

TOWN OF HARMONY
ORDINANCE NO. 010515

**AN ORDINANCE ALLOWING FOR THE REGULATION OF ALL IMPLEMENTS OF
HUSBANDRY AND AGRICULTURAL COMMERCIAL VEHICLES**

WHEREAS, Wis. Stat. § 348.15(9)(f)(1) provides that there is no weight limitation per wheel, axle, or group of axles for Category B implements of husbandry as defined in Wis. Stat. § 340.01(24)(a)(1)(b), but does apply gross vehicle weight limitations to said vehicles; and

WHEREAS, Wis. Stat. § 348.15(9)(f)(1) authorizes the Town of Harmony to require compliance with axle weight limitations established under Wis. Stat. § 348.15(3)(g) for Category B implements of husbandry as defined in Wis. Stat. § 340.01(24)(a)(1)(b) on all highways under its jurisdiction;

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF HARMONY, COUNTY OF ROCK, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

SECTION I: Chapter 10 of the Town of Harmony Code of Ordinances, presently entitled "Standard for Road Surfaces and Base on Town Roads," is hereby re-titled as "Town Roads," and Section 2 is created within that Chapter to be entitled "Implements of Husbandry and Agricultural Commercial Vehicles" to read as follows:

- "(1) Pursuant to Wis. Stat. § 348.15(9)(f), all implements of husbandry (including Category B implements of husbandry defined in Wis. Stat. § 340.01(24)(a)(1)(b)) may not exceed the weight and length limitations imposed by Wis. Stat. § 348.15(3)(g).
- (2) For an implement of husbandry, as defined in Wis. Stat. § 340.01(24)(a)(1)(b), to exceed the length and/or weight limitations on highways in the Town of Harmony, the user of said implement may apply to the Town for a no-fee permit.
- (3) Pursuant to Wis. Stat. § 348.27 (19)(b)(4)(m)(a), in the event an application for a no-fee permit is made for a Category B implement of husbandry as defined in Wis. Stat. § 340.01 (24)(a)(1)(b), the Town is required to provide an approved alternate route, which may include highways that are not under the Town of Harmony's jurisdiction if prior approval has been given by the jurisdiction over the alternate routes not under the Town of Harmony's jurisdiction for operation of Category B implements of husbandry as defined in Wis. Stat. § 340.01(24)(a)(1)(b).
- (4) Applications for no-fee permits under this Section shall be filed with the Town Clerk.
- (5) The Town Chair shall appoint one or more Town Supervisors to review applications for no-fee permits under this Section. Each Supervisor thus appointed shall have the authority to issue no-fee permits under this Section.

(6) Each violation of the provisions of Subchapter III of Chapter 348 of the Wisconsin Statutes governing the weight of implements of husbandry and agricultural commercial vehicles shall be deemed a violation of this Section, and a forfeiture is hereby imposed for such violation equal to the amount of any penalty imposed under that Subchapter. This Section may be enforced, at the Town Board's option, by summons and complaint pursuant to Wisconsin Statutes, or by citation under Chapter 5 of this Municipal Code, provided that the penalty shall include any surcharge applicable to municipal ordinance violations by Wisconsin Statute, and the violation forfeiture imposed by citation shall be the maximum penalty imposed under said Subchapter III of said Chapter 348. The penalty imposed hereunder shall be imposed together with the cost of prosecution for such offense and in default of such payment the person violating this Section shall be imprisoned for not more than thirty (30) days. Each day's continuance of any violation shall constitute a separate offense.

SECTION II: This Ordinance shall remain in effect until rescinded by further action of the Town Board.

SECTION III: The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid. If any provision of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected.

SECTION IV: A copy of this Ordinance shall be provided to the Wisconsin Department of Transportation to be posted on the state DOT website.

SECTION V: This Ordinance shall take effect on January 1, 2015.

Date: 1/5/2015


John Bergman, Town Chair

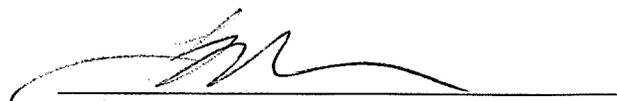
CERTIFICATION

I hereby certify that the above Ordinance No. 010515 was adopted by the Town Board of the Town of Harmony on the 5th day of JANUARY, 2015, and that on the 6th day of JANUARY, 2015, copies of the above Ordinance were posted by me in three places in the Town of Harmony, Rock County, Wisconsin, as follows:

Fanning Excavating, 2930 N Harmony Town Hall Rd, Janesville

Harmony Town Hall, 440 N Hwy 14, Janesville WI

JAMC, 5021 N Hwy 26, Milton WI


Lisa Tollefson, Town Clerk
Town of Harmony, Rock County, Wisconsin

Subscribed and sworn to before me this
6 day of January, 2015.

Lisa A. Maneck
Notary Public, Rock County, Wisconsin
My Commission is permanent
or expires: 1/6/2018

Draft 12-29-14 IOH ord-516124