

STATE OF WISCONSIN

Town of Niagara

Marinette County

2013-10-A (amended)

The Town Board of the Town of Niagara, Marinette County, Wisconsin, has the specific authority under ss. [82.03](#) and [349.16](#), Wis. stats., to adopt this ordinance.

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, establishes special or seasonal weight limits as follows:

- A. The Niagara Town Board has established weight regulations not in excess of 14,000 pounds per vehicle on any or all Town Roads under the jurisdiction of the Niagara Town Board. These restrictions are to remain in effect until duly cancelled by the authority of the Town Board.
- B. The town chairperson, or his or her designee, shall erect signs as required under s. [349.16 \(2\)](#), Wis. stats., on or before the effective date.
- C. Except as provided under section D, no person may operate any vehicle on the above-noted highways in violation of the above-noted weight limits without a written permit issued by the Town Board of the Town of Niagara. Upon conviction for a violation of this ordinance, the violator shall pay a forfeiture as required, plus the applicable surcharges, assessments, and costs for each violation. Each trip in violation of this ordinance constitutes a separate offense. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.
- D. Pursuant to s. [349.16 \(3\)](#), Wis. stats., all of the following are exempt from the weight limitations imposed under section A:
 1. A vehicle that is used to transport material pumped from a septic or holding tank if, because of health concerns, material needs to be removed from a septic or holding tank within 24 hours after the vehicle owner or operator is notified and if the vehicle is operated for the purpose of emptying the septic or holding tank and disposing of its contents and is operated on a route that minimizes travel on highways subject to weight limitations imposed under section A. Within 72 hours after so operating a vehicle, the owner or operator of the vehicle shall notify the town board [or other authority in charge of maintenance of the town highways over which the vehicle was operated].

2. A vehicle operated by or at the direction of any of the following for the purpose of producing or furnishing heat, light, power, or water to its members, that is being operated for the purpose of responding to a service interruption:
 - a. A public utility, as defined in s. [196.01 \(5\)](#), Wis. stats.
 - b. A telecommunications provider, as defined in s. [196.01 \(8p\)](#), Wis. stats.
 - c. A cooperative association organized under ch. [185](#), Wis. stats.
3. A vehicle being operated to deliver propane for heating purposes if the gross weight imposed on the highway by the vehicle does not exceed 30,000 pounds for a vehicle with a single rear axle or 40,000 pounds for a vehicle with tandem rear axles, and if the vehicle is a tank vehicle, the tank is loaded to no more than 50% of the capacity of the tank.
4. Vehicles carrying commodities or performing services specified by the town board through the approval of a permit. The town board finds that the exemption from the weight limits imposed under section A for carrying commodities or performing services is reasonable and necessary to promote the public health, safety, and welfare of the town.

This ordinance is effective upon publication

The town clerk shall properly post or publish this ordinance as required under s. [60.80](#), Wis. stats.

Adopted this 15th day of January 15, 2019

Mark DeClark, Chairman

Ronald Neuens, Supervisor

Richard Payette, Supervisor

Attested by Dawn Johnson, clerk