

Ordinance to Designate a 10 Ton Weight Limit

Town of Winfield, Sauk County, Wisconsin

Ordinance #2021-2

Section I – Title and Purpose: The title of this ordinance is the Town of Winfield Ordinance to Designate a 10 Ton Weight Limit Highway. The purpose of this ordinance is to protect the pavement of a town road.

Section II – Authority: The Town Board of the Town of Winfield, Sauk County, Wisconsin, has the specific authority to adopt this ordinance under s.349.15(2), Wisconsin Statutes.

Section III – Adoption of 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, designates a town highway as a 10 ton weight limit highway in the town as follows:

- A. North Dewey Avenue in the Town of Winfield is designated as a 10 ton weight limit highway set forth in s.348.16(2), Wisconsin Statutes.
- B. The town chairperson, or designee, shall place appropriate traffic signs on North Dewey Avenue on or before the effective date of this ordinance.
- C. Any violation shall be subject to the penalties under s.348.21, Wisconsin Statutes.

Section IV – Effective Date: This ordinance is effective on publication or posting. The town clerk shall properly publish this ordinance as required under s.60.80, Wisconsin Statutes.

Adopted this 20th day of July 2021.

Kurt Mead, Chairman

Jerry Moll, Supervisor I

Jeremy Schyvinck, Supervisor II

Attest:

Teresa Bass, Clerk

348.21 Penalty for violating weight limitations.

(2)

(a) Any person who violates s. [348.17 \(2\)](#) or [348.19 \(3\)](#) may be required to forfeit not less than \$50 nor more than \$100 upon the first conviction and, upon the 2nd or each subsequent conviction within a 12-month period, may be required to forfeit not less than \$100 nor more than \$200.

(b) If the load on any wheel, axle, or group of axles does not exceed the weight prescribed in s. [348.15 \(3\)](#) or [348.16](#) or in a declaration issued under s. [348.175](#), or prescribed in an overweight permit issued under s. [348.27 \(9m\) \(a\) 4.](#) with respect to a vehicle combination being operated under such a permit, by more than 2,000 pounds and if such excess can be reloaded within the normal load carrying areas, on any other wheel, axle, or axles, so that all wheels and axles are then within the statutory limits, the operator may reload as provided in this paragraph. A total of 2,000 pounds per vehicle or combination of vehicles may be reloaded under this paragraph. If reloading is accomplished and all axles or group of axles are within the legal limits, including the limits of the permit for a vehicle combination operated under a permit issued under s. [348.27 \(9m\) \(a\) 4.](#), no forfeiture may be imposed. A vehicle or combination of vehicles under this paragraph that is not reloaded may continue to be operated upon the highway, but a forfeiture of \$50 shall be imposed for failure to reload. This forfeiture shall be paid upon the basis of the citation issued by the official to the court named in the citation. Failure to pay shall subject the operator to the penalty in par. (a) or sub. (3) (a) or (3g). Violations under this paragraph shall not be considered as violations or prior convictions under par. (a) or sub. (3) to (3r).

(3) Except as provided in sub. (3g), and subject to sub. (3t), any person violating s. [348.15](#) or [348.16](#) or any weight limitation posted as provided in s. [348.17 \(1\)](#) or in a declaration issued under s. [348.175](#) or authorized under s. [348.17 \(3\)](#), (5), or (6) or in an overweight permit issued under s. [348.26](#) or [348.27](#) may be penalized as follows:

(a) If the weight exceeds by 1,000 pounds or less the maximum set forth in s. [348.15 \(3\)](#) or [348.16](#) or posted as provided in s. [348.17 \(1\)](#) or in a declaration issued under s. [348.175](#) or authorized under s. [348.17 \(3\)](#), (5), or (6) or in an overweight permit issued under s. [348.26](#) or [348.27](#), a forfeiture of not less than \$50 nor more than \$100 upon the first conviction and, upon the 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$200.

(b) If the weight exceeds by more than 1,000 pounds the maximum set forth in s. [348.15 \(3\)](#) or [348.16](#) or posted as provided in s. [348.17 \(1\)](#) or in a declaration issued under s. [348.175](#) or authorized under s. [348.17 \(3\)](#), (5), or (6) or in an overweight permit issued under s. [348.26](#) or [348.27](#), the forfeiture shall be computed according to the following schedule and in the case of violation of s. [348.15 \(3\) \(bg\)](#) or (br) shall be computed on the basis of the weights stated in s. [348.15 \(3\) \(bg\)](#) or (br):

1. For the first conviction, a forfeiture of not less than \$50 nor more than \$200 plus an amount equal to whichever of the following applies:

- a. One cent for each pound of total excess load when the total excess is not over 2,000 pounds.
- b. Three cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
- c. Five cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.
- d. Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
- e. Fifteen cents for each pound of total excess load if the excess is over 5,000 pounds.

2. For the 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$300, plus an amount equal to whichever of the following applies:

- a. Two cents for each pound of total excess load when the total excess is not over 2,000 pounds.

b. Five cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.

c. Eight cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds.

d. Twelve cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.

e. Eighteen cents for each pound of total excess load if the excess is over 5,000 pounds.

(3g) Any person who, while operating a vehicle combination that is transporting raw forest products, violates s. [348.15](#) or [348.16](#) or any weight limitation posted as provided in s. [348.17 \(1\)](#) or in a declaration issued under s. [348.175](#) or authorized in an overweight permit issued under s. [348.26](#) or [348.27](#) may be penalized as follows:

(a) For a first conviction or a 2nd conviction within a 12-month period, a forfeiture of not less than \$150 nor more than \$250 plus an amount equal to whichever of the following applies:

1. Six cents for each pound of total excess load when the total excess is less than 2,000 pounds.

2. Eight cents for each pound of total excess load if the excess is 2,000 pounds or more and not over 3,000 pounds.

3. Nine cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.

4. Ten cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.

5. Eleven cents for each pound of total excess load if the excess is over 5,000 pounds.

(b) For the 3rd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$500 nor more than \$550, plus an amount equal to whichever of the following applies:

1. Twenty cents for each pound of total excess load when the total excess is 3,000 pounds or less.

2. Twenty-one cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.

3. Twenty-two cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.

4. Twenty-three cents for each pound of total excess load if the excess is over 5,000 pounds.

(3r) In determining the number of prior convictions for purposes of subs. [\(3\)](#) and [\(3g\)](#), the court shall include convictions under both subsections.

(3t)

(a) In the case of a violation of s. [348.15 \(3\) \(g\)](#), the penalty shall be computed on the basis of the weights stated in s. [348.15 \(3\) \(c\)](#).

(b) In the case of a violation of s. [348.15 \(3\) \(b\)](#) involving an implement of husbandry or agricultural commercial motor vehicle, the penalty shall be computed on the basis of a permissible weight of 20,000 pounds.

(c) This subsection does not apply to violations committed after January 1, 2020.

(4) For the purpose of determining a repetitious violator, receipt of a certificate of conviction by the department is prima facie evidence of conviction. In determining whether a 2nd or subsequent conviction has occurred within a given 12-month period, either the original judgment of conviction in a circuit court or a municipal court or the affirmance of the judgment by an appellate court, if the judgment has been affirmed, may be counted. This method of counting is authorized to effectively reach the repetitious violator and to prevent misuse of the right of appeal for the purpose of forestalling imposition of the penalties provided by this section. Forfeiture of deposit or payment of a forfeiture is a conviction within the meaning of this section.