



### Legislation Details (With Text)

**File #:** 49036      **Version:** 1      **Name:** Increasing weight limit of vehicles in residential districts

**Type:** Ordinance      **Status:** Passed

**File created:** 9/27/2017      **In control:** TRANSIT AND PARKING COMMISSION (ended 06/2018)

**On agenda:** 1/2/2018      **Final action:** 1/2/2018

**Enactment date:** 1/11/2018      **Enactment #:** ORD-18-00003

**Title:** Amending Section 12.129 of the Madison General Ordinances to increase the weight restriction for heavy traffic in residence districts, and to clarify the unit of measurement as being the gross weight of a vehicle in pounds as registered with the Department of Transportation.

**Sponsors:** Denise DeMarb

**Indexes:**

**Code sections:**

**Attachments:** 1. Body, 2. PKG Heavy Traffic ordinance change.pdf, 3. Alder DeMarb email dated 12.13.17

Date	Ver.	Action By	Action	Result
1/2/2018	1	COMMON COUNCIL	Adopt	Pass
12/13/2017	1	TRANSIT AND PARKING COMMISSION (ended 06/2018)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	
11/8/2017	1	TRANSIT AND PARKING COMMISSION (ended 06/2018)	Re-refer	
10/3/2017	1	COMMON COUNCIL	Refer	Pass
9/27/2017	1	Attorney's Office/Approval Group	Referred for Introduction	

#### Fiscal Note

The proposed ordinance change increases the weight restriction for heavy traffic in residence districts. The penalty amount for such a violation remains unchanged. The fiscal impact, if any, is anticipated to be very minimal.

#### Title

Amending Section 12.129 of the Madison General Ordinances to increase the weight restriction for heavy traffic in residence districts, and to clarify the unit of measurement as being the gross weight of a vehicle in pounds as registered with the Department of Transportation.

#### Body

**DRAFTER'S ANALYSIS:** This proposal amends Sec. 12.129, MGO, to increase the weight restriction for heavy traffic in residence districts to 10,000 pounds or more, measured as the gross weight in pounds as registered with the Department of Transportation.

To provide a historical context, a December 17, 1974 revision to the current Sec. 12.129, MGO, notes that “[the] revision is to conform the ordinance to the language and definition of ‘heavy traffic’ in the enabling Statute, Wis. Stat. § 349.17, Wis. Stat.” In turn, the 1973-74 version of the Wisconsin State Statutes defined “heavy traffic” as “all vehicles not operating completely on pneumatic tires and all vehicles or combination of vehicles, other than motor busses [sic], designed or used for transporting property of any nature and having a gross weight of more than 6,000 pounds.” As such, the current ordinance reflects the 6,000-pound weight restriction specified in the state statute.

Nonetheless, the size and weight of vehicles has increased since 1974. In speaking with the Wisconsin Department of Transportation (DOT), "light trucks" are now considered those with a registered gross weight of 4,500, 6,000, or 8,000 pounds, based on the DOT's classifications. Meanwhile, "heavy trucks" are considered those with a registered gross weight of 10,000 pounds or more.

In light of the larger motor vehicles regularly operated today, and despite that the current 2015-2016 version of Wis. Stat. § 349.17 maintains the same definition of "heavy traffic," the City wishes to enforce the prohibition of heavy traffic in residence districts for only those vehicles which weigh 10,000 pounds or more. As such, this proposal increases the weight restriction to 10,000 pounds or more in Sec. 12.129, MGO.

This proposal further clarifies the unit of measurement for assessing the weight of motor vehicles. While current Sec. 12.129, MGO, solely assesses a vehicle's weight in pounds, this proposal specifies that the weight of the vehicle is to be determined by the gross weight of the vehicle in pounds as registered with the DOT.

As used in revised Sec. 12.129, MGO, the terms "operator," "motor truck," "truck tractor," "trailer," "semitrailer," "motor home," "vehicle," "motor bus," "park," "highway," "state trunk highway," and "residence district" are defined in Wis. Stat. §§ 340.01(41), 340.01(34), 340.01(73), 340.01(71), 340.01(57), 340.01(33m), 340.01(74), 340.01(31), 340.01(42m), 340.01(22), 340.01(60), 340.01(50), respectively. The City adopts these definitions in Sec. 12.01, MGO.

Furthermore, this proposal amends the bail deposit verbiage specified in Sec. 1.08(3)(a), MGO to conform with the revised weight restriction. The penalty amount for such violation, as specified in Sec. 12.141(4), MGO, remains unchanged.

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The Common Council of the City of Madison do hereby ordain as follows:  
Please see "Body" in Attachments.