

**TOWN OF RED CEDAR
5-TON SPECIAL WEIGHT LIMITATION ORDINANCE FOR
550TH AVENUE FROM 610TH STREET EAST TO CTH E SOUTH**

NO.: 2023-0004

It is hereby ordained by the Town Board of the Town of Red Cedar, Dunn County, Wisconsin, as follows:

Section 1 – Purpose

The Town Board finds that it is in the best interests of the public to regulate weight limits on town roads. Further, the adoption of this ordinance for such regulation will promote the general welfare and safety of the public.

Section 2 – Authority

The Town Board of the Town of Red Cedar, Dunn County, Wisconsin, has the specific authority under Wis. Stats. 60.22 (3) and 348.17 to adopt this ordinance.

Section 3 – Designation of 5-Ton Special Weight Limitation Highway

- A. This ordinance places a 5-ton special weight limitation on 550th Avenue from 610th Street east to CTH E South.
- B. The town chairperson, or designee, shall place appropriate traffic signs on the highway noted above on or before the effective date of this ordinance.

Section 4 – Severability of Provisions

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

Section 5 – Permits or Waivers

A current list of fees and citations is listed in the Town of Red Cedar Schedule of Fees and Citations (Forfeitures) Ordinance No. 2015-5 for licenses, permits, waivers, and other services.

- A. In appropriate circumstances, as determined following consultation with the Town designee, a waiver from the weight limitations set forth herein may be obtained.
- B. The non-refundable fee for issuing a permit or waiver shall be set by the Town Board (please refer to the Town's most current fee schedule or specific form). The permit or waiver, if granted, shall only be authorized after the required fee has been received by the Town Clerk.
- C. Permits or Waivers will be approved or denied at the discretion of the town chairperson, or designee, or town board.

Section 6 – Penalty for Violation

- A. The penalty for violation of any provision of this ordinance shall be a forfeiture, together with mandatory fees and the costs of prosecution, as permitted by law.
- B. Any person operating any vehicle on the highway noted above in violation of the weight limits set forth herein shall be subject to penalties under Wis. Stats. 348.21.
- C. Any person operating any vehicle on the highway noted above in violation of the weight limits set forth herein without obtaining the required waiver or permit from the Town Board shall be subject to a forfeiture. The forfeiture for a first violation shall be in an amount equal to double the current permit or waiver application fee. The forfeiture for a second offense by the same owner or operator shall be in an amount equal to four times the current permit or waiver application fee. The forfeiture for third or

subsequent offenses by the same owner or operator shall be in an amount equal to eight times the current permit or waiver application fee per violation or as deemed appropriate by the Town Board.

- D. For purposes of this ordinance, a violation by an owner or operator of a vehicle under a common plan of operation or contract will be considered in determining whether the violation is a subsequent offense.

Section 7 – Enforcement

This ordinance shall be enforced in accordance with the provisions of Wis. Stats. 345.20 to 345.56, Wis. Stat. 800, and Wis. Stat 66.12, which are hereby adopted by reference and made a part of this ordinance.

Section 8 – Severability

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

Section 9 – Effective Date

This ordinance shall take effect 30 days after its passage and publication or posting as provided by law.

The foregoing Town of Red Cedar 5-Ton Special Weight Limitation Ordinance was enacted by a majority vote of the Town Board of the Town of Red Cedar on the 8th day of May, 2023.

Robert J. Cook
Town Board Chairperson

[Signature]
Supervisor 1

[Signature]
Supervisor 2

Donald Ayler
Supervisor 3

[Signature]
Supervisor 4

Attest:

Cheryl Miller
Cheryl Miller, Clerk

