**TOWN OF WESTPORT**

**ORDINANCE NO. 14-04**

**AN ORDINANCE TO ESTABLISH A PERMIT REQUIREMENT FOR AGRICULTURAL COMMERCIAL VEHICLES AND IMPLEMENTS OF HUSBANDRY, IN THE TOWN OF WESTPORT, DANE COUNTY, WISCONSIN**

The Town Board of Supervisors of the Town of Westport Dane County, Wisconsin, does hereby ordain as follows:

**SECTION 1:** Chapter 8-3, Town of Westport Code of Ordinances, an Ordinance Establishing A Permit Requirement For Agricultural Commercial Vehicles and Implements of Husbandry, is hereby created to provide as attached at Exhibit A, pursuant to Sec. 348.15(9)(f) of Wis. Statutes, such that all implements of husbandry (including Category B implements of husbandry defined in Sec. 340.01(24(a)1.b) may not exceed the weight limits imposed by Chapter 348.15(3)(g) of Wis. Statutes, in accordance with the provisions at Exhibit A (OPTION E).

**SECTION 2**: The effective date of this ordinance amendment shall be January 15, 2015.

The above and foregoing ordinance was duly adopted at a regular meeting by the Town Board of Supervisors of the Town of Westport held on the 15th day of December, 2014, by a vote of 5 ayes,

0 nays, and 0 not voting (absent).

APPROVED:

By: _____

John A. Van Dinter, Town Board Chair

Attest: _____

Thomas G. Wilson

Town Attorney/Administrator/Clerk-Treasurer

Approved: 12/16/14

Published: 12/24/14

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# 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(1o), Wis. Stats.
(b) "Implement of Husbandry" shall have the meaning given in Sec. 340.01(24), Wis Stats.
(c) "Maintaining authority" shall mean the Town.
(d) "Town Agent" means the Town officer or employee who has been designated by the Town Board to process applications, issue permits and pursue enforcement of violations on behalf of the Town.

**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 Town road under the jurisdiction of the Town 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 Town Clerk, who shall promptly refer the application to the Town 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 Town Agent shall provide the applicant with a final decision on the application within three (3) weeks of its

receipt. If the Town 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 Town 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 Town Agent shall provide the applicant with a decision on the application within five (5) business days of its receipt. If the Town 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 Town 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 Town 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 Town 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 Town Agent under this section, shall file a written request for appeal with the Town Clerk within 30 days of the date of the adverse decision, which appeal shall then be referred to the Town 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 Town Agent may, upon receipt of a complaint or observation of a violation, commence appropriate procedures to enforce this Chapter. The Town hereby authorizes enforcement by the Dane County Sheriff's Department and Wisconsin State Patrol.

**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.