

LEGISTAR #49036 - 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.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 12.129 entitled “Parking Heavy Traffic in Residence Districts” of the Madison General Ordinances is amended to read as follows:

“12.129 PARKING HEAVY TRAFFIC IN RESIDENCE DISTRICTS.

No operator ~~of~~ shall park a motor truck, truck tractor, trailer or semitrailer, motor home or any other vehicle or combination of vehicles, other than motor buses, having a gross weight of ten thousand (10,000) pounds or weighing more as registered with the Wisconsin Department of Transportation than six thousand (6,000) pounds, shall park such vehicle on any highway, other than routed State Trunk Highways, in any residence district except for such time as is reasonably necessary to facilitate the loading or unloading of such vehicle.”

2. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
No heavy truck traffic parking in residential districts (in excess of 6,000 10,000 lbs or more).	12.129(1)	\$105

EDITOR'S NOTES:

1. Subsection (4) of Section 12.141 of the Madison General Ordinances reads as follows:
“(4) Any person violating Sections 12.128(4)(a) or 12.128(6) or 12.128(9) or 12.128(10) or 12.128(11) or 12.129(1) or 12.138 shall be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).”

2. Legal Reference: Wisconsin Statute § 340.01 provides the following definitions:

340.01(41) “Operator” means a person who drives or is in actual physical control of a vehicle.

340.01(34) “Motor truck” means every motor vehicle designed, used or maintained primarily for the transportation of property.

340.01(73) “Truck tractor” means a motor vehicle designed and used primarily for drawing other vehicles and no so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

340.01(71) “Trailer” means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home.

340.01(57) “Semitrailer” means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle, but does not include a mobile home. A vehicle used with a ready-mix motor truck to spread the load is considered a semitrailer.

340.01(33m) “Motor home” means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

340.01(74) “Vehicle” means every devise in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile, an all-terrain vehicle, a personal delivery device, and an electric personal assistive mobility device shall not be considered a vehicle except for purposes made specifically applicable by statute.

340.01(31) “Motor bus” means a motor vehicle designed primarily for the transportation of persons rather than property and having a passenger-carrying capacity of 16 or more persons, including the operator. Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches.

340.01(42m) “Park or parking” means the halting of a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

340.01(22) "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the

public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in s. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. (46).

340.01(60) "State truck highway" means any highway designated pursuant to s. 84.02 or 84.29 as part of the state trunk highway system, exclusive of connecting highways.

340.01(50) "Residence district" means the territory contiguous to a highway not comprising a business district where the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.