

ORDINANCE #2024-01

ORDINANCE ESTABLISHING MANURE TRANSFER EQUIPMENT PERMIT IN THE TOWN OF COOPERSTOWN, MANITOWOC COUNTY, WISCONSIN

The Town of Cooperstown is in charge of public highways within its jurisdiction.

And the Town Board is aware of the agricultural practices related to land application of manure involving the use of frac tanks, dump station, semi-tanker trucks and the need for their temporary location on public highways near the receiving fields; and

The Town deems it in the public interest to allow the temporary location of such manure transfer equipment in the right-of-way of public highways under limited conditions and subject to specific requirements as a cost-effective method of manure removal and application; and Chapter 6.14

It is necessary and in the public interest to regulate this procedure for the purposes of public health and safety.

Therefore, the Town Board of the Town of Cooperstown, Manitowoc County, Wisconsin, pursuant to Section 60.22, Wis. Stat. and its village powers and its statutory authority over the regulation of the public highways, do ordain as follows:

1. PERMIT REQUIRED

- (A) No person shall Locate Manure Transfer Equipment within the right-of-way without first obtaining a permit from the Town Highway Supervisor or designated Town Official.
- (B) An annual permit application shall be completed by the owner or operator of the Manure Source. The permit application can be obtained by contacting the designated Town Official. An administration application fee of \$100.00 is due per calendar year and prior to review. The Town's Clerk may also request additional information.
- (C) Each Permit shall expire on December 31st of the year of issuance.

2. RULES OF OPERATION. The Owner and Operator of the Manure Transfer Equipment for a Manure Source subject to a permit issued under this Ordinance shall comply with the following rules:

- (A) Notify the designated Town Official by phone at least 72 hours before each hauling event and within 3 days after a hauling event.
- (B) At the designated Town Official's request, the Operator shall have a listing and a road map of the locations of all possible manure transfer sites (i.e. where Manure Transfer Equipment may be placed before, during, and after transport) for review by the designated Town Official to determine if any changes or restrictions are necessary. Such required changes may include but are not limited to establishing and approving a transport route for loaded and empty trucks and combining as many fields to one transfer site to keep repairs and inconvenience to a minimum. Such restrictions required by the designated Town Official shall focus on improving traffic safety or road conditions. Such restrictions will be determined on a site-by-site basis.
- (C) Follow the Manual of Uniform Traffic Control Devices (MUTCD) for work zone signage and installation within the work zone. All signs shall be at least 48 inches x 48 inches with prismatic sheeting or higher-grade intensity, or such alternative signage approved by the designated Town Official.
- (D) Manure Transfer Equipment may be Located on the right-of-way when not in operation as long as it is properly marked, and such equipment does not extend into the roadway. However, no Manure Transport Equipment may be placed closer than 250 feet from an intersection unless proper MUTCD procedures for flagging are followed.
- (E) No more than two (2) manure transfer trucks, including the unloading truck, shall be located at a transfer site at any given time.

3. RESPONSIBILITY FOR DAMAGES. The Owner, Operator and Owner of the Manure Source shall be jointly and severally liable to the Town for all damages to the highway, right-of-way, including the travelled surface, edge of roadway, shoulder, and ditch for slope and back slope pursuant to s. 86.02 and s. 96.021, Wisconsin Statutes. Prior to utilizing the right-of-way under the Permit, the Owner and/or Operator shall notify the Town Board with photographs of any existing highway

and/or right-of-way damage. By failing to provide such notice, or satisfactory evidence of existing highway and/or right-of-way damage, all damages shall be presumed to be caused by the operating of the Manure Transfer Equipment pursuant to the Permit.

4. PENALTIES FOR FAILURE TO OBTAIN A PERMIT AND/OR FAILURE TO FOLLOW RULES.

The enforcement of the ordinance and all other laws and ordinances relating to Manure Transfer Equipment may be by means of one or more of the following: 1) the withholding of permits; 2) imposition of forfeitures; and/or 3) injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000 for each day of noncompliance.

5. PERMIT FEE AMENDMENT. The amount of the permit fee may be changed by resolution of the Town Board.

6. SEVERABILITY. The provisions of the Ordinance are severable. If any provision of this Ordinance is found to be void or unconstitutional by a court of competent jurisdiction, such a finding shall not affect the remaining portions of this Ordinance which will be deemed in full force effect.

7. EFFECTIVE DATE. This Ordinance shall be deemed adopted on February 13, 2024, and is effective upon publication or posting according to law.

8. DEFINITIONS.

- (A) LOCATE means to park or stop the Manure Transfer Equipment in any portion of the right-of-way, except for emergency purposes.
- (B) MANURE TRANSFER EQUIPMENT includes frac tanks and/or dump stations and semi-tanker trucks used for the application of manure on fields. Frac tank is a large heavy gauge steel tank pulled by a tractor to a site for the temporary storage of manure.
- (C) MANURE SOURCE is the farm that produces the manure subject to transfer.
- (D) MUTCD means the Manual of Uniform Traffic Control Devices.
- (E) OPERATOR means the person in charge of the operation of the Manure Transfer Equipment.
- (F) OWNER means the legal owner of the Manure Transfer Equipment.
- (G) RIGHT-OF-WAY means the right-of-way of all public highways under the jurisdiction of the Town of Cooperstown.
- (H) TOWN means the Town of Cooperstown, Manitowoc County, Wisconsin.

This ordinance is effective upon publication or posting.

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

Adopted this 13th day of February, 2024.

David Blakeslee, Town Chairman
Town of Cooperstown

Roll Call Vote of the Town Board:

Chairman David Blakeslee _____

Supervisor Nick Propson _____

Supervisor Fred Lemens _____

Supervisor Hank Kouba _____

Supervisor Anthony Shabler _____

I hereby certify that the foregoing resolution is a true and correct copy of the resolution duly enacted by the Board of the Town of Cooperstown, Manitowoc County, Wisconsin at a regular meeting held on the 13th day of February, 2024, and in testimony whereof, I have set my hand signature on the 13th day of February, 2024.

Dated: _____

Attested: _____

Susan Kornely, Town Clerk
Town of Cooperstown

TOWN OF COOPERSTOWN, MANITOWOC COUNTY

**MANURE TRANSFER EQUIPMENT
UNDER ORDINANCE 2024-01
ANNUAL APPLICATION**

Date: _____ Calendar Year: _____

Farm Name: _____

Address: _____

Contact Name: _____

Phone Number: _____

Custom Manure Hauler: Contact Name: _____

Phone Number(s): _____

Please make checks payable to: Town of Cooperstown

Application along with the administration fee of **\$100**,
should be mailed to: Town Clerk, 15911 County RD R, Maribel WI 54227

Questions or concerns please contact: Clerk (920)-660-8544 or
clerk@townofcooperstownwi.gov

TOWN CLERK _____ DATE _____

Please remember to scrape excess mud/manure off road, for safety and courtesy of other
drivers and neighbors.

Follow Road Closure and One-Way traffic instructions.

ORDINANCE NO. 2024-02

ORDINANCE ESTABLISHING RESTRICTED WEIGHT LIMITS IN THE TOWN OF COOPERSTOWN, MANITOWOC COUNTY, WISCONSIN

WHEREAS, the Town Board of the Town of Cooperstown has authority pursuant to Wis. Stats. 348.16 and 348.17 to impose weight restrictions on town roads used as thoroughfare; and

WHEREAS, roads used as thoroughfare in the Town of Cooperstown, have experienced damage due to repeated hauling of excessive weight on town roads, and

WHEREAS, Town officials have reviewed damages to these roads and believe that weight restrictions on the roads referenced herein are in the best interest of the health, safety, and welfare of town residents.

NOW THEREFORE, the Town Board of Cooperstown Manitowoc County, Wisconsin, by this ordinance, adopted on proper notice with a quorum, and by a roll call vote of a majority of the Town Board present and voting, ordains as follows:

Section 1. The following restricted weight limits shall be effective as of February 14, 2024, on listed Town of Cooperstown roadways: (Refer to Appendix)

Class B roads - maximum 24-ton (48,000 lb.) weight limit

No Trucks allowed roads - maximum 12-ton (24,000 lb.) weight limit.

Maximum 40-ton (80,000 lb.) weight limit on all remaining Class A town roads.

Special seasonal weight limits will be in place from March 1st through May 31st, subject to change.

Section 2. The Town chairperson, or his or her designee shall erect signage as required. Wis. Stats 349.16(2)

Section 3. No persons shall operate any vehicles on the above noted town roads, in violation of the above noted weight limits. A written permit issued by the Town of Cooperstown is required to operate over limits. Any violation shall be subject to penalties under Wis. Stats 348.21.

Section 4. The Town Clerk or designee is authorized to issue a **free permit** for repeated transportation of heavy loads in excess of specified weight limits in Section 1 above, provided that the permit applicant, provides financial security, that the permit holder will repair any damage caused to any town road by the permit holder or their agents.

Section 5. The Town Clerk shall properly post or publish this resolution as required under Wis. Stats 60.80.

APPENDIX

CLASS B Roads:

Zander Road -- Cty NN to Rosecrans Road
Greenstreet Road -- Marshek Road to Rosecrans Road
Hidden Valley Road – Marshek Road to Rosecrans Road
Keehan Road -- Cty Z to Hickory Grove Road
Radtke Road – Pleasant Road to Termini
Pleasant Road -- Schley Road to Cty R
Nachtwey Road – Zander Road to Townline
Herald Road -- Cty Z to Cooperstown Road
Hickory Grove Road – Rosecrans Road to Cty T

NO TRUCK Roads:

Fairhills Road -- Cty Z to Rosecrans Road
Kocian Road – Rameker Road to Cty NN
Rameker Road – Korinek Road to Cty NN
Pantzlaff Road -- Greenstreet Road to Pautz Road
Hostak Road – Greenstreet Road to Pautz Road
Pautz Road – Pleasant Road to Termini
Pleasant Road-- Cty R to Cty BB
Scanlan Road -- Cty BB to Johnson Drive
Cooperstown Road -- Cty R to Cty T
Frelich Road – Herold Road to Cty NN

This ordinance is effective on publication or posting.

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

Adopted this 13th day of February, 2024.

David Blakeslee, Town Chairman
Town of Cooperstown

Roll Call Vote of the Town Board:

Chairman David Blakeslee _____
Supervisor Nick Propson _____
Supervisor Fred Lemens _____

Supervisor Hank Kouba _____
Supervisor Anthony Shibler _____

I hereby certify that the foregoing resolution is a true and correct copy of the resolution duly enacted by the Board of the Town of Cooperstown, Manitowoc County, Wisconsin at a regular meeting held on the 13th day of February, 2024, and in testimony whereof, I have set my hand signature on the 13th day of February, 2024.

Dated: _____

Attested: _____
Susan Kornely, Town Clerk
Town of Cooperstown

TOWN OF COOPERSTOWN MANITOWOC COUNTY
OFFICE OF THE CLERK

PH: (920) 660-8544

Email: clerk@townofcooperstownwi.gov

Date

Enclosed is a copy of the Town of Cooperstown's Ordinance #2023-04 establishing restricted weight limits in the Town of Cooperstown, Manitowoc County, Wisconsin. Also enclosed is a copy of the permit application which should accompany your request to repeatedly haul on posted and paved Town roads.

A permit, issued by the Town Clerk, or designee is required for repeated hauling in excess of statutory (Wis. Stat.348) weight limits on posted or paved town roads in the Town of Cooperstown.

Applicants: must sign the enclosed permit accepting responsibility for any damage to any of the roads caused by the hauling activity.

Additional copies of the permit application can be found on the Town's website.

The Clerk or designee requires **NO LESS than 72 hours** notice to prepare a permit and evaluate the roads on which the excessive weight loads will be hauled. Failure to obtain a permit and haul in excess of weight limits on posted and paved town roads, a citation shall be issued for each day you haul on the towns posted/paved roads, plus damages.

Contact the Clerk at 920-660-8544 or email.

clerk@townofcooperstownwi.gov prior to the 72-hour deadline to acquire your permit.

Please remember to scrape any excess mud/manure off roads for the safety and courtesy of other drivers and your neighbors.

Sincerely,
Cooperstown Town Board

TOWN OF COOPERSTOWN MANITOWOC COUNTY
OFFICE OF THE CLERK

PH: (920) 660-8544

Email: clerk@townofcooperstownwi.gov

Date: _____

This permit, issued by the Town Clerk or designee, is required for hauling loads in excess of statutory (Wis. Stats. 348) weight limits, on town roads. The permit applicant will sign this contract accepting responsibility for any damage to any of the roads caused by the hauling activity.

The Clerk or designee requires NO LESS than 72 hours notice to prepare a permit and evaluate the routes on which the excessive weight loads will be hauled. The Town of Cooperstown has hereby given permission to: _____

to exceed statutory weight limits on

for the dates of _____
(route: provide list and map)

Any damage to the road is the financial responsibility of:

Person/entity responsible (print name) Person responsible (signature)

Name: _____ Address: _____

Signature: _____ Phone: _____

Name of Hauler: _____

**Town Clerk _____ Date: _____

****This permit is not valid if not signed by the Municipal Clerk**

**PLEASE REMEMBER TO SCRAPE ANY EXCESS MUD/MANURE OFF ROADS
FOR THE SAFETY AND COURTESY OF OTHER DRIVERS AND YOUR
NEIGHBORS**