

**TOWN OF LOMIRA, DODGE COUNTY**

**Ordinance #2026-01**

**Chapter 22**

**ROAD USE ORDINANCE**

**Section 1. Authority.** This Ordinance is adopted under the authority of Wis. Stat. § 349.16. Its purpose is to protect Town highways from extraordinary damage caused by heavy commercial hauling and to establish uniform requirements for road use permits.

**Section 2. Applicability.** This Ordinance applies to any person or entity engaging in commercial hauling, repetitive heavy truck traffic, construction access, or overweight vehicle operation upon Town Roads. Any such person or entity is referred to in this Ordinance as "Operator."

**Section 3. Exemptions**

- A. Limited Commercial Activity Exemption. The Road Use Permit, bonding, and security requirements do not apply to:
- (1) Projects generating fewer than twenty (20) loaded truck trips per week;
  - (2) Hauling lasting fewer than ten (10) consecutive calendar days;
  - (3) Vehicles operating within statutory weight limits under Wisconsin Statutes Chapter 348 that do not involve repetitive heavy commercial hauling; or
  - (4) Local residential construction not involving repetitive
- B. This Ordinance does not apply to Implements of Husbandry as defined in Wis. Stat. § 340.01(24), or to Agricultural Commercial Motor Vehicles engaged in "production agriculture" or "farming" as defined in Wis. Stat. § 340.01(1o). This exemption applies only if the vehicle complies with applicable state weight limits under Wis. Stat. ch. 348, including §§ 348.15 and 348.16, and with all posted bridge and roadway restrictions. Notwithstanding this exemption, any person remains liable for damage to Town Roads under this Ordinance and Wis. Stat. ch. 82.

**Section 4. Road Use Permit Required**

- A. Permit Prerequisite. No hauling or heavy traffic activity may commence on Town Roads without first obtaining a Road Use Permit from the Town Clerk,

paying required inspection fees, posting required Security, and providing proof of insurance.

(1) Security Requirement.

- a. Bond Per Mile. Security must be posted in the amount of \$25,000.00 per mile of Town Road utilized, calculated based on centerline miles approved by the Town.
- b. Form of Security. Security may be in the form of performance bond, irrevocable letter of credit, or cash escrow acceptable to the Town.
- c. Duration. Security must remain in effect until post-use inspection and written release by the Town.
- d. Excess Damages. If repair costs exceed the bond amount, the operator remains fully liable.

(2) Inspection Fees. A fee of \$75 per road segment shall be paid for pre-use inspection and \$75 per road segment for post-use inspection. Inspections shall be performed by the Town Road Superintendent.

(3) Insurance Requirement. Prior to issuance of a Road Use Permit, the Operator must provide certificates of insurance evidencing Commercial General Liability, Automobile Liability, and Umbrella/Excess Liability coverage in limits to be determined by the Town Board. The Town must be named as Additional Insured on a Primary and Non-Contributory basis with a Waiver of Subrogation in favor of the Town. Coverage must not be canceled without thirty (30) days written notice to the Town.

B. Application Requirements. A Road Use Permit application must include:

- (1) Operator's full legal name, entity type, and contact information;
- (2) Proposed haul route identifying each Town Road to be used by name, beginning point, ending point, and distance;
- (3) Vehicle type, gross vehicle weight, and estimated weekly loaded trip count;
- (4) Proposed start and end dates; and
- (5) Executed Roads Plan.

C. Review and Issuance. The Town Clerk, in consultation with the Road Superintendent, must act on a complete permit application within 10 business days. An application that does not include all required items is incomplete and

the 10-business-day period does not begin until a complete application is received. The Town may deny a permit if the Operator has not satisfied all requirements of this Ordinance. The Town may impose reasonable conditions on a permit consistent with this Ordinance.

D. Roads Plan Required. Before commencing use of Town Roads, Operator must execute a Roads Plan with the Town in substantially the form maintained by the Town Clerk. The Roads Plan implements the following requirements:

- (1) Road Condition Surveys;
- (2) Security Requirements;
- (3) Damage Responsibility and Repair;
- (4) Insurance Requirements; and
- (5) Indemnification.

#### **Section 5. Operator Compliance**

Operator must comply with all applicable Wisconsin statutes, Wis. Admin. Code provisions, WisDOT requirements, and all posted weight and bridge restrictions while operating on Town Roads. All traffic control devices, signage, and roadway practices must conform to the Wisconsin Manual on Uniform Traffic Control Devices. Operator must provide the Road Superintendent with a copy of each overweight and oversize permit issued by the Wisconsin Department of Transportation or Dodge County within 2 business days of receipt.

#### **Section 6. Enforcement**

- A. Damage Responsibility. Any person causing damage to a Town Road is responsible for 100% of repair costs, including associated engineering and administrative expenses. The Town may repair damage and deduct from posted security or pursue direct reimbursement.
- B. Forfeiture. Any person who violates this Ordinance may be subject to a forfeiture, together with the costs of prosecution, as imposed by a court of competent jurisdiction. The following forfeiture amounts apply:
  1. A forfeiture in the amount of not less than \$50 and not more than \$500.
  2. The Town may seek injunctive relief in a court of competent jurisdiction to restrain continued or future violations of this Ordinance.

- B. Upon conviction for a violation of this Ordinance, a violator must also pay all applicable surcharges, assessments, and costs as allowed by law.
- C. Each one-way transit of a Town Road in violation of this Ordinance constitutes a separate offense.

**Section 7. Severability**

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance and the application of its provisions to other persons and circumstances are not affected.

**Section 8. Effective Date**

This Ordinance takes effect the day after publication as required by Wis. Stat. § 60.80(3). Because this Ordinance imposes a forfeiture, publication is required and posting may not be used in lieu of publication. Wis. Stat. § 60.80(2).

Adopted this 10<sup>th</sup> day of March, 2026 by the Town Board of the Town of Lomira, Dodge County, Wisconsin.

(Signatures on file)

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Town of Lomira Chairperson

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Town of Lomira 1st Supervisor

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Town of Lomira 2nd Supervisor

**Attest:**

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Town of Lomira Clerk