

O-08-02

Ordinance rescinded July 13, 2009

**Town of Stockton
WEIGHT LIMITS ORDINANCE
On Stockton Road
Portage County, Wisconsin**

Section I. Statement of Purpose

In the interest of public safety and the general welfare of Town of Stockton citizens, the Town of Stockton Board adopts weight limitations on Stockton Road. Except as otherwise specifically provided in the Ordinance, the statutory provisions in Chapters 348 and 349 of Wisconsin Statutes, describing and defining regulations with respect to vehicles and road weight limits, are hereby adopted and by reference are made a part of this Ordinance. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made a part of this Ordinance in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State of Wisconsin.

The Town of Stockton Board has noted the rapid deterioration of Stockton Road due to the heavy traffic. The Town commissioned an engineering study by Earth Tech. Based on the results of the study, in order to handle current capacity, the road would need to be rebuilt at the cost of approximately \$200,000 in 2008 dollars. Due to budgetary constraints the Town must preserve the current road until funds are available to improve it. The Town of Stockton Board has elected to preserve the current road by imposing weight limits on it.

The purposes of this ordinance are:

- A. To protect the financial investment of Town of Stockton citizens in Stockton Road with the intent of extending the life of the road.
- B. To ensure the safety of Town of Stockton citizens and others as they travel Stockton Road by vehicle or while walking, jogging, biking, and going about their daily lives.
- C. To continue to provide access to trucks going to and from Town of Stockton residences and businesses that has a need for goods and services delivered by trucks.
- D. To enable Law Enforcement personnel including the Portage County Sheriff's Department and the Wisconsin State Patrol to implement provisions of the ordinance by having a legally enforceable ordinance.

Section II. General Provisions

- A. In order to enforce weight limits on Stockton Road, the Portage County Sheriff's Department and the Wisconsin State Patrol require overweight vehicles to be stopped and asked to provide a reason for being over weight.

- B. Because of the deterioration of Stockton Road and the lack of a proper base, the Town of Stockton reserves the right to impose emergency restrictions on Stockton Road that becomes effective upon posting.

Section III. Weight Limitation

The Town of Stockton Board is responsible for designating town weight limits, therefore:

A. Year Around Limitation

The following special weight limits shall apply to Stockton Road.

Operation on Stockton Road is limited to a maximum of 12,000 lbs. Per axle,
not to exceed 60,000 lbs.total.

Examples:

Quad-axle (5 axles) x 12,000 lbs. / axle = 60,000 lbs.

Tri-axle (4 axles) x 12,000 lbs. / axle = 48,000 lbs.

- B. Seasonal (Spring) Weight Restrictions: During the Spring breakup, normally from early March to late April (six or seven weeks) the maximum weight permitted on Town of Stockton roads is 7 ½ tons.

Generally the Town of Stockton follows the Portage County Highway Department time table when imposing Spring weight restrictions.

Vehicles exceeding the 7 ½ ton weight restriction require a Weight Permit, not to exceed 60,000 lbs. total.

Section IV. Exception to Weight Limits

Certain vehicles are exempt from Town of Stockton, Stockton Road weight limitation except during the seasonal weight period. They are:

- A. Fire Department vehicles, Town of Stockton dump trucks when sanding, salting and plowing.
- B. Public utility vehicles when being driven to or from the site of any construction, repair, or maintenance of electric, gas or cable service located within the Town of Stockton.
- C. School buses picking up or delivering children to Town of Stockton residences.
- D. Garbage haulers contracted through the Town of Stockton to pick up garbage and/or recyclables.
- E. Septic haulers when pumping individual septic tanks in the Town of Stockton.
- F. Emergency vehicles when responding to crisis situations in the Town of Stockton.
- G. Milk haulers are allowed.

Section V. Administration

The Portage County Sheriff's Department and Wisconsin State Patrol shall enforce the ordinance. Citizens may assist in the implementation of the Ordinance by reporting alleged violations to Town of Stockton officials.

Posting of signs: Appropriate signs shall be procured, erected and maintained, giving notice of the Ordinance establishing special weight limitations and heavy truck regulations. The Town of Stockton Road Foreman shall erect signs in such locations and in such a manner as to carry out the purposes of the Ordinance and the corresponding Statutes sufficient to give reasonable notice to users of Stockton Road that a special weight limitation is in effect and the nature of that limitation.

Section VI. Violations

- A. **Forfeiture Penalty:** The penalty for violation of any provision of this Ordinance shall be a forfeiture as hereinafter provided together with the court costs and fees prescribed by sec. 814.63, stats., and other applicable statutes. Forfeitures for violations of any road weight limitation regulation set forth in the Wisconsin Statutes adopted by reference in Section I of this Ordinance shall conform to the forfeiture penalty for violations of the comparable state statute, including any variations or increases for subsequent offenses.
- B. **Suspension of operation:** The Town Board/Road foreman, or any traffic officer may order the owner or operator of any vehicle being operated on Stockton Road to suspend operation if, in its/his judgment, such vehicle is causing or likely to cause injury to such road or is visibly injuring the pavement thereof or the public investment therein.
- C. **Penalties:** In general, the forfeiture penalty relates to three factors; the pounds over the legal weight limit, the number of prior convictions and the time period that multiple convictions occurred. Example of forfeiture penalties include but are not limited to:
1. If 1000 pounds or less over allowable weight limit, a forfeiture of not less than \$50.00 nor more than \$100.00 upon conviction.
 2. If more than 1000 pounds over the allowable weight limit and for a second and each subsequent conviction within a 12 month period, a forfeiture of not less than \$100.00 nor more than \$300.00 plus 2 cents, 4 cents, 6 cents, or 8 cents for each pound of weight over the limit. If the excess is over 5,000 pounds the charge is 10 cents for each pound over the limit. See Section 348 of Wisconsin Statutes for complete schedule of penalties.

D. Injury of Stockton Road in addition to the example of forfeiture provision in C above, any person who shall injure any Stockton Road shall be liable for triple damages to be recovered by the Town of Stockton, and the amount recovered shall be credited to the Town's, Stockton Road Building Account.

Section VII. Review

The Town Board shall review this Ordinance and its implementation and report its findings at a meeting of the Town Board.

Section VIII. Severability

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town of Stockton Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section IX. Implementation Date

This Ordinance after approval by the Town of Stockton Board shall take affect October 13, 2008.

Michael Bronk Town Chairman

Jeanne Dodge Town Supervisor

ATTEST: Marie Helminiak Clerk

Jerry Piesik Town Supervisor