

**TOWN OF WINDSOR  
ORDINANCE NO. 2014-10**

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

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

**WHEREAS**, under the new statute, weight limits on Town roads will increase if the Town of Windsor does not adopt an ordinance exercising control over the weight and length of farm machinery on or before January 15, 2015; and

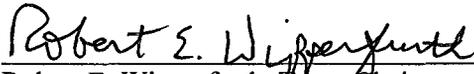
**WHEREAS**, the Town Board wishes to protect its Town roads from excessive wear and assure that vehicles are safe to operate on town roads and therefore wishes to establish a permit requirement for agricultural commercial vehicles and implements of husbandry, all as set forth herein.

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

1. Chapter 42, Article IV, Division 6 of the Town of Windsor Code of Ordinances is hereby created to read as set forth in Exhibit A, which is attached and incorporated by reference.
2. Publication. Notice of this Ordinance shall be published as a Class 1 notice in the form attached as Exhibit B, which is attached and incorporated by reference.
3. Effective Date. The effective date of this Ordinance shall be January 15, 2015.

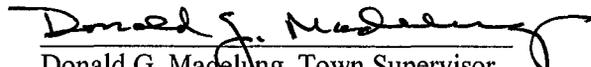
The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Windsor on the 18<sup>th</sup> day of December, 2014.

**TOWN OF WINDSOR**

  
Robert E. Wipperfurth, Town Chairperson

  
Bruce Stravinski, Town Supervisor

  
Monica M. Smith, Town Supervisor

  
Donald G. Madelung, Town Supervisor

  
Alan Buchner, Town Supervisor

Attest:  
  
Christine Capstran, Town Clerk

## Chapter 42, Article IV, Division 6

# **Regulations Applicable to Agricultural Commercial Vehicles and Implements of Husbandry**

42-381	Definitions
42-382	Prohibition
42-383	Administration
42-384	Enforcement
42-385	Penalties

### **Sec. 42-381 Definitions.**

As used in this Chapter, the following terms have the following meaning:

- (a) "Agricultural Commercial Vehicle" shall have the meaning given in Wis. Stat. s. 340.01(10).
- (b) "Implement of Husbandry" shall have the meaning given in Wis. Stat. s. 340.01(24).
- (c) "Maintaining authority" shall mean the Town of Windsor.
- (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. 42-382 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 Wis. Stat. s. 348.15(3)(g).

Nothing set forth herein is intended to or does limit the Town's authority to impose seasonal and/or special limits on Town roads, as permitted by law.

### **Sec. 42-383 Administration.**

- (a) Authority. This Chapter is adopted under the authority of Wis. Stat. s. 348.27(19)(b)5a, 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.

## EXHIBIT A

- (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. 42-384 Enforcement.**

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

EXHIBIT A

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 the Wisconsin State Patrol.

**Sect. 42-385 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.

EXHIBIT B

TOWN OF WINDSOR

NOTICE OF ADOPTION OF ORDINANCE CREATING A PERMIT REQUIREMENT FOR  
AGRICULTURAL COMMERCIAL VEHICLES AND IMPLEMENTS OF HUSBANDRY

To the Citizens and Land-Owners of the Town of Windsor:

PLEASE TAKE NOTICE that on December 18, 2014, the Town Board of the Town of Windsor adopted an Ordinance Establishing a Permit Requirement For Agricultural Commercial Vehicles and Implements of Husbandry. A full copy of the Ordinance is available on the website of the Town at [www.windsorwi.gov](http://www.windsorwi.gov), at the Town Hall during regular business hours, or by email or regular mail on request. The Town Clerk can be contacted at 608-846-3854 or by email at [christine@windsorwi.gov](mailto:christine@windsorwi.gov). This Code amendment will take effect January 15, 2015.

SUMMARY OF ORDINANCE:

Legislation adopted in 2014 increased the allowable weight and length of agricultural vehicles operated on Wisconsin highways. The higher limits apply on town roads unless a town adopts an ordinance to require the vehicle owner to obtain a permit before operating a vehicle which exceeds the previous weight limits. In order to protect the Town's roads from excessive wear, and assure that vehicles are safe to operate on Town roads, the Town will require that the operators of agricultural commercial vehicles and implements of husbandry have a permit to use Town roads if the vehicles exceed 80,000 pounds in weight and/or the overall length limit of 60 feet for a single vehicle and 100 feet for a two-vehicle combination.

Farmers who have any questions about farm vehicles should contact the Town to determine whether a permit is required.

The Ordinance imposes a forfeiture for overweight operation.

By: Christine Capstran  
Town Clerk

Published: December 25, 2014  
(DeForest Times Tribune Class 1 Notice)