

Ordinance No. 2015.01

An ordinance adopted by the Board of Supervisors of the Town of Lincoln, Bayfield County, Wisconsin, at its regular meeting of November 10, 2015, for the purpose of regulating heavy traffic on town roads.

*Section 1. Ordinance No. 98-1 is repealed.*

*Section 2. A new ordinance is created as follows:*

**WEIGHT LIMITATIONS AND HIGHWAY DESIGNATIONS**

**Sec. 1.01. Class B highway designation.**

(a) All highways maintained by the Town of Lincoln are designated class “B” highways pursuant to Sec. 349.15, Wis. Stats.

(b) Except as provided in Sec. 348.16, Wis. Stats, no person without a permit therefor shall operate on a class “B” highway any vehicle or combination of vehicles imposing wheel, axle, group of axels, or gross weight on the highway exceeding 60 percent of the weights authorized under Sec. 348.15(3), Wis. Stats.

**Sec. 1.02. Class B exception permits.**

(a) Permits to exceed the weight limits imposed under Sec.1.01 shall be applied for using the permit application form and process prescribed by the Wisconsin Department of Transportation, and shall be submitted to the Roads Foreman.

**Sec. 2.01. Implements of husbandry and agricultural commercial vehicles.**

(a) “Implements of husbandry” has the meaning provided in Sec. 340.01(24) Wis. Stats. “Agricultural commercial vehicles” has the meaning provided in Sec. 340.01(1o).

(b) This section applies to all highways under the Town’s jurisdiction for maintenance purposes.

(c) No implement of husbandry or agricultural commercial vehicle may exceed any of the weight limits imposed in Sec. 348.15(3)(b) or (3)(g), Wis. Stats., without a permit therefor.

**Sec. 2.02. Implements of husbandry and agricultural commercial vehicles exception permits.**

(a) Permits to exceed the weight limits imposed under Sec.2.01 shall be applied for using the permit application form prescribed by the Wisconsin Department of Transportation, and shall be submitted to the Roads Foreman.

(b) No fee shall be charged for a permit under this section.

(c) Upon application for a permit under this section, an approved route shall be provided to the applicant, which may include the use of highways outside of the Town’s jurisdiction if prior approval has been given by the entity with jurisdiction over such highways.

### **Sec. 3.01. Special or Temporary Limits.**

(a) The Town Roads Foreman, or the Town Board by resolution, may:

(1) Impose special weight limitations on any Town highway or portion thereof where, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary condition, the road would likely be seriously damaged or destroyed in the absence of such special limitations;

(2) Impose special weight limitations on bridges or culverts when such bridge or culvert cannot safely sustain the weights permitted by statute; and

(3) Order the owner or operator of a vehicle to suspend operation on a Town highway if such vehicle is causing or likely to cause injury to the highway or is visibly injuring the permanence thereof or the public investment therein, except when the highway is being used for a Wisconsin Department of Transportation detour or haul route pursuant to Sec. 84.20, Wis Stats.

(b) Exemptions. The following vehicles are exempt from any weight limitation imposed under Sec. 3.01(a)(1):

(1) Town vehicles, when being operated to promote the public health, safety, and welfare, such as (but not limited to) when performing road maintenance or plowing snow, or traveling to or from a locale to do so.

(2) Any vehicle transporting material pumped from a septic or holding tank if the material needs to be removed within 24 hours of when the owner or operator of the vehicle is notified, if the vehicle travels a route that minimizes travel on the highway subject to the weight limitation, and if the owner or operator of the vehicle reports the operation of the vehicle to the Town Roads Foreman within 72 hours after operating the vehicle.

(3) The Roads Foreman, or the Town Board by resolution, may authorize other exemptions for vehicles carrying commodities or performing services when reasonable and necessary to promote the public health, safety, and welfare.

(c) Signage. The Roads Foreman shall post appropriate signage as required by Sec. 349.16(2), Wis. Stats., whenever a special limit is imposed on any highway or portion thereof.

**4.01. Penalties.** Each violation of a provision of this ordinance shall be subject to a penalty as set forth in the Wisconsin Statutes, plus court costs and assessments.

**5.01. Severability.** If any portion of this ordinance is found invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

*Section 3. Effective Date and Duration.* Sections 1.01, 1.02, 3.01, 4.01, and 5.01 shall be in effect upon passage and publication. Sections 2.01 and 2.02 shall be in effect starting January 1,



2016. All sections of this ordinance shall remain in effect until modified or repealed by further action of the Town Board.

*Section 4. Delivery to Wisconsin Department of Transportation.* The Town Clerk shall forward a copy of this ordinance to the Wisconsin Department of Transportation.

Approved:

BOARD OF SUPERVISORS OF THE TOWN OF LINCOLN:

*Douglas D. Glaspie*

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Douglas Glaspie, Chairman

*Carol Seago*  
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Carol Seago, Supervisor

*Daniel Vaillancourt*  
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Daniel Vaillancourt, Supervisor

ATTEST:

*Mark Dryer*  
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Mark Dryer, Town Clerk

DATE OF PASSAGE:

*Nov 10, 2015*

DATE OF PUBLICATION:

*Dec 7, 2015*