300.14 Ordinance Applying Statutory Axle Weight Limits Under § 348.15(3)(b) to Agricultural Equipment Pursuant To § 348.15(9)(f)2

I Definitions
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The Town Board of Supervisors of the Town of Berry does ordain as follows:

Ordinance to Opt-In for Category B Implement of Husbandry, Category 1 Ag CMVS, or the trailering of one of either of these two types of vehicles from farm to field, from field to field, or from farm to farm, to comply with the statutory axle weight limits under § 348.15(3)(b) pursuant to § 348.15(9)(f)2, is hereby created to read as follows.

Ordinance Applying Statutory Axle Weight Limits Under § 348.15(3)(b) to Agricultural Equipment Pursuant To § 348.15(9)(f)2.

SECTION 1 – DEFINITIONS

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

A. "Agricultural Commercial Vehicle" [IOH] shall have the meaning given in Wis. Stat. §340.01(1o).
B. "Implement of Husbandry" [CMVS] shall have the meaning given in Wis. Stat. §340.01(24).
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 and shall include the Town Highway Commissioner.

SECTION II – PROHIBITION

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 Town road under the jurisdiction of the Town which exceeds the length and/or weight limits imposed by Wis. Stat. §348.15(3)(g).

SECTION III – ADMINISTRATION

A. Authority. This Ordinance is adopted under § 348.15(9)(f)2. which authorizes a municipality 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.

B. A no-fee permit to exceed the length and/or weight limitations on highways under the authority of the Town of Berry may be applied for from the Town of Berry pursuant to Town of Berry Ordinance §300.13.
C. Pursuant to § 348.27(19)(b)4m. 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 Town of Berry will not deny the application but retains the authority to 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.
D. A copy of this ordinance shall be provided to the Wisconsin Department of Transportation to be posted on its Internet site.

SECTION IV – ENFORCEMENT

The Town Agent may, upon receipt of a complaint or observation of a violation, commence appropriate procedures to enforce this Ordinance. The Town hereby authorizes enforcement by the Dane County Sheriff's Department.

SECTION V – 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.
f. Eighteen cents for each pound of total excess load if the excess is over 5,000 pounds.

SECTION VI – EFFECTIVE DATE
This ordinance shall be in effect beginning with the calendar year of 2016, and for each calendar year following any annual re-adoption of this ordinance.

Adopted by the Town Board this 21st day of November, 2016.

Published: _____

Posted: _____

Attest:_____
Brenda Kahl, Clerk/Treasurer

_____
Anthony Varda, Chair

_____
Jeff Davis, Supervisor

_____
Michael Statz, Supervisor

_____
Joe Kruchten, Supervisor

_____
Duane Haag, Supervisor

[Notes:
For this ordinance Shall appear on the Town Board Agenda for renewal every November to be effective in any calendar year, it must be adopted on or before November 30 of the prior year.

This ordinance must annually be published in a newspaper or posted in at least three places within 30 days of adoption pursuant to § 60.80 for towns.

This ordinance when enacted or readopted shall also be forwarded to the Wisconsin Department of Transportation via email to AgVehicles@dot.wi.gov on or before January 20 for posting on its Internet site.]