State of Wisconsin
Town of Red Cedar
County of Dunn

TOWN OF RED CEDAR
CLASS B ROAD ORDINANCE
"640TH STREET"

NO.: 2020-6
(Amended 12/14/2020)

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

Section 1 – Title and Purpose
This ordinance is entitled the Town of Red Cedar Class B Weight Limits Ordinance. 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 349.15 (2) to adopt this ordinance.

Section 3 – Designation of Class B Highway
This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, designates the following town highway as a Class B highway in the town as follows:

A. The following town highway in the Town of Red Cedar is designated a Class B highway subject to the weight limits set forth in Wis. Stats. 348.16 (2), unless increased by town ordinance: 640th Street.
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.
C. No person may operate any vehicle on the highway noted above in violation of the weight limits set forth in Wis. Stats. 348.16. Any violation shall be subject to penalties under Wis. Stats. 348.21.

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, 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). 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. The forfeiture for a first violation of any provision of this ordinance shall be in an amount equal to double the current waiver application review fee. The forfeiture for a second offense by the same owner or operator shall be in an amount equal to four times the current waiver application review 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 waiver application review fee per violation or as deemed appropriate by the Town Board.

C. 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. Ch. 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 Class B Weight Limit Ordinance was enacted by a majority vote of the Town Board of the Town of Red Cedar on the 13th day of November, 2020.

Section 10 – Amendment

The foregoing Town of Red Cedar Class B Weight Limit Ordinance was amended with the addition of Sections 6 through 8 and 10 by a majority vote of the Town Board of the Town of Red Cedar on the 14th day of December, 2020.

Bob Cook
Town Board Chairperson

Del Gottlibson
Supervisor 1

Absent
Supervisor 2

Donald Jaeger
Supervisor 3

Doug Miller (Virtually)
Supervisor 4

Attest:

C Miller
Cheryl Miller, Clerk

Historical Information

To replace ordinances:
Drafts: 9/21/2020, 10/4/2020, 10/8/2020, 10/19/2020, 10/22/2020, 10/23/2020
Additions: 5.C. Approve or Deny Permit; 12/7/2020 additions of Sections 6 Penalty for Violations, Section 7 Enforcement, Section 8 Severability, Section 10 Amendment; change Section 6 Effective Date renumbered Section to 9
Amended: 12/14/2020