

**TOWN OF MOSEL
SHEBOYGAN COUNTY, WISCONSIN
ORDINANCE NO. 2023-07**

**AN ORDINANCE TO OPT-IN FOR CATEGORY B IOHs, CATEGORY 1 AG CMVs, OR
THE TRAILERING OF ONE OF EITHER OF THESE TWO TYPES OF VEHICLES BETWEEN
FARM TO FIELD, FROM FIELD TO FARM, FROM FIELD TO FIELD, OR FARM TO FARM,
TO COMPLY WITH THE STATUTORY AXLE WEIGHT LIMITS UNDER § 348.15(3)(b)
PURSUANT TO § 348.15(9)(f)2.**

WHEREAS, Wis Stat. §§ 348.15(9)(f)1. & 348.15(9)(f)1m. provide there is no weight limitation per wheel, axle, or group of axles for Category B implements of husbandry as 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 types of vehicles between farm to field, from field to farm, from field to field, or from farm to farm, but does apply gross vehicle weight limitations to these vehicles, and

WHEREAS, § 348.15(9)(f)2. authorizes the Town 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, and

WHEREAS, the Town Board, after careful consideration, has determined that amending Chapter 4 of the Town of Mosel Municipal Code would promote the public health, safety, and welfare of the Town and its inhabitants; and

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Board of Mosel, Sheboygan County, Wisconsin that pursuant to § 340.15(9)(f)2, Wis. Stat. all Category B implements of husbandry as defined in § 340.01(24)(a)1.b., all Category 1 agricultural commercial vehicles as defined in § 340.01(1o)(e)1., and any 2-vehicle combination transporting by trailer or semitrailer either one of these two types of vehicles between farm to field, from field to farm, from field to field, or from farm to farm may not exceed the axle weight limits imposed by § 348.15(3)(b), of Wis. Stat.

BE IT FURTHER ORDAINED that to exceed the length and/or weight limitations on highways under this jurisdiction a no-fee permit may be applied for from the Town.

BE IT FURTHER ORDAINED 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 vehicle as defined in § 340.01(1o)(e)1., or any 2-vehicle combination transporting by a trailer or semitrailer either one of these two types of vehicles between farm to field, from field to farm, from field to field, or from farm to farm, the Town may not deny the application but may 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 highways, except that no 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.

BE IT FURTHER ORDAINED that this ordinance shall be in effect beginning January 1st 2024.

BE IT FURTHER ORDAINED that a copy of this ordinance shall be provided to the Wisconsin Department of Transportation to be posted on its Internet site.

Section 1. Creating Code Section. Section 4.13 of the Municipal Code of the Town of Mosel is hereby created to read as follows:


4.13 PERMITS FOR OVERWEIGHT IMPLEMENTS OF HUSBANDRY

- A. No person shall operate an implement of husbandry on roads under the jurisdiction of the Town of Mosel, including a Category B implement of husbandry as defined in § 340.01(24)(a)1. b., Wis Stats., which exceeds state vehicle weight limits set forth in § 348.15(3)(b), Wis Stats., unless the person operating said vehicle is in possession of a valid permit issued by the Town of Mosel under authority granted by § 348.27(19), Wis Stats. No fee shall be charged for the application for a permit under this section.
- B. Permits issued under this section shall not apply to state or county roads.
- C. In the event a permit is not granted for a Category B implement of husbandry, as defined in § 348.01(24)(a)1. b., Wis Stats., the Town is required to provide an alternate route for purpose of operation. The alternate route may include highways that are not under the jurisdiction of the Town of Mosel only if prior approval has been given by the jurisdiction(s) over which the alternate route travels.
- D. Permits issued under this section are subject to all posted maximum weight allowances on bridges and road gross weight limitations as set forth on the *Road Preservation Initiative – Ag Use* map adopted as part of this section.
- E. Permit Conditions:
 - 1. Route information: Permit applicant must provide route information plotted on the *Road Preservation Initiative – Ag Use* map showing the roads to be travelled by and identify any Town bridges that will be crossed. Also include list of roads to be used one-directionally or temporarily closed, frac tank drop points, field access points and type of application. If multiple drop sites are to be used requiring multiple routes or if planned routes are seasonal, supply one map for each route.
 - 2. Damages: The Town's goal is to establish one frac tank drop site and one field access point per tract of land. If damages occur because of normal operation at a permitted location, the Town will work with the permit holder to repair locations to withstand permitted activities. If an alternative non permitted route, frac drop site, field access point, or failure to manage equipment consistent with general practice of manure transportation and application, or general acts of negligence resulting in road or road rights-of-way damage, repairs will be at the permit holder's expense as specified in Town Municipal Code Section 5.15 B.
 - 3. Rights-of way hazards: The permit holder shall not create unsafe conditions by the operation of any vehicle or equipment within the Town's rights-of-way or by causing a build-up of mud/soil or manure on the roadways or shoulders. Such hazards will be abated at the permit holder's expense as specified in Town of Mosel Municipal Code 5.05 B.(2)(o), B. (4) (v) and 5.05 C, D, and E.
 - 4. Expiration: All permits expire December 31 each year.
 - 5. Permit display: A permit copy must be kept in each power unit and vehicle.
- F. Failure of the operator of an overweight vehicle to have a permit in his or her possession shall constitute a violation of this section, unless the Town of Mosel has failed to timely respond to a permit application as set forth in §348.27(19)(b), Wis. Stats.


Section 2. Severability. Should any portion of this Ordinance or the affected municipal code section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect on January 1, 2024.

Adopted this 16th day of August, 2023.



ATTEST: Todd Grunwald, Deputy Clerk-Treasurer
MOTION: Wagner/Schmielt
VOTE: 3 Ayes 0 Noes - Abstentions
EFFECTIVE DATE: 1-1-24

TOWN OF MOSEL, WISCONSIN


Aaron Anger, Town Chair