

**VILLAGE OF WINDSOR
ORDINANCE NO. 2015-02**

**AN ORDINANCE ESTABLISHING A PERMIT REQUIREMENT FOR
AGRICULTURAL COMMERCIAL VEHICLES AND
IMPLEMENTS OF HUSBANDRY,
IN THE VILLAGE OF WINDSOR, DANE COUNTY, WISCONSIN**

WHEREAS, the Wisconsin Legislature amended the highway weight and length limit statutes in 2014 and increased the allowable weight and length of agricultural vehicles operated on Wisconsin highways; and

WHEREAS, the Town of Windsor, on December 18, 2014 and as set forth in Town Ordinance 2014-10, adopted an ordinance to establish weight limits for agricultural commercial vehicles and implements of husbandry (IOH); and

WHEREAS, following additional statutory changes, incorporation of the Town of Windsor as the Village of Windsor and consideration of options available to protect Village roads from excessive wear and tear and assure public safety related to the operation of agricultural commercial vehicles and IOH on Village roads, the Village Board wishes to repeal Town Ordinance 2014-10 and replace it with Village Ordinance 2015-02, all as set forth herein; and

WHEREAS, Wis. Stat. §§ 348.15(9)(f)1. & 348.15(9)(f)1m. provide that there is no weight limitation per wheel, axle, or group of axles for Category B implements of husbandry as defined in § 340.01(24)(a)1.b., for Category 1 agricultural commercial vehicles as defined in § 340.01(1o)(e)1., or for a 2-vehicle combination transporting by trailer or semitrailer either one of these two types of vehicles from farm to field, from field to field, or from farm to farm, but does apply gross vehicle weight limitations to these vehicles; and

WHEREAS, § 348.15(9)(f)2. authorizes the municipality or county to require compliance with axle weight limitations established under § 348.15(3)(b) for Category B implements of husbandry defined in § 340.01(24)(a)1.b., for Category 1 agricultural commercial vehicles as defined in § 340.01(1o)(e)1., or for a 2-vehicle combination transporting by trailer or semitrailer either one of these two types of vehicles from farm to field, from field to field, or from farm to farm, on all highways under its jurisdiction; and

NOW, THEREFORE, the Village Board of the Village of Windsor, Wisconsin, does ordain as follows:

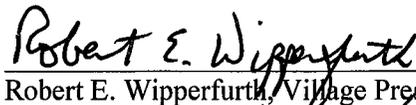
1. Chapter 42, Article IV of the Village of Windsor Code of Ordinances is hereby repealed and replaced with EXHIBIT A, which is attached and incorporated by reference.
2. The Village Board further ordains as follows:
 - a. Pursuant to § 348.15(9)(f)2. of Wis. Statutes, all Category B implements of husbandry as defined in § 340.01(24)(a)1.b., all Category 1 agricultural commercial vehicles as defined in § 340.01(1o)(e)1., and any 2-vehicle combination transporting by trailer or semitrailer either

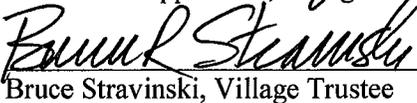
one of these two types of vehicles from farm to field, from field to field, or from farm to farm may not exceed the axle weight limits imposed by § 348.15(3)(b) of Wis. Statutes.

- b. To exceed the length and/or weight limitations on highways under the Village of Windsor's jurisdiction, a no-fee permit may be applied for from the Village of Windsor.
 - c. Pursuant to § 348.27(19)(b)4m. of Wis. Statutes, in the event an application for a no-fee permit is made for a Category B implement of husbandry as defined in § 340.01(24)(a)1.b., a Category 1 agricultural commercial vehicles as defined in § 340.01(1o)(e)1., or any 2-vehicle combination transporting by trailer or semitrailer either one of these two types of vehicles from farm to field, from field to field, or from farm to farm, the Village of Windsor or Dane County may not deny the application but may modify and approve the application to include an alternate route or map of highways other than those specified by the applicant and may include highways that are not under its jurisdiction only upon prior approval of the authority having jurisdiction over those highways, except that no prior approval is required with respect to a highway on which these vehicles may be legally operated or transported without a permit or as authorized by the other jurisdiction.
3. Publication. Notice of this Ordinance shall be published as a Class 1 notice as required by law.
 4. Notice to Department of Transportation. The Village Clerk shall provide notice of this ordinance to the Department of Transportation as required by law.
 5. Effective Date. The effective date of this Ordinance shall be January 1, 2016.

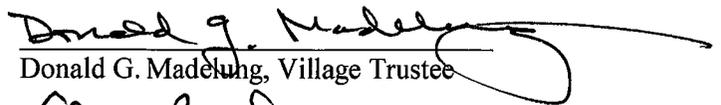
The above and foregoing Ordinance was duly adopted at a regular meeting of the Village Board of the Village of Windsor on the 19th day of November, 2015.

VILLAGE OF WINDSOR


Robert E. Wipperfurth, Village President


Bruce Stravinski, Village Trustee


Monica M. Smith, Village Trustee


Donald G. Madelung, Village Trustee


Alan Buchner, Village Trustee

Attest:

Christine Capstran, Village Clerk

EXHIBIT A

Chapter 3

Regulations Applicable to Agricultural Commercial Vehicles and Implements of Husbandry

8-3-1	Definitions
8-3-2	Prohibition
8-3-3	Administration
8-3-4	Enforcement
8-3-5	Penalties

Sec 8-3-1 **Definitions.** As used in this Chapter, the following terms have the following meaning:

- (a) “Agricultural Commercial Vehicle” shall have the meaning given in Sec. 340.01(10), Wis. Stats.
- (b) “Implement of Husbandry” shall have the meaning given in Sec. 340.01(24), Wis Stats.
- (c) “Maintaining authority” shall mean the Village of Windsor.
- (d) “Village Agent” means the Village officer or employee who has been designated by the Village Board to process applications, issue permits and pursue enforcement of violations on behalf of the Village.

Sec. 8-3-2 **Prohibition.**

It shall be unlawful and a violation of this Chapter for any person, without a permit therefor, to operate an implement of husbandry, including a Category B implement of husbandry, or an agricultural commercial vehicle on any Village road under the jurisdiction of the Village which exceeds the length and/or weight limits imposed by s. 348.15(3)(g), Wis. Stats.

Sec. 8-3-3 **Administration.**

- (a) Authority. This Chapter is adopted under the authority of s. 348.27(19)(b)5a, Wis. Stats, and Trans 230 of the Wisconsin Administrative Code.
- (b) Permits. Applications for permits shall be made to the Village Clerk, who shall promptly refer the application to the Village Agent for review. Only applications containing all required information shall be processed.
- (c) Fee. No fee shall be charged for issuance of a permit.

- (d) Review. Upon receiving an application for a permit under this section, the Village Agent shall provide the applicant with a final decision on the application within three (3) weeks of its receipt. If the Village Agent fails to approve or deny the application during this 3-week period, the application is considered approved until the applicant receives a denial meeting the requirement of subsection (6) or until six (6) weeks from receipt of the application. If the Village Agent fails to approve or deny the application within 6 weeks of its receipt, the application is approved.
- (e) Amendment. Any person to whom a permit has been issued under this section may, at any time, apply for an amendment to the permit to reflect a change in the applicant's circumstances or information, including a change in the listing or map of highways to be traveled. Upon receiving an application for amendment, the Village Agent shall provide the applicant with a decision on the application within five (5) business days of its receipt. If the Village Agent fails to approve or deny the application within the 5-day period, the application is considered approved until the applicant receives a denial under subsection (6) or until 10 business days from receipt of the application. If the Village Agent fails to approve or deny the application within 10 business days of its receipt, the application is approved.
- (f) Denial of permit. If the Village Agent denies a permit application it shall notify the applicant in writing of the denial and the notice shall include a reasonable and structurally based explanation of the denial that relates to the preservation of the roadway. If the only basis to deny the application is the listing or map of highways accompanying the application, the Village Agent shall modify the application to include an approved alternate route or map of highways for operation and approve the application.
- (g) Permit renewal. Permits issued under this section shall automatically renew each year unless there is a material change to any roadway for which the permit applies. Permit holders shall be notified in writing of a non-renewal.
- (h) Suspension/Revocation of Permit. Alteration of a permit, providing false information on the permit application or failure to comply with the conditions of a permit shall be just cause for suspension of a permit upon verbal or written notice or revocation of a permit upon notice and an opportunity for a hearing.
- (i) Appeal. Any person aggrieved by an adverse determination by the Village Agent under this section, shall file a written request for appeal with the Village Clerk within 30 days of the date of the adverse decision, which appeal shall then be referred to the Village Board for action within 30 days.

Sec. 8-3-4 Enforcement.

Failure to obtain a permit or to have permit in possession shall constitute a violation. The Village Agent may, upon receipt of a complaint or observation of a violation, commence appropriate procedures to enforce this Chapter. The Village hereby authorizes enforcement by the Dane County Sheriff's Department and the Village Constable or designee.

Sect. 8-3-5 Penalties.

- (a) If weight exceeds by 1,000 pounds or less – forfeiture of not less than \$50 and not more than \$100 upon first conviction, and upon the 2nd and each subsequent conviction within a 12- month period, a forfeiture of not less than \$100 nor more than \$200.

- (b) If weight exceeds by more than 1,000 pounds:
 - (1) For the first conviction, a forfeiture of not less than \$50 nor more than \$200 plus an amount equal to whichever of the following applies:
 - a. One cent for each pound of total excess load when the total excess is not over 2,000 pounds.
 - b. Three cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
 - c. Five cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.
 - d. Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
 - e. Fifteen cents for each pound of total excess load if the excess is over 5,000 pounds.

 - (2) For the 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$300, plus an amount equal to whichever of the following applies:
 - a. Two cents for each pound of total excess load when the total excess is not over 2,000 pounds.
 - b. Five cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
 - c. Eight cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds.
 - d. Twelve cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
 - e. Eighteen cents for each pound of total excess load if the excess is over 5,000 pounds.