



## DANE COUNTY CLERK

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**SCOTT McDONELL**  
COUNTY CLERK

**SHERRI ENDRES**  
CHIEF DEPUTY  
(608) 266-4122

STATE OF WISCONSIN )  
COUNTY OF DANE ) ss.

I, Scott McDonell, the duly elected County Clerk of the County of Dane, State of Wisconsin, do hereby swear that the attached is a true and correct copy of 2014 OA-61, AMENDING CHAPTER 79 OF THE DANE COUNTY CODE OF ORDINANCES, ESTABLISHING A PERMIT REQUIREMENT FOR AGRICULTURAL COMMERCIAL VEHICLES AND IMPLEMENTS OF HUSBANDRY, which was adopted by the Dane County Board of Supervisors on December 18, 2014, approved by the Dane County Executive on December 22 2014 and published on December 29, 2014.

**Scott McDonell**  
Dane County Clerk

AMENDING CHAPTER 79 OF THE DANE COUNTY CODE OF ORDINANCES,  
ESTABLISHING A PERMIT REQUIREMENT FOR AGRICULTURAL  
COMMERCIAL VEHICLES AND IMPLEMENTS OF HUSBANDRY

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 79.50 is created to read as follows:

**79.50 REGULATIONS APPLICABLE TO AGRICULTURAL COMMERCIAL VEHICLES AND IMPLEMENTS OF HUSBANDRY.**

ARTICLE 3. Section 79.51 is created to read as follows:

**79.51 DEFINITIONS.**

- (1) *Agricultural Commercial Vehicle* shall have the meaning given in Sec. 340.01(1o).
- (2) *Implement of Husbandry* shall have the meaning given in Sec. 340.01(24).
- (3) *Maintaining authority* shall mean the Department.

ARTICLE 4. Section 79.52 is created to read as follows:

**79.52 PERMIT REQUIRED.**

It shall be unlawful and a violation of this ordinance 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 county trunk highway under the jurisdiction of the department which exceeds the length and/or weight limits imposed by s. 348.15(3)(g), Wis. Stats.

ARTICLE 5. Section 79.53 is created to read as follows:

**79.53 ADMINISTRATION.**

- (1) **Authority.** This Subchapter is adopted under the authority of s. 348.27(19)(b)5a, Wis. Stats. and Trans 230 of the Wisconsin Administrative Code.
- (2) **Permits.** Applications for permits shall be made to the department, 2302 Fish Hatchery Road, Madison, Wisconsin. Only applications containing all required information shall be processed.
- (3) **Fee.** No fee shall be charged for issuance of a permit.
- (4) **Review.** Upon receiving an application for a permit under this section, the department shall provide the applicant with a final decision on the application within three (3) weeks of its receipt. If the department 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 department fails to approve or deny the application within 6 weeks of its receipt, the application is approved.
- (5) **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 department shall provide the applicant with a decision on the application within five (5) business days of its receipt. If the department 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 department fails to approve or deny the application within 10 business days of its receipt, the application is approved.
- (6) **Denial of permit.** If the department 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 department shall modify the application to include an approved alternate route or map of highways for operation and approve the application.

**(7) 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.

**(8) 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.

**(9) Appeal.** Any person aggrieved by an adverse determination by the department under this section, shall file a written request for appeal with the Public Works Committee within 30 days of the date of the adverse decision.

ARTICLE 6. Section 79.54 is created to read as follows:

**79.54 ENFORCEMENT.**

Failure to obtain a permit or to have permit in possession shall constitute a violation.

ARTICLE 7. Section 79.55 is created to read as follows:

**79.55 PENALTIES.**

**(1)** 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 85 and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$200.

**(2)** If weight exceeds by more than 1,000 pounds:

**(a)** 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:

1. One cent for each pound of total excess load when the 91 total excess is not over 2,000 pounds.
2. Three cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
3. Five cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.
4. Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
5. Fifteen cents for each pound of total excess load if the excess is over 5,000 pounds.

**(b)** For the 2nd 101 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:

1. Two cents for each pound of total excess load when the total excess is not over 2,000 pounds.
2. Five cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
3. Eight cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds.
4. Twelve cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
5. Eighteen cents for each pound of total excess load if the excess is over 5,000 pounds.

*NON-CODE PROVISION:* The effective date of this ordinance amendment shall be January 1, 2015.