

# **TOWN OF FOUNTAIN PRAIRIE ORDINANCE NO. 14-01**

## **CHAPTER 15 – IMPLEMENTS OF HUSBANDRY**

### **SECTION I – TITLE AND PURPOSE**

The title of this ordinance is the Town of Fountain Prairie Implements of Husbandry. The purpose of this ordinance is for the Town of Fountain Prairie to regulate the weight of implements of husbandry on a per axle basis for maintenance purposes of all highways under the jurisdiction of the Town of Fountain Prairie.

**WHEREAS**, 2013 WI Act 377 under WI Stat. 348.15(9)(f) provides that there is no weight limitation per wheel, axle or group of axles for Category B – Implements of Husbandry as defined in WI Stat. 340.01(24)(a)1.b, but does apply gross vehicle weight limitations to these vehicles;

### **SECTION II – AUTHORITY**

The Town Board of the Town of Fountain Prairie, Columbia County, Wisconsin has the specific authority under s.289.22, WI Statutes and general authority under its village powers under s.60.22, WI Statutes to adopt this ordinance.

**WHEREAS**, WI Stat. 348.15(9)(f)2.a authorizes the governing body of a municipality to require compliance with axle weight limitations established under WI Stat. 348.15(3)(g) for Category B Implements of Husbandry defined in WI Stat. 340.01(24)(a)1.b on any highways under its jurisdiction; and

**WHEREAS**, the Town of Fountain Prairie Supervisor finds that after due consideration, that regulating the weight of Implements of Husbandry on a per axle basis is more appropriate for maintenance purposes of all highways under the jurisdiction of the Town of Fountain Prairie.

**SO NOW, THEREFORE, THE TOWN BOARD SUPERVISORS OF THE TOWN OF FOUNTAIN PRAIRIE DO ORDAIN AS FOLLOWS:**

### **SECTION III – ADOPTION OF ORDINANCE**

The Town Board of the Town of Fountain Prairie, Columbia County, Wisconsin, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to regulate the use of Implements of Husbandry.

### **SECTION IV**

Pursuant to WI Stat 348.15(15)(9)(f), all implements of husbandry (including Category B Implements of Husbandry) defined in WI St 340.01(24)(a) 1.b operating on highways under the jurisdiction of the Town of Fountain Prairie may not exceed the weight limits imposed by WI Stat. 348.15(3)(g)

## SECTION V

To exceed the length and/or weight limitations on highways under the jurisdiction of the Town of Fountain a no-fee permit may be applied for from the Town of Fountain Prairie.

## SECTION VI

Pursuant to WI Stat. 348.27(19)(b)4m.a., in the event an application for a no-fee permit is made to the Town of Fountain Prairie for a Category B Implement of Husbandry as defined in WI Stat. 340.01(24)(a)1.b, the Town of Fountain Prairie is required to provide an approved alternate route, which may include highways that are not under the jurisdiction of the Town of Fountain Prairie if prior approval has been given by the jurisdiction over the alternate routes not under jurisdiction of the Town of Fountain Prairie for operation of Category B Implements of Husbandry as defined in WI Stat. 340.01(24)(a)1.b.

## SECTION VII

This ordinance shall be in full force and effect upon enactment and publication as required by law, but no earlier than January 1, 2015

## SECTION VIII

This Ordinance shall remain in full force and effect permanently until either duly amended or repealed by the Town of Fountain Prairie Supervisors or until January 1, 2020 as mandated by WI Stat. 348.15(9)(g)

## SECTION IX

All ordinances or parts of ordinances inconsistent with or in contradiction of the provisions of this Ordinance are hereby repealed.

## SECTION XI – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application and to this end, the provisions of this ordinance are severable.

## SECTION XII – EFFECTIVE DATE

This ordinance is effective upon publication and adoption by the Town Board.

The Town Clerk shall properly post this ordinance as required under s.60.80, WI Statutes.

Adopted this eighteenth day December, 2014.

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Steven D. Rubert, Chairman

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David Liebenthal, Supervisor

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Steven R. Jacob, Supervisor

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William Gretzinger, Supervisor

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Ron Huebner, Supervisor

Attest:

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Linda Henning, Clerk/Treasurer