

TOWN OF GREEN VALLEY

ROAD & SIGN ORDINANCE

ORDINANCE # 2004-1

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Section 1. Title

This ordinance is prepared to establish and follow certain requirements, establish special and seasonal weight limits, speeds, and traffic control in the Town of Green Valley, Shawano County, Wisconsin; the Title of this Ordinance shall be the Town of Green Valley Road & Sign Ordinance.

Section 2. Purpose

Whereas, it is in the public interest for the Town of Green Valley, Shawano County, WI to establish and follow certain requirements for the use and speeds of the roadways in the Town of Green Valley as allowed by Wisconsin Statutes #81, #348, and #349, to provide for the safety and well-being of all that travel the Town roads, and to encourage wise use of the financial resources of the current and future residents of the Town and affected neighboring jurisdictions. The Town of Green Valley Town Board of Supervisors, in order to accommodate anticipated traffic and in an effort to prolong the life of the highway surfaces and roadbeds of the Town and protect the public investment in such highways and to establish the rate of speeds traveled on these highways;

Whereas, WI State St. 348 gives Towns the authority to establish permanent, special or seasonal weight limits on any highway which, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such limitations; and

Whereas, it is deemed expedient and necessary by the Town Board of Supervisors of the Town of Green Valley to regulate vehicle size, weight and loads on Town roads, and

Whereas, it is in the interest of public safety for the Town of Green Valley, Shawano County, WI to establish and follow certain requirements for the posting of highway signs and speeds, and to establish speed limits, as authorized by Wisconsin Statutes 346 & 349, for the safe travel and use of Town roads by the general public;

Be It Hereby Ordained, that The Town of Green Valley Town Board of Supervisors, in order to accommodate anticipated traffic, in an effort to prolong the life of Town roads, to prevent unnecessary damage to the roads of the Town, establish special and seasonal weight limits to prolong the life of the highways and roadbeds within the Town of Green Valley, to prevent accidents on the Town roads, and, allow the use of traffic control devices on any highway under the jurisdiction of the Town.

Also, in an effort to prolong the life of the highways and roadbeds of Town roads in the Town of Green Valley, to protect the public investment in all highways and roadbeds, and to further the wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions; as well as to promote the public safety by the wise use of traffic control devices as authorized by WI st. 346 & 349, hereby establish and promote the use of special & seasonal weight limits and traffic control devices.

Section 3. Authority

The Town Board of Supervisors of the Town of Green Valley has the specific responsibility and duty pursuant to s81.01 Wis. Statutes for the construction and maintenance of all Town Roads in the Town of Green Valley, Shawano County, WI; the Town Board of Supervisors also has the authority and obligation under Wis. Statutes 348 to establish and regulate traffic, size, weight and load limits on said Town highways in the Town of Green Valley, Shawano County, WI, where it is in the best interest of the citizens to protect the public investment in all highways and roadbeds of the Town, and to establish, through the use of traffic control devices, the speed limits and control traffic on the roads under the jurisdiction of the Town of Green Valley as authorized under WI st. 349; and the Town of Green Valley has the specific responsibility, pursuant to st. #348 to install and enforce traffic and speed control on all highways in the Town of Green Valley.

Now, therefore, the Town Board of Supervisors, of the Town of Green Valley, Shawano County, WI, hereby ordains as follows:

Section 4. Definitions

ATV: All-terrain vehicle" means an engine-driven device which has a net weight of 900 pounds or less, which has a width of 48 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed to travel on 3 or more low-pressure tires. A low-pressure tire is a tire, which has a minimum width of 6 inches, which is designed to be mounted on a rim with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed 6 pounds per square inch as recommended by the manufacturer.

ATV TYPE: rugged, all-terrain vehicle highly sought by police, fire and other emergency service organizations for a variety of applications, most notably off-road search and rescue as well as urban emergency utility transport. Usually, larger and more rugged than an ATV.

Abandoned Vehicle: a vehicle that is left unattended without the permission of the state, county or municipal agency for more than 72 24 hours is deemed abandoned and constitutes a public nuisance

Automobile – Type 1: a motor vehicle designed and used primarily for carrying persons but which does not come within the definition of a motor bus, motorcycle, moped or motor bicycle

Automobile – Type 2: a motor vehicle capable of speeds in excess of 30 mph on a dry, level, hard surface with no wind, designed and built to have at least 3 wheels in contact with the ground, a power source as an integral part of the vehicle, a curb weight of at least 1,500 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top which may be convertible.

Bicycle: every vehicle propelled by the feet acting upon pedals and having wheels any 2 of which are not less than 14 inches in diameter.

Bicycle lane: that portion of a roadway set aside by the governing body of any city, town, village, or county for the exclusive use of bicycles, electric personal assistive mobility devices, or other modes of travel where permitted under s. 349.23(2)(a), and so designated by appropriate signs and markings.

Camping trailer: a vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle.

Citation: document containing a call or summons due to a violation of ordinances or statutes

Class A Highways: all state trunk highways and connecting highways and those county trunk highways, town highways and city and village streets, or portions thereof, that have not been designated as class "B" highways pursuant to s. 349.15 (weight limit of 80,000 pounds)

Class B Highways: all those county trunk highways, town roads and city and village streets, or portions thereof, which have been designated as class "B" highways by the local authorities pursuant to s. 349.15. (weight limit of 48,000 pounds)

DOT: State of Wisconsin Department of Transportation

Electric personal assistive mobility device: a self-balancing, 2-nontandem-wheeled device that is designed to transport only one person and that has an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less

Emergency Vehicles: Vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Town Board.

Enforcement Officer: the State of Wisconsin Motor Carrier Enforcement Officers, Shawano County Sheriff's Department, Officer in Charge of Highway Maintenance, Town of Green Valley Chairperson, and/or the Town Board of Supervisors or their designee

Erect: to construct, manufacture, fabricate, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign or sign structure, but it does not include any of the foregoing activities when performed as customary maintenance of the sign or sign structure.

Farm Tractor: a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

Farm Trailer: a trailer or semi trailer with a gross weight greater than 3,000 pounds which is owned or leased and operated by a farmer and is used exclusively for the transportation of farm products from the owners farm to market or for the transportation of supplies to the owner's farm. As used in this subsection "leased" means that

the farmer has entered into a written agreement with a person in the business of leasing vehicles to lease the trailer or semi trailer for a period of one year or more.

Farm Truck: 1. a motor truck have a gross weight of less than 38,000 pounds that is owned or leased and operated by a farmer and used primarily for the transportation of supplies, farm equipment, and products on the owners farm or between his or her farms, the transportation of farm products from the owner's farm to market, and the transportation of supplies to his or her farm.

2. A motor truck having a gross weight of 38,000 pounds or more that is owned or leased and operated by a farmer and used exclusively for the transportation of supplies, farm equipment and products on the owner's farm or between his or her farms, the transportation of farm products from the owner's farm to market, and the transportation of supplies to his or her farm.

Gross weight: the weight of the vehicle equipped for service plus the weight, which the vehicle is carrying as a load.

Heavy Traffic: vehicles in excess of 48,000-pound weight

Highways: All public ways and thoroughfares and bridges on same - all roads, streets, highways- for the purpose of this ordinance, these terms are interchangeable - including the right of ways. It includes the entire width between the boundary lines of every way open for the use of the public as a matter of right for the purposes of vehicular travel.

Highway Encroachments: Any unauthorized object located partially or wholly within the highway right of way. Clearing public highway right of ways of obstacles prevents distraction that could cause a crash. Encroachments include but are not limited to: trees, buildings, signs, fences, walls, poles, posts, pillars, farm crops, and even motor vehicles

In-line skates: skates with wheels arranged singly in a tandem line rather than in pairs.

Install: Same meaning as erect. These terms are used interchangeably in this ordinance

Intersection: the area embraced within the prolongation or connection of the curb lines or, if none, then within the boundary lines of the roadways of 2 or more highways which join one another at, or approximately at right angles, whether or not one such highway crosses the other, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

Issuing Authority: means the Department of Transportation, the Town Chairperson, or the Town Board of Supervisors, or their designee

Junked: dismantled for parts or scrapped

Junked vehicle: 1. a vehicle which is incapable of operation or use upon a highway and which has no resale value except as a source of parts or scrap
2. a vehicle for which an insurance company has taken possession of or title to if the estimated cost of repairing the vehicle exceeds its fair market value.

Local Authorities/Local Official: every county board, city council, town board, village board or other local agency having authority under the constitution and laws of this state to adopt traffic regulations.

Manufacturer: a person who manufactures or assembles motor vehicles, recreational vehicles, trailers or semi-trailers, or who manufactures or installs on previously assembled truck chassis special bodies or equipment which when installed form an integral part of the motor vehicle and which constitutes a major manufacturing alteration.

Mobile Home: a vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used or intended to be used, primarily for human habitation, with walls or rigid uncollapsible construction.

Moped: any of the following motor vehicles capable of speeds of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind, excluding a tractor, a power source as an integral part of the vehicle and a seat for the operator.

1. A bicycle-type vehicle with fully operative pedals for propulsion by human power and an engine certified by the manufacturer at not more than 130 cubic centimeters or an equivalent power unit.
2. A Type 1 motorcycle with an automatic transmission and an engine certified by the manufacturer at not more than 50 cubic centimeters or an equivalent power unit

Motor Bicycle: a bicycle to which a power unit not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator.

Motorcycle: a motor vehicle, excluding a tractor or an all-terrain vehicle, which is capable of speeds in excess of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind, with a power source as an integral part of the vehicle, and which meets the conditions under par. (a) or (b):

a. Type 1:

1. a motor vehicle which is designed and built with 2 wheels in tandem and a seat for the operator, and may be modified to have no more than 3 wheels by attaching a sidecar to one side of the wheels in tandem without changing the location of the power source.
2. Is designed and built to have no more than 3 wheels, seating for the operator and no more than 3 passengers, and does not have the operator area enclosed

b. Type 2:

A motor vehicle designed and built to have at least 3 wheels in contact with the ground, a curb weight of less than 1,500 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top which may be convertible.

Motor Home: a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

Motor Vehicle: A vehicle, including a combination of 2 or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. Includes, without limitation, a commercial motor vehicle or a vehicle, which is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile and an all-terrain vehicle shall only be considered motor vehicles for purposes made specifically applicable by state statute.

Official Traffic Control Device: All signs, signals, markings and devices, not inconsistent with chs. 341 to 349 of Wisconsin Statutes placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic; and includes the terms 'official traffic signs' and 'official traffic signal'.

Operator: a person who drives or is in actual physical control of a vehicle.

Owner: a person who holds legal title of a vehicle, except that if legal title is held by a secured party with the immediate right of possession of the vehicle vested in the debtor, the debtor is the owner for the purposes of this ordinance and for the purposes of chs 340 to 349 of Wisconsin Statutes.

Pedestrian: any person afoot or any person in a wheelchair, either manually or mechanically propelled, or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person, but does not include any person using an electric personal assistive mobility device.

Permit: multiple trip oversize or overweight permits authorized under st. 348.27(2)

Play Vehicle: A coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

Recreational Vehicle: a mobile home that does not exceed the statutory size under 348.07(2) ie: 45 feet for mobile homes and motor buses

Right of Way: an area adjacent to the roadbed under the control of the municipality – the privilege of the immediate use of the roadway

Roadway: that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel. The portion of the highway improved, designed or ordinarily used for vehicular travel. For the purpose of this ordinance, this is interchangeable with highways and streets and includes the right of ways

Seasonal Use Permit: means temporary permit for travel during temporary periods of special weight limitations on any Town road or portion thereof.

Single Use Permit: means permission for ONE trip of an overweight vehicle on any specified Town roads as designated by the permit and/or designated truck route. Permit is good for 14 days

Snowmobile: engine-driven vehicle that is manufactured solely for snowmobiling, that has an endless belt tread and sled-type runners, or skis, to be used in contact with snow, but does NOT include such a vehicle that is any of the following:

A vehicle that has inflatable tires

A vehicle that is driven by a motor of 4 horsepower or less and that is operated in sanctioned races, derbies, competitions or exhibitions or only on private property.

Traffic: Pedestrians, ridden, or herded or driven animals, vehicles, and other conveyances either singly or together while using any street, road or highway for purposes of travel.

Traffic Control Device: Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic; and includes the terms "official traffic sign" and "official traffic signal", "traffic control signal", traffic control device".

Traffic Signs: Any device, marker, signal or sign warning or regulating traffic, indicating crosswalks, safety zones, traffic lanes, regulating or restricting turns, indicating method of turns, zones of quiet, play streets, loading zones, carrier stands, parking limitations, stop signs, speed regulatory signs, placed or erected by authority of the Town Board or by an authorized official is hereby declared to be an official traffic sign.

Truck Route/Designated route: route specifically designated by the Town Chairperson, Town Board of Supervisors or their designee, whereby heavy traffic is directed in an effort to offer the least amount of damage to the Town roads. For the purpose of this ordinance, these terms are interchangeable

Uniform Traffic Control Device: All signs, signals, and pavement markings as indicated in the Federal Highway Administration (FHWA) MUTCD, which contains all national design, application, and placement standards for traffic control devices. The purpose of these devices is to promote highway safety, efficiency, and uniformity so that traffic can move efficiently on the Town's roads, streets and highways. State of Wisconsin and Town of Green Valley Town Chairperson or their designee select, install, operate, and maintain traffic control devices on all roadways per FHWA

Vehicle: This means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile or electric personal assistive mobility device shall not be considered a vehicle except for the purposes made specifically applicable by State Statute.

Section 5. State Traffic Laws Adopted

Except as otherwise specifically provided in this chapter, and pursuant to the authority granted in Section 340 to 349 of the Wisconsin Statutes, the Town Board of Supervisors of the Town of Green Valley does hereby adopt Chapter 348 of the Wisconsin State Statutes which deals with vehicle size, weight and load restrictions, and Chapter 346 which deals with Alternative Forms of Transportation, and Chapter 349 which deals with Uniform Traffic Control Devices, to be applied on all town roads in the Town of Green Valley.

Per Wisconsin state Statutes #348.27, the Wisconsin Department of Transportation may issue annual or consecutive month statewide permits to licensed mobile home transport companies and to licensed mobile home manufacturers and dealers authorizing them to transport oversize mobile homes over any of the highways of the state in the ordinary course of their business.

Section 6 Highway Designation

Highways designated as Class "B": All Town roads within the Town of Green Valley, Shawano County, Wisconsin are hereby designated Class "B" highways subject to the weight limitations imposed on Class "B" highways by the Wisconsin Statute #348 and #349 adopted by reference in Section Seven of this Code, except for the following enumerated highways or parts of highways:

- a. State Highway 22, unless otherwise designated by the State of Wisconsin
- b. State Highway 32, unless otherwise designated by the State of Wisconsin
- c. County Road BB, unless otherwise designated by Shawano County
- d. County Road C, unless otherwise designated by Shawano County
- e. County Road E, unless otherwise designated by Shawano County

Section 7. Heavy Traffic Routes

Pursuant to Wis. Statute #348.16, the roads maintained by the Town of Green Valley are designated Class B highways, and pursuant to Wis. Statute #349.15, no person shall operate any vehicle or combination of vehicles imposing wheel, axle, group of axles or gross weight on any Town Highway which exceeds 60% of the weight limitations for Class A highways as set forth in Wis. Statute #348.15(3)(c).

This ordinance includes the authority to impose permanent, special or seasonal weight limits on any highway, bridge, or culvert maintained by the Town of Green Valley to prevent injury to the roadway or for the safety of the users or the Town of Green Valley of such highway, bridge or culvert and shall be responsible for erecting Uniform Traffic Control Devices giving notice thereof in accordance with this code.

1. Heavy Traffic Routes

The Town Board of Supervisors of the Town of Green Valley, Shawano County, Wisconsin, hereby designates all County and State Highways located in the Town of Green Valley as Heavy Traffic Routes through the Town. These include State Highway 22, State Highway 32, County Highway BB, County Highway C and County Highway E.

2. The Town of Green Valley shall develop and implement a system for designating the route to be traveled by a vehicle for which a permit is issued (under WI s. 348.26 or 348.27).

Section 8. Incidental/Accidental Road Damage

In the event of damage to the road or right of way due to accident or negligence, full compensation will be required from the party at fault for repair of the damage. The Town Board Chairperson or designee shall determine an incident of damage.

Section 9. Road Side Memorials

The Town of Green Valley understands the need some people have to express their grief by placing memorials along a roadside. Roadside memorials are not appropriate on Interstates and freeways where pedestrians are prohibited by law.

Roadside memorials will be removed if they present a safety hazard, if it negatively impacts the free flow of traffic, or if it would be a hazard if hit; also, if it interferes with normal highway maintenance, if a complaint is received, or if it falls into disrepair.

The Town of Green Valley strongly encourages grieving parties who wish to place a roadside memorial near the site of a fatal crash to work with an adjoining landowner to designate an appropriate location, off the road's right of way, for placement of a memorial.

The public right of way needs to be retained for only public use and may offer a longer-term alternative to a temporary roadside memorial.

A new policy developed by the Wisconsin Department of Transportation clarifies that roadside memorials may be allowed to remain in place for up to a year, if they don't interfere with roadway and right-of-way maintenance, are not a safety hazard, or if no complaint is filed. In addition to allowing roadside memorials to remain in place for up to a year, if they don't interfere with safety or maintenance or if no complaint about it is filed, the Wisconsin DOT will allow friends and family to adopt a two-mile-long highway segment under the Adopt-a-Highway program. That may allow friends and family, subject to availability, to adopt a highway segment near the crash site in the name of the deceased.

Section 10. Insurance/Bonding Required

The purpose of this section is to prescribe the requirements of liability insurance policies and surety bonds. Proof of insurance or a bond must be received prior to the issuance of the permit, unless the issuing authority

expressly waives this requirement in writing. Carriers are required to have the proper amounts of liability insurance and must obtain an oversize/overweight permit before operating.

In applying for and accepting a permit, a permittee agrees to:

1. Pay any claim for any bodily injury or property damage resulting from the operation under the permit for which the permittee is legally responsible.
2. Hold the state and Town of Green Valley, their subdivisions, officers, employees and agents harmless from any claim, which may arise from operation over public highways under its permit.

The permittee shall be liable for all damages which any highway or its appurtenances may sustain by reason of any operation under the permit. The permittee shall agree to pay any claim for any bodily injury or property damage resulting from operation under the permit for which the permittee is legally responsible.

An issuing authority may waive insurance requirements for permits issued to governments

The following insurance amounts are required under DOT #255.14 (6)

- a. When the permitted load does **not** exceed the weight limit by 25%:

Bodily injury liability-each person	\$150,000
Bodily injury-each accident	\$450,000
Property Damage liability-each accident	\$300,000
- b. When the permitted load exceeds the limits in par (a)

Bodily injury liability-each person	\$200,000
Bodily injury-each accident	\$600,000
Property Damage liability-each accident	\$400,000

A permittee shall certify; and may be required to present satisfactory written evidence, that the amount of insurance coverage given in par (a) and (b) above, or a bond in a form satisfactory to the issuing authority, will be in effect for the vehicle and load designated in the permit while operating on the Town roads, unless this requirement is expressly waived by the issuing authority.

The person or agency authorized to issue permits, may require the permittee to file a bond, certificate of insurance or certified check, to the satisfaction of such person or agency. This is to hold the state and the town harmless from any claim, loss or damage that may result from the granting of such permit or that may arise from or on account of any act done pursuant thereto and conditioned to require the permittee to pay for restoration to a condition satisfactory to the officer in charge of the maintenance of said highway, pavement, bridge, culvert, sewer pipe or other improvement that may be injured by reason of the use of the highways by the permittee. If a permittee refuses to pay for damage caused, the person or agency that required the filing of a bond may maintain an action upon such bond. [Per WI s. #348.25(5)]

Any bond filed with the Town under this section shall contain a clause stating that the bonding company shall notify the Town of Green Valley at least 30 days prior to the effective date of any suspension, revocation or cancellation of a bond. No suspension, revocation or cancellation of a bond under this section is effective until 30 days after the date it is received by the Town of Green Valley.

In lieu of a bond, an applicant may deposit a sum of money not less than twice the total fees, which the applicant estimates, may be incurred in any calendar month. The deposit may be in the form of cash, certified check, cashiers check, corporate check or personal check. The invoice and payment provisions apply to an applicant utilizing this subsection. A deposit made under this subsection shall be returned to the applicant upon the applicant's request, less any unpaid invoices. An applicant's authority to use the telephone procedure shall be immediately terminated upon the Town's receipt of a request for the return of the deposit.

A certificate of insurance required under this chapter shall recite that the insurer has issued to the named insured a policy of insurance containing an automobile bodily injury and property damage liability endorsement

covering the obligations imposed on the named insured under this chapter.

Except as provided, the certificate of insurance shall be made on FORM E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance.

Section 11. Road posting

Posting of the restrictions shall be by erecting signs on or along the highways entering the Town of Green Valley or coming off a County or State highway, sufficient to give reasonable notice that a weight limitation is in effect and the nature of that limitation on all Town roads, pursuant to the adoption of Chapter #348 of the Wisconsin Statutes, or along the specific roads that have the special and seasonal weight restrictions. Appropriate signs posted at the road entrances and exits to indicate the road weight limitations and said limitation shall appear in pounds or tons on each sign to give reasonable notice to anyone entering the Town as to the specific weight requirements.

Section 12. Special and Seasonal Posting

Special:

- A. Per WI Statute #348.17, no person, whether operating under a permit or otherwise, shall operate a vehicle in violation of special weight limitations imposed by state or local authorities on particular highways, highway structures or portions of highways when signs have been erected as required by S. #349.16 (2) giving notice of such weight limitations, except when the vehicle is being operated under a permit expressly authorizing such weight limitations to be exceeded.
- B. The Town Chairperson, Officer in Charge of Highway Maintenance, or their designee, is empowered to exercise the authority granted by Wis. Statute #349.16(1) to impose temporary special weight limitations on any Town road or portion thereof, which, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such special limitations. Such temporary gross weight limitations shall not be less than five tons.
- C. Imposition of the special weight limitations authorized in paragraph (a) above shall be done by publishing notice in the officially designated Town newspaper, or by erecting signs on or along the highway on which it is desired to impose the limitation sufficient to give reasonable notice that a special weight limit is in effect and the nature of that limitation.
- D. The Town Chairperson or their designee is further empowered to exercise the discretion authorized by Wis. Statute 349.16(3), to exempt vehicles carrying certain commodities such as septage and fuel from the limitations imposed by par (a) above or to set different weight limitations than those imposed by par (a) above for vehicles carrying such commodities if, in the judgment of the Chairperson, the exemption or limitation is reasonable and necessary to promote the public health, safety and welfare. The permittee shall agree in writing to reimburse the Town of Green Valley for any damage to a Town road or highway.
- E. Whenever the operator of a vehicle is ordered by the officer or agency in charge of maintenance or by a traffic officer to suspend operation of such vehicle because of the damage such vehicle is causing or likely to cause to the highway or the public investment therein, the operator shall forthwith comply with such order (WI s. #348-17 2).

Seasonal:

During the period from December 1st to May 1st of every year, highways in Wisconsin must withstand an extreme range of moisture and temperature conditions from -30 F. to +70 F. These varying conditions affect the structural strength of the pavements and the base materials under the roadway. The State of Wisconsin grants authority to local authorities to determine when local roads are either frozen or thawing and whether sections should be posted for weight limitations.

In accordance with Wisconsin Administrative Code Chapters TRANS 254.06(2) and TRANS 255.06(2) and Wisconsin Statutes #348-26(2) and 348.27(2), the DOT may restrict travel of vehicles with overweight permits on certain (Class II) roads due to the unstable condition of the roadway sub grade during the period when frost is leaving the ground. Pursuant to Wis. Stats. § 348.17, the Town Chairperson is authorized to seasonally restrict the gross weight of vehicles on designated town highways, or portions thereof, whenever the public interest so requires, and when signs required under Wis. Stats. § 349.16(2) have been erected. Such temporary gross weight limitations, set by the town chair, shall be not less than five tons.

No person, whether operating under a permit or otherwise, shall operate a vehicle in violation of special weight limitations imposed by state or local authorities on particular highways, highway structures or portions of highways when signs have been erected as required by s. 349.16(2) giving notice of such weight limitations, except when the vehicle is being operated under a permit expressly authorizing such weight limitations to be exceeded.

Section 13. Permitting Process

In the interest of public safety, the Town of Green Valley, by resolution authorizes the Town Chairperson or their designee for the Town of Green Valley to issue permits, for a fee, as established in the Fee Schedule or Bond Schedule, for vehicles over the authorized maximum weight of 48,000 pounds allowed on the highways under Town jurisdiction. Per WAC-Trans 255:

The issuance of a permit is not a guarantee of the sufficiency of any highway or structure for the transporting of the vehicle, load, or vehicle and load.

A permit is valid only for the vehicle described in the application and permit.

An issuing authority may suspend a permit, or any of its conditions, because of seasonal highway conditions.

A permit is valid only on the route specified in the permit.

A permit is valid only for the movement specified in the permit, which may include the return trip on the reverse route if requested and approved, and which includes the movement of the empty vehicle, whether or not oversize or overweight, to and from the place of pickup or delivery of the permitted load.

Application: An application for a permit for the use of a highway maintained by a local authority shall be submitted to the applicable local authority in the manner prescribed by the local authority. An application for a permit for the use of a state trunk highway within the geographical boundaries of a local authority shall be submitted to the applicable local authority in the manner prescribed by the local authority. Any person required to file evidence of liability security with the DOT shall, also use the forms prescribed in this ordinance.

General permits for Town of Green Valley roads: For good cause in specified instances for specified construction or maintenance operations or for a specified period, the Town of Green Valley or agency in charge of maintenance of a particular highway may allow loads exceeding the weight limitations imposed by this ordinance to be hauled on such highway. No such officer or agency shall issue such permits for use of a highway the cost of maintenance of which is paid by a unit of government other than the unit of government which such officer or agency represents.

Telephone call-in procedure: The Town of Green Valley may develop and implement a telephone call-in procedure for permits issued under this ordinance. The telephone call-in procedure for permits may not be utilized until permit information is computerized to ensure inquiry capability into the database for enforcement purposes.

The Town may deny, suspend, or revoke approval to use the telephone procedure. Grounds for the denial, suspension, or revocation of approval to use the telephone procedure include: