

# **Ordinance Regulating Town Highways of the Town of Lisbon, Juneau County, Wisconsin Ordinance # 61**

Town Board of the Town of Lisbon, Juneau County, Wisconsin, pursuant to the general authority granted by §60.22, Wis. Stats., and Chapter 82, Wis. Stats., makes this ordinance for the safety of the general public. It is the Town's intent to provide safe roads throughout the Town, so that property may be developed to its highest and best use and so vehicular travel and access is not deficient or dangerous to the general public, do ordain as follows:

Section 1. Highway Designation. A public highway owned and/or controlled by the Town, including all recorded and unrecorded highways, and including the entire highway right-of-way consists of the travel portion of the highway, the ditches and the right-of-way, presumed to be 66 feet wide and further defined in §82.01, Wis. Stats., and any amendments thereof which is adopted herein by reference.

Section 2. Road Damage. It shall be unlawful to commit damage to any Town road.

Section 3. Road Cleaning and Maintenance.

(1) It shall be unlawful to deposit, dump or leave any rubbish, solid waste, manure, construction waste, garbage or other offensive or noxious material onto any Town road.

(2) No driveway, drainageway, downspout, gutter or other artificial structure shall be designed or maintained to allow water to be cast upon or flow over the travel portion of a Town road.

Section 4. Weight Limitations

(1) Statement of Purpose. It is in the interest of public safety on Town highways, of the Town of Lisbon, declared to have special weight limitations if, in the absence of such special limitations, there is a likelihood that the road be seriously damaged or destroyed.

(2) Such limitations are adopted pursuant to §348.17, §349.16 and §349.17, Wis. Stats., which are adopted herein by reference.

(3) The Town Chairperson, or designee, may impose special seasonal limitations on any road or portion thereof which, in the sole discretion of the Town

Board, could be damaged or destroyed in the absence of such special limitations, because of weakness of the road bed, climatic conditions, or other special or temporary conditions.

(4) Appropriate signs, informing the public of the weight limitations, shall be erected on the applicable road.

(5) When such limitations are in effect, no person shall operate a motor vehicle weighing in excess of the posted maximum limit.

(6) The limitations imposed under this section shall not apply to the following:  
(a) Town vehicle engaged in the removal of snow or ice, sanding, salting or other Town business.

(b) Fire, ambulance and EMS vehicles.

(c) Vehicles serving agricultural activities located in the Town.

(d) Fuel trucks delivering fuel to Town residents.

(e) School buses serving Town residents.

(f) Garbage/recycling trucks contracted by the Town.

(7) The Town Chairperson, or designee, is authorized to issue a written permit granting the privilege to exceed weight limits as specified, pursuant to the following procedure.

(a) Application. An application for permit shall be filed with the Town Clerk providing name, address and telephone number of applicant; license number and description of truck; general description of work to be performed; period of time during which work will be done; map showing the roads to be used; any other information the Chairperson deems necessary.

(b) The fee to be charged for each application shall be established by separate resolution of the Town Board.

(c) A permit shall be issued only upon condition that the applicant provide satisfactory evidence the applicant has in force public liability insurance not less than \$500,000 per one person and property damage insurance not less than \$500,000 per accident.

(d) A permit shall be issued only upon the condition that the applicant signs a statement that he will indemnify and hold harmless the Town and its officers from any liability or damages caused to the Town's roads by the applicant's exercise of the permit.

## Section 5. Obstructions and Encroachments.

(1) Prohibition. No person shall encroach upon or in any way obstruct or encumber any Town road, and no person shall permit any encroachment, obstruction or encumbrance to be placed or remain on any Town road right-of-way, specifically prohibiting parking any vehicle or trailer in the Town right-of-way for more than 24 consecutive hours at any time commencing November 1 and concluding April 30 of each winter.

(2) Exception.

(a) Temporary encroachments or obstructions authorized by permit pursuant to §66.0425, Wis. Stats.

(b) Permit to occupy, obstruct or encroach upon Town road right-of- ways may be granted by the Town Board for the purpose of moving any building or structure. The permit may contain conditions and limitations as set forth by the Town Chairman.

(c) A permit shall be issued only upon condition the applicant has in force public liability insurance of not less than \$500,000 per person or \$500,000 for accidents or damage caused by reason of the work performed under the permit.

(d) The fee for the road permit shall be set from time-to-time by resolution of the Board.

(e) If any of the conditions in the permit are violated, the permit may be revoked or suspended by the Town without notice immediately.

## Section 6. Enforcement and Penalty.

The Wisconsin Uniform Traffic Citation System as defined in the Wisconsin Statutes shall be used for the enforcement of this ordinance. In addition to any other penalty provided herein, the Town may abate any violation of this ordinance. Each violation and each day a violation continues or occurs shall constitute a separate offense hereunder. The prosecution of 2 or more offenses committed by the same violator may be joined into one action, and the prosecution of 2 or more violators for the same offense may be joined into one action.

The civil forfeiture to be charged for each violation shall be established by separate resolution of the Town Board.

Adopted this 19<sup>th</sup> day of September, 2019.