

AN ORDINANCE REPEALING AND RECREATING SECTION 106-107 OF THE MUNICIPAL CODE RELATING TO RESTRICTIONS ON HEAVY TRAFFIC OPERATING ON CERTAIN STREETS IN THE VILLAGE OF MENOMONEE FALLS

WHEREAS, Wisconsin Statute § 61.34(1) provides that except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters, and the public service, and shall have power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and

WHEREAS, Wisconsin Statute § 349.17 also authorizes the Village Board to impose certain restrictions on heavy truck traffic in the Village subject to certain limitations

WHEREAS, pursuant to the statutory authority noted above, the Village Board has adopted various traffic regulations in Chapter 106 of the Municipal Code of the Village of Menomonee Falls; and

WHEREAS, § 106-41(a) of the Municipal Code provides that permanent traffic regulations shall be established by the Village Board; and

WHEREAS, § 106-107 of the Municipal Code provides that, subject to certain exceptions, no person shall operate any vehicle within the classification of heavy traffic over any bridges, streets or highways designated by ordinance; and

WHEREAS, on March 6, 2017 the Village Board adopted Ordinance Number 684-O-17, which, with certain exceptions, prohibits truck traffic over six tons on Main Street between Elder Lane and Pilgrim Road; and

WHEREAS, Waukesha County uses Main Street, including the portion of Main Street between Elder Lane and Pilgrim Road to facilitate its county-wide snowplowing operations; and

WHEREAS, Waukesha County has requested that the Village exempt its vehicles from the heavy truck traffic regulations applicable to Main Street between Elder Lane and Pilgrim Road when its vehicles are in use for snowplowing operations; and

WHEREAS, Village staff is also recommending that Village owned or operated vehicles also be exempted from the Village heavy truck traffic regulations found in § 106-107 of the Municipal Code; and

WHEREAS, it is deemed to be in the best interest of the Village of Menomonee Falls that the Municipal Code of the Village of Menomonee Falls be further modified and amended in the manner hereinafter more particularly set forth.

NOW, THEREFORE, the Board of Trustees of the Village of Menomonee Falls do hereby ordain as follows:

Section 1. Section 106-107 [Exceptions] of Division 2 [Weight Restrictions] of Article III [General Rule of Vehicle Operation] of Chapter 106 [Traffic and Vehicles] of the Municipal Code is repealed; and Section 106-107 [General Heavy Traffic Regulations] of Division 2 [Weight Restrictions] of Article III [General Rule of Vehicle Operation] of Chapter 106 [Traffic and Vehicles] of the Municipal Code is created to read as follows:

Sec. 106-107. General Heavy Traffic Regulations.

(a) Except as provided in subsection (b) below, no person shall operate any vehicle within the classification of heavy traffic over any of the bridges, streets or highways designated by ordinance; provided, however, that nothing in this division shall prohibit the least possible ordinary use of any such streets or highways for the purpose of obtaining orders for and delivering or moving supplies or other necessary commodities to or from any residence or place of business fronting on such streets or highways.

(b) *Exceptions.*

- (1) Notwithstanding subsection (a), vehicles owned or operated by Waukesha County shall not be subject to heavy truck traffic regulations applicable to Main Street between Elder Lane and Pilgrim Road when those vehicles are in use for snowplowing operations.
- (2) Subsection (a) and Village ordinances adopting regulations pursuant to that subsection or to Wisconsin Statute § 349.17 shall not apply to vehicles owned or operated by the Village of Menomonee Falls.

Section 2. Except as specifically modified and amended by this ordinance, the Municipal Code of the Village of Menomonee Falls shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its passage.

Section 4. SEVERABILITY. If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Adopted by the Board of Trustees of the Village of Menomonee Falls on the ____ day of October, 2017.

By: _____
Joseph Helm, Village President

Date Published/Posted:

Attest: _____
Janice Moyer Village Clerk