

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 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.

Ordinance # 2016-1

Whereas, Wis. Stat. §§ 348.15(9)(f)1. & 348.15(9)(f)1m. provide that 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 two types of vehicles from farm to field, 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 municipality or county 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,

Now, therefore, BE IT HEREBY ORDAINED by the Town Board of the Town of Rhine, of Sheboygan County, that pursuant to § 348.15(9)(f)2. of Wis. Statutes, 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 from farm to field, from field to field, or from farm to farm may not exceed the axle weight limits imposed by § 348.15(3)(b) of Wis. Statutes.

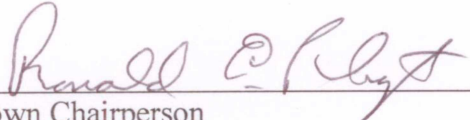
Further, BE IT HEREBY ORDAINED that to exceed the length and/or weight limitations on highways under this jurisdiction a no-fee permit may be applied for from the town.

Further, BE IT HEREBY ORDAINED that 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 municipal jurisdiction or county 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 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.

Further, BE IT HEREBY ORDAINED that this ordinance shall be in effect beginning with the calendar year of 2017.

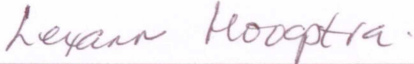
Further, BE IT HEREBY ORDAINED that a copy of this ordinance shall be provided to the Wisconsin Department of Transportation to be posted on its Internet site.

Adopted by the Town Board this 5th day of July, 2016.



Town Chairperson

Attested to by the Town Clerk



Town Clerk

Notes:

For this ordinance to be effective in any calendar year, it must be adopted on or before November 30 of the prior year.

This ordinance must 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 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.]

TOWN OF RHINE
BOARD OF SUPERVISORS
REGULAR MONTHLY MEETING
Tuesday, July 5, 2016

GENERAL MEETING CALL TO ORDER:

The meeting of the Town of Rhine Board of Supervisors was called to order by Chairman Ron Platz at 6:30 p.m. on Tuesday, July 5, 2016 in the Town of Rhine Hall, W5250 CTH FF, Elkhart Lake, WI.

Those present were: Chairman: Ron Platz
 1st Supervisor: Allen Feld
 2nd Supervisor: Jon Rost
 3rd Supervisor: Todd Purkey
 4th Supervisor: Frank Zimmermann
 Clerk/Treasurer: Lexann Hoogstra

PROCEEDINGS:

1. Compliance with **Open Meeting Law**: Posted on June 28 and June 30, 2016.
2. **Pledge.**
3. **Approve minutes of June 7, 2016.** Motion to approve by Al Feld. Second by Frank Zimmermann. Approved as submitted. No nays.
4. **Treasurer's Report:**
 - Checking balance is 77,798.99
 - Market rate repurchase balance is \$1,004,755.00
 - 3 CDS Totaling \$149,262.29
 - Park Fund has a balance of \$2368.53
 - Miller Cemetery Fund has a balance of \$2960.23
5. **Building Permits** for June, 2016: Read into record.
6. **Public Comments:** Pam Egelsbier on Burrows Lane had a question about the rules and regulations for shooting ranges and target practice within subdivisions. She explained her concerns about a recent incident. Ron Platz explained that we can't take action on that tonight and told her the process that needs to take place. He has done some research on our ordinances and has found nothing that pertains to this. It might fall under our nuisance ordinance. He will check with legal counsel. He reviewed some information from DNR. Pam will send an email to the Chairman with more information so that he can investigate further.
7. No other public comments.
8. **Discuss and possibly act on:**
 - a. **Approve 4 new operator licenses and change of agent request:**
Approve New Operator License for the period of July 1, 2016 to June 30, 2017 for:

Eric A. Lau – Hermitage Conservation Club
Jerrold L. Kamp – Quit Qui-Oc Golf Club
Robert S. Davidson, Jr. – Quit – Qui Oc Golf Club
Natalie M. Schnell – Quit-Qui-Oc Golf Club

Approve change of agent for Michael Becker to be agent for Hermitage Conservation Club.

- b. **Take action on Escher's proposal letter:** Mr. Escher is present to answer questions if needed. Ron explained that tonight the board will decide on exploring his proposal. They can't take action tonight. There is a letter on file regarding this situation. Al Feld commented that he has looked at the property. He explained the history of the situation on the property regarding the county's survey and a discrepancy in property boundaries. Mr. Escher would like his property line to be restored to what it was before the county resurveyed it a few years ago. Mr. Escher supplied more information on the history of the matter.

Ron Platz made comments on the history of this property between the town and Mr. Escher. There are different issues regarding ownership. Mr. Escher has made 2 suggestions on how to correct and improve the situation. He gave further explanation of his suggestions.

The board members had questions concerning what happened in 2014 and what was the nature of the situation at that time, including an explanation of why the town purchased the property. Ron Platz explained that it was needed in order to facilitate snow removal.

The board will contemplate if they should try to reach a settlement with Mr. Escher or do nothing with his request. Legal counsel had earlier recommended the board try to resolve the issue. Action was never completed.

Jon Rost motioned to consider Mr. Escher's request and for the board to meet at the property at a later date. Seconded by Al Feld. No further discussion.

Roll call vote: Frank Zimmerman – yes, Todd Purkey – yes, Jon Rost – yes, AL Feld – yes, Chair – yes. No nays.

- d. **Review computer upgrade proposal from Eric at Northstar PC:** This quote was explained by the clerk/treasurer. The computers' operating system is outdated and one of the hard drives is starting to fail.

Agreement to table this until the next meeting. Get a quote from the county and one other vendor.

- e. **Approve paying for hotel** in Green Bay while clerk is at Clerk's Institute Training. (\$514 per hotel reservation)

Motion to approve by Frank Zimmerman. Second by Al Feld. No nays.

- f. **The Ordinance committee recommends to the Town Board to "opt-in" to the state's IOAH** hauling program, to adapt the state's permit and to include it in the permit section of the ordinance book. When we "opt-in" the newly created section gets added to the ordinance book.

We have until Nov. 1, 2016 to opt in. Motion to opt in by Frank Zimmerman. Second by Al Feld.

Roll call vote: Frank Zimmerman – yes, Todd Purkey – yes, Jon Rost – yes, Al Feld – yes, Chairman Platz – yes.

g. Nuisance vehicle ordinance

There was a recent complaint on this. An ordinance was passed Sept. 1 of 2015. For some reason it did not added to the ordinance book. The attorney said when we do this we have to take action to adapt the formal legal language, publish, post, etc. before including it in the ordinance book. When this is done the constable can go take a look at the property.

Motion to approve by Jon Rost. Second by Al Feld.

Roll call vote: Frank Zimmerman – yes, Todd Purkey – yes, Jon Rost – yes, Al Feld – yes, Chairman Platz – yes.

- 9. Chairman's information report.** Ron Platz recently attended a meeting in Sheboygan regarding the proposed county wide sales tax increase of ½%. The county is in favor of this, and only the county board has a say in it. The sales tax is supposed to be used for debt reduction and road repair. Part of the generated revenues would be returned to municipalities for road repair. The Town of Rhine would potentially receive enough funds to repair about ½ mile of additional road per year. This matter should come up for vote by the county board within a month. He provided a hand out with more information on this to the board supervisors.

Chairman Platz is happy to report we did NOT have a mud run event on June 25 in the town.

He reported on complaints that he has received so that the board members could review them.

There was a complaint about a property at W4852 CTH A concerning the number of items in the front yard, including lawn mowers and used machinery. Ron will follow up with the constable to see if this constitutes a nuisance.

Frank Zimmermann and Ron Platz have been monitoring the hauling of gravel on Little Elkhart Lake Road and County Road E H. Frank Zimmermann will contact the county to see what can be done. Frank commented that there should be no trucks hauling gravel there.

We have had discussions over the last few months regarding a CAFO. Mr. Platz has received a phone call from the owners of that operation. They want to show that they are operating "legally". They do not want or intend to be "bad" neighbors. Ron explained our ordinance with them and our attorney is researching this.

Legal counsel responded with some ideas on how to handle this.

The owners were asked to provide all of their permits obtained from the county and state etc, and then they can come to the town board at the next meeting so there can be discussion on this.

Ron Platz has recently spoken with all supervisors from Crystal Lake Advancement Association about a fireworks display on Crystal Lake. They contracted with a professional fireworks company out of Milwaukee. They have insurance. The police said they would need a fire truck, EMS and a fire boat. We have received no complaints. In the future he would like to see them request this from the board 90 days in advance. Discussion followed. There were no objections as to how this event was handled.

Request from chief of police in Elkhart Lake: The Chief would like to propose doing some patrolling in parts of the township. There would be some costs to this, but they have been getting complaints, mostly around the lakes, about speeding, etc. The Chief will put together some figures on the cost of this and the board will take it under advisement as this is a safety concern. Jon Rost mentioned that he feels this is a good idea.

10. Sub- Committee reports:

- a. Ordinance committee: Approve paying for road signs for cemeteries. The cost of \$46.91 each does not cover installation. The owner or the town is responsible for this. Verbiage is approved. We are still waiting on addresses from the county. We are responsible for cost and installation of those signs. Todd Purkey read a letter from Brett Zemba at the county regarding this. Al Feld mentioned the county will bill us and we can bill the cemetery owners if wanted.
- b. Al Feld: Start charging for replacement tags for the collection site. Table this item until it has been reviewed by the Sanitation Committee.

11. Approve Vouchers: Motion to approve by Al Feld. Second by Frank Zimmerman. No nay votes.

12. Next Meeting Date: August 2, 2016 at 6:30 p.m.

13. Adjournment: At 7:30 p.m. a motion to adjourn was made by Fran Zimmerman and seconded by Al. Feld. No nays.

Respectfully submitted,
Lexann Hoogstra, Clerk/Treasurer
July 7, 2016

ANY PERSON REQUIRING SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD
CONTACT THE CLERK AT 876-3413 24 HOURS PRIOR TO THE MEETING.

approved

Town of Rhine, Sheboygan County, Wisconsin

**AN ORDINANCE CREATING SECTION 8.09
OF THE TOWN OF RHINE MUNICIPAL CODE
REGULATING WEIGHT LIMITS FOR IMPLEMENTS OF HUSBANDRY**

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

WHEREAS, § 348.15(9)(f)2. authorizes local municipalities to require compliance with axle weight limitations established under § 348.15(3)(b) for Category B IOHs, for Category 1 agricultural CMV, 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 has determined that “opting in” concerning the axle weight limits for Category B IOHs and Category 1 Ag CMVs in these situations would promote the public health, safety and welfare of the Town and its inhabitants;

NOW, THEREFORE, the Board of Supervisors of the Town of Rhine, Sheboygan County, Wisconsin, does hereby ordain as follows:

Section 1. Creating Code Section. Section 8.09 of the Municipal Code of the Town of Rhine is created to read as follows:

8.09 AGRICULTURAL VEHICLES

(1) Pursuant to § 348.15(9)(f)2., Wis. Stats., the following may not exceed the axle weight limits imposed by § 348.15(3)(b), Wis. Stats.:

(a) Category B Implements of Husbandry (as defined in § 340.01(24)(a)1.b.).

(b) Category 1 Agricultural Commercial Vehicles (as defined in § 340.01(1o)(e)1.).

(c) 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.

(2) Those desiring to exceed applicable length and/or weight limitations on highways under the Town’s jurisdiction may apply for a no-fee permit from the Town.

(3) 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, a Category 1 Agricultural Commercial Vehicles, 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 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 the Town's 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.

Section 2. Severability. Should any portion of this Ordinance or the affected Code Section(s) be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall be in effect beginning with the calendar year 2017.

Section 4. Directive to Clerk. The Town Clerk shall provide a copy of this ordinance to the Wisconsin Department of Transportation to be posted on its Internet site.

Enacted on: **July 5, 2016.**

TOWN OF RHINE

By: _____
Ron Platz, Town Chair

CLERK'S CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town of Rhine Board of Supervisors on the date indicated above.

Dated: _____, 2016

Lexann Hoogstra, Clerk/Treasurer

Published/Posted on _____, 2016 by _____.