

**ORDINANCE #1-2013  
TOWN OF HOLLAND  
TOWN ROAD PROTECTION ORDINANCE**

AN ORDINANCE REGULATING THE PROTECTION OF TOWN ROADS WITHIN THE TOWN OF HOLLAND, LA CROSSE COUNTY, WISCONSIN.

**SECTION 1.0 INTRODUCTION**

1.01 Purpose

The purpose of this ordinance is to preserve and protect the Town's infrastructure investment as relates to local highways. The impact of heavy vehicles on town highways is well documented, showing that heavy vehicles cause greater wear and tear on highways than normal automobile use, thereby causing greater expense to the Town. Examples of such vehicles include agricultural vehicles hauling crops or manure; logging trucks hauling pulp or saw logs; or trucks hauling frac sand, gravel or other materials; plus other transportation-intensive activities. While agriculture, forestry, frac sand mining and other heavy vehicle users will need to travel on local highways to operate in Wisconsin, the Town recognizes the importance of protecting the infrastructure investment, particularly at such times when highways are most vulnerable to damage by the heavy vehicles, such as spring break-up or during seasonal flooding. In addition, vehicular usage by a new or expanding Operation may, in certain cases, exceed the design limits of Town roads which were not constructed to withstand the frequency and weight of shipments necessary for the transport of the new or expanding Operation's materials, products and/or heavy equipment.

1.02 Authority

Wisconsin State Statutes S.349.16, grants local governments authority to impose weight limits on Town roads. Wis. Stat. S. 349.16(1)(c) grants authority to the Town to enter into an agreement with any owner or operator of any vehicle being operated on a highway maintained by the Town that provides that the Town will be reimbursed for any damage done to the highway.

1.03 Applicability

This ordinance applies to any Operation that accesses a town road that is at least .10 mile (one-tenth of a mile) in length and meets any of the following criteria:

- (A) exceeds more than 200 vehicle trips per day above normal and historical traffic;
- (B) involves any Operation for which the Town Board has determined a finding of good cause to enter into an agreement.

1.04 Severability

This ordinance and its individual provisions are declared to be severable. If any section, clause, provision, or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the ordinance

as a whole. All parts of the ordinance not declared invalid or unconstitutional shall remain in full force and effect.

#### 1.05 Definitions

- (A) Operation shall mean any commercial, industrial or agricultural activity that involves vehicles of any type that operate on a town road, whether or not those vehicles are owned by the primary individual or entity carrying on the activity.
- (B) Existing usage shall mean the average daily number of trips in any month within six months prior to the adoption of this ordinance. For a new Operation that figure is zero.
- (C) Vehicle shall mean any motorized truck, tractor, semi-trailer or similar item, but shall not include an automobile.
- (D) Vehicle trip shall mean a one-way trip on any town road.
- (E) Town Road Upgrade and Maintenance Agreement shall mean a contract between an Operator and the Town to require the payment of such sums reasonably needed to ensure that costs accruing to the Town for Town highway damage caused by the Operation or the construction of additional roadways needed by the Operation will be compensated by the Operator.

### **SECTION 2.0 GENERAL PROHIBITIONS**

All Operations meeting any of the criteria in Section 1.03 shall be deemed to be in excess of the design limits of Town roads. The primary Operator shall file a Town Road Upgrade and Maintenance Agreement with the Town using a Template such as the Town may adopt and revise from time to time. The Agreement shall detail the estimated number of vehicle trips necessary for the transport of any products, materials and/or heavy equipment and shall provide for a payment schedule for the Operator to reimburse the Town for anticipated damage and required maintenance, improvements and additional expenses due to the Operation.

### **SECTION 3.0 EXEMPTIONS**

The Town of Holland may allow Exemptions from this ordinance as needed to relieve any unusual circumstances or difficulties or costs that would be encountered if an attempt were made to comply with this ordinance. The burden shall be on the person requesting an exemption to establish good cause.

### **SECTION 4.0 ENFORCEMENT & PENALTIES**

#### 4.01 Enforcement

The Town Board of the Town of Holland is authorized to enforce the provisions of this ordinance. Enforcement may be made either through monetary penalties, injunctive relief or such other means as the Town deems appropriate to ensure compliance with this Ordinance. The Town Board may authorize the Town Chair, Town Clerk or such other Town official or employee to issue citations to enforce this Ordinance.

4.02 Penalties

The Town Board shall set such penalties as it deems appropriate. In the absence of a resolution establishing a monetary penalty, the penalty for a violation of this Ordinance shall be not less than \$200 nor more than \$500. Each day of operation shall constitute a separate violation.

4.03 Appeals

Appeals to the Town Board may be taken by an aggrieved person, or by any officer, department, board or bureau affected by a decision of the Town Board. Such appeal shall be taken within a reasonable time not to exceed six (6) months, as provided by the rules of the Board, by filing with the Clerk and with the Board a notice of appeal in writing, specifying the grounds thereof. The Clerk shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed from was taken. The Chairman shall fix a date for hearing the appeal and cause notice thereof to be given to all parties in interest as provided by the rules of the Board.

**SECTION 5.0 EFFECTIVE DATE**

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

Adopted by the Holland Town Board of the Township of Holland, La Crosse County, Wisconsin, this 9<sup>th</sup> day of January, 2013.

By:  
David Carlson, Town Chairman

Attest: Marilyn Pedretti, Town Clerk  
Date Posted: 1/10/13