

## ORDINANCE #11172021

### An Ordinance to Set Weight Limits on Certain Culverts and bridges in the Town

The Town Board of the Town of Poygan, Winnebago County, Wisconsin, has the specific authority under sections 82.03 and 349.16, Wis. stats., to impose special weight limits when in its judgment a bridge or culvert cannot safely sustain the maximum weights permitted by statute.

The Town Board finds that a number of the Town bridges and culverts are old and in a deteriorated condition and that they may not be able to safely bear the weight allowed by Class A highways, and that a special weight restriction is required on those bridges and culverts.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, establishes special weight limits as follows:

A. The special weight limits shall be effective on the Town of Poygan highway bridges and culverts as follows: Haase Road culverts between Eureka Road and 37<sup>th</sup> Avenue; Rushford Avenue bridge between Tritt Road and County Road D; Jacquis Road bridge between Quigley Road and the east town line; and Quigley Road bridge between Jacquis Road and County Road B.

B. The special weight limits shall be those of a Class B highway which is 60% of a Class A highway.

B. The town chairperson, the town board, or designee of the board or chairman, shall erect signs as required under s. 349.16(2), Wis. stats., on or before the effective date of this ordinance.

C. Except as provided in section D, no person may operate any vehicle on the above-noted highways in violation of the above-noted weight limits without a written permit issued by the Town Board of the Town of Poygan. Upon conviction for a violation of this ordinance, the violator shall pay a forfeiture of not less than \$50.00 nor more than \$200.00, plus the applicable surcharges, assessments, and costs for each violation. Each trip in violation of this ordinance constitutes a separate offense. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

D. Pursuant to s. 349.16(3), Wis. stats., all of the following are exempt from the weight limitations imposed under section A:

1. A vehicle that is used to transport material pumped from a septic or holding tank if, because of health concerns, material needs to be removed from a septic or holding tank within 24 hours after the vehicle owner or operator is notified and if the vehicle is operated for the purpose of emptying the septic or holding tank and disposing of its contents and is operated on a route that minimizes travel on highways subject to weight limitations imposed under section A. Within 72 hours after so operating a vehicle, the owner or operator of the vehicle shall notify the town board.

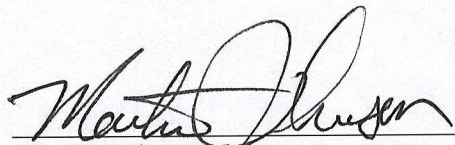
2. A vehicle operated by or at the direction of any of the following for the purpose of producing or furnishing heat, light, power, or water to its members, that is being operated for the purpose of responding to a service interruption:

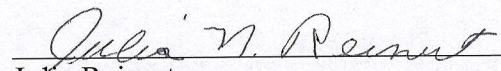


- a. A public utility, as defined in s. 196.01(5), Wis. stats.
- b. A telecommunications provider, as defined in s. 196.01(8p), Wis. stats.
- c. A cooperative association organized under ch. 185, Wis. stats.
3. A vehicle being operated to deliver propane for heating purposes if the gross weight imposed on the highway by the vehicle does not exceed 30,000 pounds for a vehicle with a single rear axle or 40,000 pounds for a vehicle with tandem rear axles, and if the vehicle is a tank vehicle, the tank is loaded to no more than 50% of the capacity of the tank.
4. The Sheriff of Winnebago County and the Sheriff's Deputies are authorized to enforce this ordinance. The Winnebago County Circuit Court is authorized to collect and retain forfeitures regarding this ordinance.
5. The effective date of this ordinance is December 1, 2021.

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

Adopted this 17th day of November, 2021.

  
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Martin Johnson  
Town Chairman

  
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Julia Reinert  
Town Clerk

Adopted: \_\_\_\_\_  
Published: \_\_\_\_\_