

**TOWN OF CEDARBURG
ORDINANCE NO. 2008-13**

**AN ORDINANCE TO AMEND SECTION 305-10 OF THE
TOWN OF CEDARBURG CODE OF ORDINANCES
RELATING TO HEAVY TRAFFIC ROUTES AND PERMITS FOR
VEHICLES OF EXCESSIVE WEIGHT.**

BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Section 305-10 of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

§ 305-10. Heavy traffic routes; weight limits.

- A. Definition. For purposes of this section, heavy traffic shall be defined as:
- (1) All vehicles not operating completely on pneumatic tires; and
 - (2) All vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than 15,000 pounds.
- B. Applicability. This section shall apply to all streets and highways located within the Town of Cedarburg. Heavy traffic is prohibited from using any public Town street or highway not designated as a heavy traffic route.
- C. Exceptions. This section shall not apply to the following:
- (1) Heavy traffic using a Town street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway. Such vehicles shall use the shortest possible route from or to a state or country trunk highway, and designated heavy truck route, to or from the place of business or residence to which such supplies or commodities are being delivered or moved;
 - (2) Heavy traffic using any State or County trunk highways;
 - (3) Heavy traffic being driven to or from the site of any construction, repair or maintenance of electric, gas or water service located within the Town, when such vehicles are owned and operated by a public utility; or
 - (4) Heavy traffic vehicles owned or operated by the Town or contracted by the Town to provide other municipal services.
- D. Administration. The Town Director of Public Works in cooperation with the Town Administrator and the Town Constable shall administer this section. Administration shall include the following:
- (1) Posting of signs. Appropriate signs shall be posted giving notice of this

section and the special, or seasonal weight limitations and of the heavy traffic routes established herein.. The Director of Public Works or its designee shall erect signs in such locations and in such a manner as, in the judgment of such person, will carry out the purpose of giving reasonable notice to users of the streets and highways of the Town that a special weight or heavy traffic limitation is in effect and the nature of that limitation.

- (2) Maps. Heavy traffic routes shall be shown on the Official Traffic Map.
- (3) Special and seasonal weight limitations and permits.
 - (a) The Director of Public Works or its designee shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert maintained by the Town to prevent injury to the roadway or for the safety of the users of such bridge or culvert.
 - (b) No person, whether operating under a permit or other heavy traffic exception under this section, may operate a heavy traffic vehicle on or transport an article over any highway, bridge, or culvert maintained by the town in excess of the posted weight limit; without first obtaining an overweight permit from the Town.
 - (c) Pursuant to Sec. 348.25, Stats., overweight permits may be issued by the Town Director of Public Works or its designee; upon written application by the person requesting the permit. The permit application form shall be in a standardized format; and shall be available from the Town Clerk at the Town Hall during normal business hours, Monday thru Friday.
 - (d) Each permit shall apply to only one vehicle, or combination of vehicles; however the applicant shall specify whether it is seeking the grant of a single trip permit, or for an annual, consecutive month or multiple trip permit. When such a permit is issued, a copy shall be carried in the permitted vehicle at all times; and shall be presented for review, upon demand of any law enforcement officer. No overweight permit shall be issued by the Town unless the applicant is also in full compliance with the provisions of Secs. 348.25, 348.26, 348.27 and 348.28, Stats.
 - (e) The permit may be suspended or revoked at any time, by the Town Director of Public Works for good cause. Whenever a permit is suspended or revoked, the person that it was issued to, shall be notified, in writing, that the permit is no longer valid; and that following the notification, all loads shall be in accordance with the posted weight limits. The Director of Public Works may decline to issue a permit, or additional permits, to any person, after providing the applicant an opportunity to be heard at a public hearing of the Town Board.

E. Fees and bonds.

(1) An overweight permit fee, as specified in the Town' Annual Fee Schedule, shall be charged for all such permits issued by the Town. The amount of the fee shall be in addition to any fee specified in Sec. 348.25, Stats. All fees due to the Town shall be paid, before a special or seasonal overweight permit is issued.

(2) Overweight permits issued by the Town for the public good, including but not limited to those heavy vehicles specifically excepted under this section shall have no permit fee applied; however the permittee may be required to post a damage bond or other financial assurance as provided herein.

(3) A damage bond, certificate of insurance, or certified check, in an amount determined by the Director of Public Works to the satisfaction of the Town Attorney, shall be required prior to the issuance on an overweight permit to hold 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 require the permittee to pay for restoration to a condition satisfactory to the Director of Public Works of any such highway any pavement, bridge, culvert, sewer pipe or other improvement that may be injured by reason of the use of the highways by the permittee. When such bond, certificate of insurance, or certified check is required, the Town shall be listed as the payee. The person holding the permit shall also show that adequate injury or liability coverage will be in effect, at all times any permitted heavy traffic vehicle is operating within the Town limits to cover any claim for bodily injury or property damage which may occur in connection with operation under the permit and for which the permittee is legally responsible. If a permittee refuses to pay for damage caused, the Director of Public Works shall notify the Town Board for its authorization to have the Town Attorney maintain an action upon such bond.

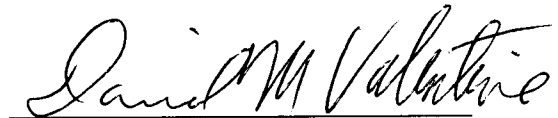
F. Heavy traffic routes designated. All streets and alleys within the Town of Cedarburg are designated Class B highways subject to the weight limitations of § 348.16, Wis. Stats., except that the following highways or parts thereof within the jurisdiction of the Town are hereby designated heavy traffic routes and are excepted from the Class B weight limitations:

Name of Street	Location
Bridge Street	Entire length
Cedar Creek Road	From Maple Road to County Trunk Highway I
Cedar Creek Road	From Washington Avenue to Washington County line
Cedar Sauk Road	Entire length

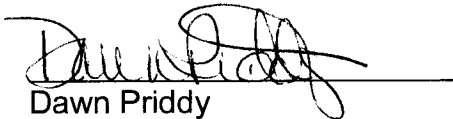
Name of Street	Location
Elm Road	Entire length
Hilltop Drive	Entire length
Horns Corners Road	From Pioneer Road to Kaehlers Mill Road
Keup Road	Entire length
Maple Road	Entire length
Pleasant Valley Road	Entire length
Sherman Road	Entire length
Sycamore Drive	Entire length

This ordinance shall be in full force and effect upon its passage and publication as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 7th day of May, 2008.



David M. Valentine
Town Chairman



Dawn Priddy
Town Clerk