

**TOWN OF COLBURN ADAMS COUNTY, WISCONSIN
ORDINANCE GOVERNING WEIGHT LIMITS
ORDINANCE NO. 2015-01**

The Town Board of the Town of Colburn, Adams County, Wisconsin, pursuant to secs. 348.15(9)(f), 349.15(2) and 349.16 of the Wisconsin Statutes, does ordain as follows:

A. Purpose

This ordinance is intended to help ensure the structural integrity of town highways and protect the taxpayers' investment in such highways.

B. Designation of Authority

Pursuant to sec 349.16 Wis Stats., the town chairperson is hereby designated as the officer in charge of maintenance of highways for the purpose of designating special or seasonal weight limitations on town highways. The designation of such limitations shall be based on weakness of the roadbed due to deterioration or climatic conditions or other special or temporary condition which would result in serious damage to or destruction of the roadbed in the absence of such limitations.

C. Consultation

Before designating special or seasonal weight limitations, the town chairperson is expected to seek advice from an independent consultant with experience in highway construction and maintenance.

D. Class "B" Designation

Pursuant to the authority delegated in sec. 349.15(2) Wis Stats., and subject to the special and seasonal weight limitations set pursuant to sec. B. herein, all town highways within the Town of Colburn, Adams County, Wisconsin, are hereby designated as Class "B" highway.

E. Class "B" Restriction

Except as provided for in sec 348.16(3) Wis. Stats., Or unless a permit has been issued pursuant to sec H. herein, no person may operate any vehicle on any Class "B" town highway in violation of the weight limits set forth in sec 348.16(2), Wis Stats.

F. Implements of Husbandry

1. Pursuant to sec. 348.15(9)(f) of Wis. Statutes, all implements of husbandry (including Category B implements of husbandry defined in sec. 340.01(24)(a)1.b.Wis. Stats.) may not exceed the weight limits imposed by sec.348.15(3)(G)Wis. Stats.
2. A no-fee permit may be applied for from the town to exceed the length and/or weight limitations on highways under its jurisdiction.
3. Pursuant to sec 348.27(19)(b)4m.a. Wis. Stats., in the event an application for a no-fee permit is made for a Category B implement of husbandry as defined in sec 340.01(24)(a)1.b.Wis. Stats., the town is required to provide an approval alternate route, which may include highways that are not under its jurisdiction of prior approval has been given by the jurisdiction over the alternate routes not under the town's jurisdiction for operation of Category "B" implements of husbandry.

G. Signs to Be Posted

Appropriate signs shall be posted giving notice to any weight limitation imposed pursuant to secs. B. and D. herein. The signage must comply with the Manual on Uniform Traffic control Devices.

H. Permits

The town chairperson, or chair's designee, may issue a permit to an individual to exceed any weight limit imposed pursuant to secs B. or D. herein. The exemption shall be in the form of a written permit and shall specify all to the following:

- A. The individual(s) who may exceed the weight limit.
- B. The vehicles(S) which may exceed the weight limit.
- C. The degree to which the weight limit may be exceeded.
- D. The town highway(s) on which the weight limit may be exceeded.
- E. The duration of the permit.
- F. The amount of security, if any, required in sec. J. herein

I. No-Fee Permits

The town chairperson, or chair's designee, is hereby authorized to issue the no-fee permits provided for in sec F.2. herein.

J. Security

As part of the permitting process under sec. H. herein, the town board chairperson, or his designee, may require the permit applicant to file a surety bond or some other security to ensure the repair of any damage to town highways associated with the use permitted. The type and amount of security shall be determined, in his sole discretion, by the chairperson or chair's designee based on the extent of the use permitted.

K. Penalty

Any person, firm or corporation violating any provision of the ordinance shall, upon conviction, be subject to a forfeiture provided for in secs.348.11 and 348.21 Wis. Stats.

L. Effective Date

Except for secs. F. and I., this ordinance shall be effective upon its publication pursuant to sec 60.80 Wisc. Stats. Secs. F.and I. shall be effective on January 19, 2015. A copy of this ordinance shall be forwarded to the Wisconsin Department of Transportation.

M. Severability

The provisions of this ordinance are severable. If any provision is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision.

Adoped this 13th day of January, 2015

Town of Colburn

_____ Chairman, Ted Borkowski

_____ Supervisor I James Gold

_____ Supervisor II Rod Hustad

Attest by Town Clerk

_____ Marcella Downing