:

**SECTION 1.0 PURPOSE**

The purpose of this ordinance is to protect the substantial capital investment placed in the Town roads and to minimize spending public funds for unnecessary repairs. It is also the purpose of this ordinance to maintain Town roads in the best possible conditions so as to promote and protect the health, safety, and welfare of Town residents and the users of such thoroughfares.

**SECTION 2.0 AUTHORITY**

The Town Board of the Town of Atlanta has the specific statutory authority, powers, and duties pursuant to ss 82.03 WI Statutes, to regulate the damage to roads.

**SECTION 3.0 DEFINITIONS**

1. ‘Person’ is defined an any natural person, driver, operator, principal, agent, lessor, lessee, employee, partnership, or corporation or its officers.
2. ‘Damage’ to highways shall be deemed to be any damage, adverse condition, or change in a Town road which causes or contributes to the need for repair or replacement of any portion of a Town road or highway, including asphalt, base, shoulder work, ditch work, culvert work, or bridge work, or any other damage to public property on or adjacent to a public road or right-of-way in the Town of Atlanta. In the event that this ordinance is complied with, it shall be the burden of the Town to establish that such damage has occurred. In the event that this ordinance is not complied with, the existence of damage to the highways at or adjacent to the alleged violator’s project or which occurs over the route of travel of the alleged violator’s vehicles, shall be presumed to have been caused by the alleged violator’s vehicles, unless such violator can establish otherwise.
3. ‘Town roads’ refers to all highways maintained by the Town of Atlanta.

**SECTION 4.0 WEIGHT RESTRICTIONS**

The Town Board may impose special or seasonal weight limitations on any Town road or portion thereof, which, because of weakness of the roadbed due to deterioration, climactic conditions or other special or temporary conditions would likely be damaged or destroyed in the absence of such limitations. The Town Board may impose special or seasonal weight limitations on any town bridges or culverts when in their judgment such bridge or culvert cannot safely sustain the maximum weight permitted by statute. Imposition of special or seasonal weight restrictions authorized by this section shall be done by erecting signs on or along the roadway on which it is desired to impose the limitation sufficient to give reasonable notice that a weight limitation is in effect and the nature of that limitation. Imposition of weight limitations on bridges or culverts shall be done by erecting signs on the nearest intersection on each side of the respective bridge or culvert.

**SECTION 5.0 PERMITTING**

 **- PERMITS:** Haulers of loads exceeding the weight limitations may request a permit to exceed the imposed weight limits for travel on a Town road. Each permit is for only a single trip. Permits are to be issued by the Town Chairperson or his/her designee. The issuance of a permit does not in any way reduce or limit liability for damage to the town road for the permitted party and all permitted parties are subject to the penalties of ss 495-70. A permit fee and deposit as determined by the Town Board shall be paid prior to issuance of a permit.

 **- APPROVAL PROCESS:** Permits will be obtained from the Town Clerk, filled out by applicants, and sent back to the Town Clerk with a copy of their insurance bond of not less than $1,000,000. The Town Clerk will send the request on to the Town Chairperson (and to the Town Chairperson’s designee if one has been appointed) for approval and signature. If approved, the Town Chairperson or designee will sign the permit and return it to the Town Clerk. If not approved, the unsigned document will be returned to the Town Clerk. The Town Clerk will contact the applicant w/ the signed permit or to let applicant know the permit was not approved.

 **- DETERMINATION OF DAMAGE:** After a permit has been issued, a Town Board member will inspect the roadway designated to be used by the applicant under the approved permit. Any failure of the Town Board to inspect the property shall not be a defense in any action to recover fines or damages under this section.

 **- NOTIFICATION:** A Town Board member will, within ten days after the end of the permit, notify the Town Clerk of a finding that no damage has occurred or send a notice to the Town Board of what damage has occurred. If there is no damage, the permit fee will be returned to the applicant. If there is damage the applicant’s fee will be forfeited and, in addition, the Town Board may seek reparations.

**SECTION 6.0 FINES AND FORFEITURES**

Violations of special or seasonal weight restrictions shall be subject to fines not less then $5,000 plus applicable surcharges, assessment, and cost for each violation. Each trip in violation of this article constitutes a separate offense. In addition the Town Board may seek injunctive relief from a court of record to enjoin further violations.

Vehicles need not be physically weighed, nor must a precise weight of the vehicle be shown, to prove a violation provided that there is clear and convincing circumstantial evidence a violation existed. The manufacturer’s published empty weight of a vehicle shall be presumed to be the empty weight of a vehicle in the absence of evidence to the contrary.

**SECTION 7.0 SEVERABILITY**

In the event that any portion of this ordinance is deemed to be unenforceable or is set aside by a court of law, then each and every remaining provision or clause to this ordinance, including separate sections as to fines and damages shall be deemed to be severable and shall remain fully enforceable as to such decision.

This ordinance adopted by the Town Board of the Town of Atlanta of this \_\_\_\_ day of \_\_\_\_\_\_, 20\_\_\_.

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Board Chairman Date

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Town Clerk Date