

## CHAPTER 7: TRAFFIC

### 7.01 TRAFFIC.

(1) PROVISIONS OF STATE LAW ADOPTED BY REFERENCE.

(a) STATE TRAFFIC FORFEITURE LAWS ADOPTED. Except as otherwise specifically provided in this ordinance, all provisions of Chapters 340 to 348 of the Wisconsin Statutes describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this code.

Sections of Chapters 340 to 348 adopted by reference shall include but not be limited to the following:

340.01	Words and phrases defined
341.04(1), (2), (3)(a)	Penalty for operating unregistered or improperly registered vehicle
341.08	Application for registration
341.11(4)	Display of registration plates
341.15	Display of registration plates
341.16(4)	Issuance of replacement plate
341.42(4)	Reciprocity permits
341.51	Dealer registration
341.55	Penalty for misuse of plates
341.57(3)	Registration of finance companies and banks
341.61	Improper use of evidence or registration
341.62	False evidence of registration
341.63	When registration is to be suspended
342.05(4)	Certificate of title required

342.06	Application for certificate of title
342.15(5), (6) and (7)	Transfer of interest in vehicle
342.16	Transfer to or from dealer
342.23	Secured party's and owner's duties
342.30, 342.31, 342.33, 342.34	Anti-theft and anti-fraud provisions
343.01	Words and phrases defined
343.10	Occupational licenses
343.12	School bus operators special licenses
343.125	Chauffeurs license
343.19	Duplicate licenses
343.22	Notice of change of address or name
343.305	Implied consent
343.35	Surrender of licenses upon cancellation, revocation or Suspension
343.45 to 343.46	Unlawful practices relative to licenses
343.60 to 343.72	Licensing of driver schools and instructors
344.01	Words and phrases defined
344.45 to 344.47	Penalties for violation of chapter
344.51	Financial responsibility for domestic rented vehicles
345.01	Words and phrases defined
345.17	Penalty for false statements
345.20 to 345.53	General provisions in traffic forfeiture actions
345.55	Traffic officers not to profit from arrests

346.01	Words and phrases defined
346.02	Applicability of chapter
346.03	Applicability of rules of the road to authorized emergency Vehicles
346.04(1) and (2), 346.05 to 346.16	Driving, meeting, overtaking, and passing
346.17	Penalty for violating ss. 346.04 to 346.16
346.18 to 346.21	Right of way
346.22	Penalty for violating ss. 346.18 to 346.21
346.23 to 346.29	Drivers and pedestrians
346.30	Penalty for violating ss. 346.23 to 346.29
346.31 to 346.35	Turning and stopping and required signals
346.36	Penalty for violating ss. 346.31 to 346.35
346.37 to 346.42	Traffic signs, signals and markings
346.43	Penalty for violating ss. 346.37 to 346.42
346.44 to 346.485	Required stops
346.49	Penalty for violating ss. 346.44 to 346.485
346.57(2),(3) and (4)(a) to (c)	Speed restrictions --first offense in a year
346.57(4)(d),(5) and(6) to 346.595	Speed restrictions
346.60	Penalty for violating ss. 346.57 to 346.595
346.61	Applicability of sections relating to reckless and drunken Driving
346.62(1) and (3)	Reckless driving--first offense in 4 years

346.63(1), (2), (3)	Operating under "influence" of intoxicant -- first offense in 5 years
346.64	Employment of drunken operator – first offense in a year
346.65(1) and (2)	Penalty for violating ss. 346.62 to 346.64
346.66	Applicability of sections relating to accident and accident Reporting
346.68 and 346.69	Duty upon striking unattended vehicle -- upon striking property on or adjacent to highway -- first offense within a year
346.70(1),(2) or (3), 346.71,346.72, 346.73	Duty to report accident, etc.
346.70(4)	Police and traffic agencies to report
346.70(5)	Falsifying reports -- first offense within a year
346.74	Penalty for violating ss. 346.67 to 346.73
346.77 to 346.804	Bicycles and play vehicles
346.82	Penalty for violating 346.77 to 346.804
346.87 to 346.94	Miscellaneous rules
346.95	Penalty for violating ss. 346.87 to 346.94
347.01 to 347.05	General provisions
347.06 to 347.29	Lighting equipment
347.30	Penalty for violating lighting equipment requirements
347.35 to 347.49	Other equipment
347.50	Penalty for violating ss. 347.35 to 347.49
348.01 to 348.02	Size, weight, load -- General Provisions
348.05 to 348.10	Size and load

348.11	Penalty for violating size and load limitations
348.15 to 348.20	Weight
348.21	Penalty for violating weight limitations
348.25 to 348.27	Permits
348.28	Permits to be carried -- penalty

(b) Other Laws Adopted. There is also hereby adopted by reference the following section of the Wisconsin Statutes but the prosecution of such offenses under this ordinance shall be as provided in Chapters 340 to 348 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as provided in section 7.01(7) of this Code:

941.01(1) Negligent operation of vehicle off highway

(2) SPEED LIMITS. To the extent the speed limits established below are inconsistent with those incorporated in subsection (1), above, the Village Board of the Village of Chenequa hereby determines that the statutory speed limit on the following streets or portions thereof are unreasonable, unsafe or imprudent and modify such speed limits under authority granted by section 349.11 of the Wisconsin Statutes accordingly:

(a) The maximum permissible speed on Muscovy Road (formerly Ludvigsen Road; a/k/a KKK), on Beaver Lake Road within the Village of Chenequa and on that portion of former County Trunk Highway 83 between the Hill Road and the entrance to Pine Meadows subdivision, shall be twenty (20) miles per hour.

(b) The maximum permissible speed on those portions of County Trunk Highways "C" and "K", the Hill Road and Vettleson Road, within the Village of Chenequa shall be thirty-five (35) miles per hour.

(c) The maximum permissible speed on State Trunk Highway 83 within the Village of Chenequa shall be as follows:

Thirty-five (35) miles per hour from a point 500 feet north of the north intersection of State Trunk Highway 83 and County Trunk Highway "K" northerly to the north limits of the Village of Chenequa; thirty-five (35) miles per hour from said point southerly to the south limits of the Village of Chenequa.

(3) THROUGH HIGHWAY DESIGNATED. In the interest of public safety and pursuant to section 349.07, Wisconsin Statutes, that part of the State Trunk Highway 83 which passes through the Village of Chenequa is hereby declared to be a through highway.

(4) PARKING.

(a) GENERAL LIMITATION. Except as permitted by section 346.50, Wisconsin Statutes, by this code, or by any posted signs, it shall be unlawful to park or leave standing any truck, automobile, motorcycle, wagon or other vehicle on any street, highway or public parking lot in the Village of Chenequa. This section is adopted pursuant to section 349.13, Wisconsin Statutes, and is expressly in lieu of sections 346.51 through 346.56, Wisconsin Statutes, inclusive.

(b) AUTHORIZED PARKING. Parking for persons engaged in business relating to Village of Chenequa government is permitted on the south side of Highway "K", in front of the Village Hall, in the area reserved for that purpose.

(5) CLASS "B" HIGHWAY DESIGNATION. Muscovy Road (formerly Ludvigsen Road; a/k/a KKK) is hereby designated a Class "B" highway and shall be subject to the weight limitations imposed by section 348.16 Wisconsin Statutes.

(6) PENALTY. The penalty for violation of any provision of this section 7.01 shall be a forfeiture as hereinafter provided together with the cost of prosecution imposed as provided in sections 345.20 to 345.53, Wisconsin Statutes.

(a) UNIFORM OFFENSES. Forfeiture for violation of any provisions of chapter 341 to 348 adopted by reference in section 7.01 (1) of this code shall conform to forfeitures for violation of the comparable state offense, including any variations or increases for second offenses.

(b) SPECIAL LOCAL REGULATIONS.

(i) The forfeiture for violation of sections 7.01(2), (3) and (4) shall be not less than \$25 nor more than \$400 for the first offense and not less than \$50 nor more than \$800 for the second and each subsequent offense within 1 year.

(ii) The forfeiture for violation of section 7.01(5) shall be the same as for violations of section 348.16, as set out in section 348.21, Wisconsin Statutes.

(c) MISCELLANEOUS. The forfeiture for violation of any provision of section 7.01(1)(b) of this code shall be not less than \$50 nor more than \$500.

(7) SPECIAL AND SEASONAL WEIGHT LIMITATIONS.

(a) The Supervisor of the Highway/Forestry Department shall have the authority to impose special or seasonal weight limits to prevent injury to the roadway of any highway, bridge or culvert within the jurisdiction of the Village or for the safety of users of such

highway, bridge or culvert and shall be responsible for erecting signs giving notice thereof in accordance with §349.16, Wis. Stats.

(b) That part of Beaver Lake Road located in the Village of Chenequa between CTH E westerly to STH 83, shall have a special weight limitation of 10,000 pounds. Vehicles performing the following service shall be exempt from this sub-section: pumping septic or holding tanks, moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on Beaver Lake Road, or, vehicles owned by a state, county or municipality being used for the removal, treatment or sanding of snow or ice or when such vehicles are authorized emergency vehicles.

(8) ENFORCEMENT. This section 7.01 shall be enforced in accordance with the provisions of sections 345.20 to 345.53, chapter 800 and section 66.12, Wisconsin Statutes.

(a) STIPULATION OF GUILT OR NO CONTEST. Stipulations of guilt or no contest may be made by persons arrested for violations of this section 7.01 in accordance with section 66.12(1)(b), Wisconsin Statutes, whenever the provisions of section 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under section 345.11, Wisconsin Statutes, and shall be received within 10 days of the date of the alleged violation. Stipulations may be accepted by the Village Police Department.

(b) DEPOSITS. Any persons stipulating guilt or no contest under section 7.01(8)(a) of this section must make the deposit required under section 345.26, Wisconsin Statute, or, if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the Village Board. Deposits may be brought or mailed to the Village Police Department as directed by the arresting officer.

(c) NOTICE OF DEMERIT POINTS AND RECEIPT. Every officer accepting a forfeited penalty or money deposit under this section 7.01 shall receipt therefor as provided in section 345.26(3)(b), Wisconsin Statutes. Every officer accepting a stipulation under the provisions of this section 7.01 shall comply with the provisions of sections 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wisconsin Statutes, and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under section 345.11, Wisconsin Statutes.

(d) FORFEITURES IN TREASURY; OFFICER TO POST BOND, QUALIFY. Any officer accepting deposits or forfeited penalties under this ordinance shall deliver them to the Village Clerk- Treasurer within 20 days after receipt. Any officer authorized to accept deposits under section 345.26, Wisconsin Statutes, or this code shall qualify by taking the oath prescribed by section 19.01, Wisconsin Statutes, and filing an official bond in the sum of \$3,000.00 as described by section 19.01.

**7.03 STATE TRAFFIC LAWS ADOPTED. (added 10/13/03)**

(1) **TRAFFIC CODE.** Except as otherwise specifically provided in this chapter, the statutory provision in Chs. 340 to 348, Wisconsin Statutes (2001-2002) describing and defining regulations with respect to vehicles and traffic, and §941.01 of the Wisconsin Statutes, reckless driving off highways, inclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State.

(2) **ADMINISTRATIVE CODE REGULATIONS FOR VEHICLES ADOPTED.**

(a) The administrative rules and regulations of the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made a part of the Village Code as if fully set forth herein with respect to any street within the Village:

1. Chapter TRANS 254 – Single Trip Permits for Oversize or Overweight Vehicles or Loads
- (2) Chapter TRANS 255 – Multiple Trip Permits for Oversize or Overweight Vehicles or Loads
- (3) Chapter TRANS 302 – Vehicle Marking
- (4) Chapter TRANS 305 – Standards for Vehicle Equipment
- (5) Chapter TRANS 308 – Requirements for Trailer and Semi-Trailer Brake, Hitch and Coupling, Safety Chains, Cables and Leveling Bars

(b) A law enforcement officer may stop or inspect a vehicle solely to determine compliance with the above-referenced Wisconsin Administrative Code provisions. A law enforcement officer may issue a citation for a violation of those provisions, observed in the course of patrol, a stop, or inspection made for other purposes, except that a law enforcement officer may not take a person into physical custody solely for a violation of the Wisconsin Administrative Code provisions referenced above.

(c) **Noncompliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Village of Chenequa a vehicle that is not in conformity with the requirements of sub. (1) of the equipment provisions of Ch. 347, Wisconsin Statutes (2001-2002), or Ch. TRANS, 254, 255, 302, 305 or 308, Wis. Adm. Code.

(d) **Owner's Liability.** Any owner of a vehicle not equipped or required by this section who knowingly causes or permits such vehicle to be operated on a highway is guilty of the violation the same as if he had operated the vehicle. The provisions of §347.04 of the Wisconsin Statutes (2001-2002), relating to nonapplicability of demerit points shall apply to owners convicted of violation of this section.

(e) **Penalty.** Penalty for violation of any provision of this section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall upon conviction thereof forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the cost of prosecution.

#### **7.04 TRAFFIC CONTROL AND PARKING RESTRICTIONS. (added 11-12-07)**

##### **(1) PARKING PROHIBITED IN SPECIFIED PLACES.**

(a) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.

(b) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.

(2) **PARKING ON HIGHWAYS.** No person shall park, stop, or leave standing any vehicle, whether attended or unattended, upon the roadway of any highway unless the standing vehicle can be seen by operators of other vehicles from a distance of 500 feet in each direction along such highway.

(3) The Village Board is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Chapter 346. The Village Board shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.

##### **(4) PENALTY.**

(a) Any person who violates sub. (1)(b) of this section shall be subject to a forfeiture of not less than \$20 nor more \$40 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent offense within a year.

(b) Any person who violates sub. (2) of this section shall be subject to a forfeiture of not less than \$30 nor more than \$300.