

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN  
Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: AN ORDINANCE REGULATING THE WEIGHT LIMITS OF VEHICLES  
ON TOWN OF COTTAGE GROVE ROADS

Code Section(s) <del>created</del> , amended, <del>or repealed</del>	<u>09.07 WEIGHT LIMITS</u>
Presented to Board by	<u>Town Clerk and Chairperson</u>
Committee Review by	<u>Ordinance Committee</u>
Date(s) Public Hearing(s) held (if required)	<u>05-07-2012</u>
Date adopted	<u>05-07-2012</u>
Vote	<u>5-0</u>
Date of posting of adoption of ordinance	<u>05-25-2012</u>
Date of publication of adoption of ordinance	<u>05-25-2012 (Summary)</u>

The Town Board of the Town of Cottage Grove does ordain as follows:

TCG Ord. Section 09-07 entitled "WEIGHT LIMITS AND HEAVY TRAFFIC ROUTES" is hereby amended to read as follows:

**09.07 WEIGHT LIMITS ~~AND HEAVY TRAFFIC ROUTES~~ FOR VEHICLES ON TOWN ROADS**

(1) STATEMENT OF PURPOSE.

In the interest of public safety on Town Roads, the roads and streets, or portions thereof, of the Town of Cottage Grove are hereby declared to have the weight limitations set forth herein, because, in the absence of such limitations, there is a significant likelihood that the Town Roads would be seriously damaged or destroyed. Such limitations are adopted pursuant to Wis. Stat. § 349.16, which is hereby adopted by reference and made a part of this ordinance. This ordinance shall be interpreted in accordance with the definitions and general provisions in Wis. Stat. Chapter 348, Vehicles – Size, Weight and Load, which is hereby adopted by reference and made a part of this ordinance.

(2) EXEMPTIONS TO WEIGHT LIMITATIONS ON TOWN ROADS.

The following shall be exempt from the general and special or seasonal weight restrictions of this section: Town vehicles engaged in official duties, garbage and recycling trucks contracted by the Town, school buses, and milk, feed and fuel trucks doing business on that road.

(3) GENERAL WEIGHT LIMITATIONS ON SPECIFIED TOWN ROADS.

It shall be unlawful for any person to operate a vehicle in excess of the posted weight limit on such Town Roads, streets or portions thereof, as specified by resolution of the Town Board. The general weight limitations set for specified roads DO NOT apply in the following circumstances:

- (a) When use is necessary for the purpose of delivering and moving supplies or other necessary commodities to or from any farm, place of business or residence fronting on any such

roads.

(b) When use is necessary for the purpose of leaving or returning a vehicle to a terminal or place where the vehicle is garaged; however, such operator shall leave such road and re-enter roads not prohibited by such weight limitation at the closest to its immediate destination and shall take the most direct route to his destination.

(4) SPECIAL OR SEASONAL WEIGHT LIMITATIONS.

In addition to the general weight limitations on Town Roads, the Town may impose special or seasonal limitations on any Town Road or portion thereof in accordance with Wis. Stat. §§ 349.16 and 348.17, which are hereby adopted by reference and made a part of this ordinance. When such special or seasonal limitations are in effect, the general pick-up and delivery exceptions described in Section (3) above SHALL NOT apply.

(5) NOTICE; SIGNS; MAP.

Appropriate weight limitation signs shall be erected on Town Roads and/or streets. Such signage may include notice of the general weight limitations set forth herein as well as special or seasonal weight limitations. Flags or other markings may be used to draw attention to signage, particularly for seasonal signage.

All such signage existing as of the date of adoption of this ordinance shall be considered approved by the Town Board. Periodically hereafter, the Highway Superintendent and Town Board shall review the use and location of such signage, and may recommend or approve changes to existing signage and/or addition of new signage by resolution of the Board. The Town Clerk, in consultation with the Highway Superintendent, shall maintain a map showing the approximate location of the signs. This map shall be available for reference purposes at the Town Hall.

(6) PERMITS AND VARIANCES.

(a) Pursuant to s. 348.25, Stats., conditional use or variance permits may be issued by the town chairperson or highway superintendent upon written application by the person requesting the permit. The permit application form and conditional use or variance permit form shall be in a standardized format; and shall be available from the town office during normal business hours, Monday thru Friday, or on the Town's web site. The application and any such permits or variances granted shall be substantially in accord with the forms attached hereto or as later approved by resolution of the Town Board, following consultation with the Town Clerk.

(b) Each permit shall apply to only one vehicle or combination vehicle; however it shall be valid for all trips that unit makes within the town limits. 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 town conditional use or variance permit shall be issued unless the applicant is also in full compliance with the provisions of ss. 348.25, 348.26, 348.27 and 348.28, Stats.

(c) The permit may be suspended or revoked at any time by the highway superintendent or town chairperson for good cause. Whenever a permit is suspended or revoked, the person it was issued to shall be notified that the permit is no longer valid, and that following the notification, all loads shall be in accordance with the posted weight limits. The highway superintendent or town chairperson may decline to issue a permit. The applicant may appeal this decision to the Town Board.

(7) FEES AND BONDS

(a) A permit fee, as specified in S. TCG 07.02(8), shall be charged for all conditional use or variance permits issued by the town. The amount of the fee shall be in addition to any fee specified in s. 348.25, Stats. All fees due the town shall be paid before a permit is issued.

(b) A bond or certificate of insurance to cover potential road damage, in an amount determined by the town board, may be required prior to the issuance of a conditional use or variance permit. Where such bond or certificate is required, the town shall be listed as the payee. The person holding the permit shall also show proof that adequate injury and liability coverage will be in effect at all times any permitted unit is operating within the town limits.

(8) Penalty for Violation.

Any violation of any provision of this ordinance shall be punishable as a class D Forfeiture under s. TCG 25.04, together with mandatory fees and the costs of prosecution, as permitted by law.

(9) Enforcement.

This ordinance shall be enforced in accordance with the provisions of Wis. Stat. §§ 345.20 to 345.53, Chapter 800, and § 66.12, which are hereby adopted by reference and made a part of this ordinance.

(10) 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.

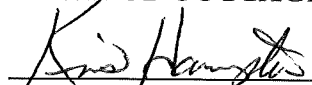
(11) Effective Date.

(a) This section was originally adopted on July 6, 1981, and was last amended on May 7, 2012.

(b) This section shall take effect upon passage and publication.

Adopted this 7<sup>th</sup> day of May, 2012, by a vote of 5 for, 0 against, and 0 abstain.

**TOWN OF COTTAGE GROVE**

  
\_\_\_\_\_  
Kris Hampton, Town Chair

**ATTEST:**

  
\_\_\_\_\_  
Kim Banigan, Town Clerk

**AGREEMENT**  
**TO REIMBURSE THE TOWN OF COTTAGE GROVE**  
**FOR THE COST OF REPAIRS FOR ANY ROAD DAMAGE WHICH RESULTS FROM**  
**USE OF TOWN OF COTTAGE GROVE ROADS PURSUANT TO A CONDITIONAL**  
**USE OR VARIANCE PERMIT**

*I, the undersigned, hereby agree to reimburse the Town of Cottage Grove for the repair of any damage which results from the specified Town road ordinance variance permit:*

*CONDITIONAL USE OR VARIANCE PERMIT DATE:* \_\_\_\_\_

*Damage Resulting from:* \_\_\_\_\_ *to* \_\_\_\_\_

- The original condition of the road prior to my conditional variance use may be inspected and documented with photos of existing condition and/or damage prior to the commencement of my use.
- If judged necessary or desirable, video pictures of the road for which the conditional variance permit is granted, may be taken prior to my use to document the current condition and later determine if damage resulted from my use.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Name of Company

ATTEST: \_\_\_\_\_

DATE: \_\_\_\_\_

Town of Cottage  
Town Chairperson or Highway Superintendent

**CONDITIONAL USE OR VARIANCE PERMIT  
Variance from TCG Ordinance Section 09.07  
Weight Limits and Heavy Traffic Routes**

**WHEREAS**, the Town of Cottage Grove adopted Ordinance Section 09.07 to limit the weight of vehicles on town roads to protect the public safety and promote the well being of residents of the Town of Cottage Grove, and

**WHEREAS**, the Town of Cottage Grove is aware that some vehicles must be exempted from Ordinance Section 09.07 and allowed to travel Town of Cottage Grove roads in excess of the posted weight limits in order to serve properly in the Town of Cottage Grove and to further promote the public well being and reasonable use of property in the Town of Cottage Grove.

**THEREFORE**, this permit is granted by the Town of Cottage Town Chairperson or Highway Superintendent to permit a variance from the Town of Cottage Grove Weight Limits Ordinance, Section 09.07, to the person or company named on this permit and for the roads listed for this exemption from Town of Cottage Grove Ordinance Section 09.07.

**Permit Issued to:**

**Name:** \_\_\_\_\_

**Company:** \_\_\_\_\_

**Vehicle Description:** \_\_\_\_\_

**This permit valid only for the Town of Cottage Grove roads which are listed here:**

\_\_\_\_\_, to \_\_\_\_\_

\_\_\_\_\_, to \_\_\_\_\_

\_\_\_\_\_, to \_\_\_\_\_

And is subject to the following conditions:

- Execution of a Reimbursement Agreement.
- This permit shall apply to only one vehicle, or combination of vehicles; however it shall be valid for all trips that unit makes within the town limits. A copy of this permit shall be carried in the permitted vehicle at all times, and shall be presented for review upon demand of any law enforcement officer. In addition to the terms of this permit, the applicant shall be in full compliance with the provisions of ss. 348.25, 348.26, 348.27 and 348.28, Stats.
- Bond required:  Yes  No

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**TOWN OF COTTAGE GROVE**  
**Town Chairperson or Highway Superintendent**

\_\_\_\_\_  
**Applicant**

**Date issued:** \_\_\_\_\_

**Date of expiration:** \_\_\_\_\_

**CONDITIONAL USE OR VARIANCE PERMIT APPLICATION**  
**For Variance from TCG Ordinance Section 09.07**  
**Weight Limits and Heavy Traffic Routes**

**APPLICANT:**

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Contact phone number: \_\_\_\_\_

**VEHICLE:**

Make/Model: \_\_\_\_\_

Gross Vehicle Weight:

Empty: \_\_\_\_\_ Loaded (Approximate): \_\_\_\_\_

Route (describe the portion all Town of Cottage Grove Roads that a conditional use or variance is requested for):

\_\_\_\_\_, to \_\_\_\_\_

\_\_\_\_\_, to \_\_\_\_\_

\_\_\_\_\_, to \_\_\_\_\_

Purpose (describe the reason why the conditional use or variance is needed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date(s) the conditional use or variance is needed for:

\_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_  
**Applicant Signature**

\_\_\_\_\_  
**Date Signed**