

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

46 approve or deny the application within 6 weeks of its receipt, the application is
47 approved.

48 (5) Amendment. Any person to whom a permit has been issued under this
49 section may, at any time, apply for an amendment to the permit to reflect a
50 change in the applicant's circumstances or information, including a change in the
51 listing or map of highways to be traveled. Upon receiving an application for
52 amendment, the department shall provide the applicant with a decision on the
53 application within five (5) business days of its receipt. If the department fails to
54 approve or deny the application within the 5-day period, the application is
55 considered approved until the applicant receives a denial under subsection (6) or
56 until 10 business days from receipt of the application. If the department fails to
57 approve or deny the application within 10 business days of its receipt, the
58 application is approved.

59 (6) Denial of permit. If the department denies a permit application it shall notify
60 the applicant in writing of the denial and the notice shall include a reasonable and
61 structurally based explanation of the denial that relates to the preservation of the
62 roadway. If the only basis to deny the application is the listing or map of
63 highways accompanying the application, the department shall modify the
64 application to include an approved alternate route or map of highways for
65 operation and approve the application.

66 (7) Permit renewal. Permits issued under this section shall automatically
67 renew each year unless there is a material change to any roadway for which the
68 permit applies. Permit holders shall be notified in writing of a non-renewal.

69 (8) Suspension/Revocation of Permit. Alteration of a permit, providing false
70 information on the permit application or failure to comply with the conditions of a
71 permit shall be just cause for suspension of a permit upon verbal or written notice
72 or revocation of a permit upon notice and an opportunity for a hearing.

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

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

78 **79.54 ENFORCEMENT.**

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

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

83 **79.55 PENALTIES.**

84 (1) If weight exceeds by 1,000 pounds or less – forfeiture of not less than \$50
85 and not more than \$100 upon first conviction and upon the 2nd and each
86 subsequent conviction within a 12-month period, a forfeiture of not less than
87 \$100 nor more than \$200.

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

89 (a) For the first conviction, a forfeiture of not less than \$50 nor more than \$200
90 plus an amount equal to whichever of the following applies:

- 91 1. One cent for each pound of total excess load when the total excess is not
92 over 2,000 pounds.
- 93 2. Three cents for each pound of total excess load if the excess is over 2,000
94 pounds and not over 3,000 pounds.
- 95 3. Five cents for each pound of total excess load if the excess is over 3,000
96 pounds and not over 4,000 pounds.
- 97 4. Eight cents for each pound of total excess load if the excess is over 4,000
98 pounds and not over 5,000 pounds.
- 99 5. Fifteen cents for each pound of total excess load if the excess is over 5,000
100 pounds.
- 101 (b) For the 2nd and each subsequent conviction within a 12-month period, a
102 forfeiture of not less than \$100 nor more than \$300, plus an amount equal to
103 whichever of the following applies:
- 104 1. Two cents for each pound of total excess load when the total excess is not
105 over 2,000 pounds.
- 106 2. Five cents for each pound of total excess load if the excess is over 2,000
107 pounds and not over 3,000 pounds.
- 108 3. Eight cents for each pound of total excess load if the excess is over 3,000 and
109 not over 4,000 pounds.
- 110 4. Twelve cents for each pound of total excess load if the excess is over 4,000
111 pounds and not over 5,000 pounds.
- 112 5. Eighteen cents for each pound of total excess load if the excess is over 5,000
113 pounds.

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

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119 *[EXPLANATION: This amendment establishes a permitting requirement for*
120 *overweight and oversized implements of husbandry and agricultural commercial*
121 *vehicles and provides for penalties for non-compliance.]*

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