

## **Chapter 265**

### **VEHICLES AND TRAFFIC**

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**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 8, Ch. 1 of the 1984 Code. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Parades -- See Ch. 97, Art. II.

Bicycles, roller skates and skateboards -- See Ch. 108.

Peace and good order -- See Ch. 194.

Snowmobiles -- See Ch. 223.

Abandoned, stored and junked vehicles -- See Ch. 261.

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#### **§ 265-1. State traffic laws adopted.**

- A. Statutes adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Trans 305, Chs. 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, exclusive of any regulations for which the statutory

penalty is a fine or term of imprisonment, are hereby 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 regulation incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutory regulations in Trans 305 or Ch. 340 to 348, Wis. Stats., incorporated herein are intended to be made part of this chapter in order to secure, to the extent legally practicable, uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. [Amended 02/12/15]

- B. Other state laws adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in Ch. 340 to 348, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this chapter: §§ 350.01 through 350.19, Snowmobiles, § 941.01, Negligent operation of vehicle, and § 346.935, Intoxicants in motor vehicles.
- C. Statutes specifically incorporated by reference.** Whenever this chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes as from time to time amended, repealed or modified by the Wisconsin Legislature.
- D. General references.** General references in this chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authority.

## **§ 265-2. Official traffic signs and control devices.**

- A. Duty of Superintendent of Public Works** to erect and install uniform traffic control devices. Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference in § 265-1, require the erection of traffic control devices for enforcement, the Superintendent of Public Works shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulations to the users of the streets and highways on which such regulations apply. Whenever state law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as in the judgment of the Superintendent of Public Works will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the Village of Genoa City.
- B. Code numbers to be affixed to official traffic control devices.** The Superintendent of Public Works shall cause to be placed on each official traffic control sign, guide board, mile post, signal or marker erected under Subsection A a code number assigned by the Wisconsin Department of Transportation and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.

- C. Prohibited signs and markers in highways.** No person, other than an officer authorized by this chapter to erect and maintain official traffic control devices or his or her designee, shall place within the limits of any street or highway maintained by the Village of Genoa City any sign, signal, marker, mark or monument unless permission is first obtained from the Superintendent of Public Works or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in Subsection D.
- D. Removal of unofficial signs, markers, signals and traffic control devices.** The Superintendent of Public Works may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Superintendent of Public Works to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

**§ 265-3. Through highways.**

In the interest of public safety and pursuant to § 349.07, Wis. Stats., the following streets or portions thereof are declared to be through highways, and traffic signs or signals giving notice thereof shall be erected by the Superintendent of Public Works in accordance with § 265-2 of this chapter:

- A.** County Highway H (Old U.S. 12).
- B.** County Highway B.

**§ 265-4. One-way traffic. [Amended 7-8-1999]**

The following alleys and streets are designated for one-way traffic to move only in the direction indicated:

- A.** Traffic on the alley between Walworth Street and Main Street of the original plat of the Village of Genoa City shall enter the alley from Main Street only.
- B.** Traffic on Platt Street between Wisconsin Street and Carter Street of the original plat of the Village of Genoa City shall enter Platt Street from Wisconsin Street only.

**§ 265-5. Operators to obey traffic control devices.**

Every operator of a vehicle approaching an intersection at which an official traffic control device is erected in accordance with this chapter shall obey the direction of such official traffic control device as required by the Wisconsin Statutes incorporated by reference in § 265-1 of this chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by § 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by § 346.18(6), Wis. Stats.

**§ 265-6. Weight limits on Class "B" highways.**

All streets over which are routed county trunk highways are hereby designated Class "B" highways and shall be subject to the weight limitation imposed by § 348.16, Wis. Stats.

**§ 265-7. Special and seasonal weight limits.**

The Superintendent of Public Works 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 of Genoa City or for the safety of users thereof and shall be responsible for erecting signs giving notice thereof in accordance with § 349.16, Wis. Stats.

**§ 265-8. Heavy traffic routes.**

- A. Heavy traffic routes designated.** All streets over which are routed county trunk highways are hereby designated heavy traffic routes.
- B. Restrictions on use of other streets by heavy traffic.** No vehicle shall be operated on any street within the Village limits not designated a heavy traffic route, the total gross weight of which, including the weight of the vehicle, of any attached trailer and of the contents of said vehicle and attached trailer, exceeds 14,000 pounds, saving and excepting this subsection shall not prohibit the use of such streets by vehicles in excess of said weight exclusively for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence fronting thereon.
- C.** No vehicle shall be operated on South Carter Street between Walworth Street and the Cooperative Plus Inc. entrance with a weight limit greater than eight (8) tons per axle.
- D. Statutory Weight Limits for Implements of Husbandry**
  - (1)** Section 348.15(9)(f)1. Wis. Stats. provides that there is no weight limitation per wheel, axle, or group of axles for Category B implements of husbandry as defined in Sec. 340.01 (24) (a) 1. B. Wis. Stats., but does apply gross vehicle as well as length limitations to these vehicles.
  - (2)** Wis. Stat 348.15(9)(f)(1) authorizes a municipality or county to require compliance with axle weight limitations established under Sec. 348.15(3)(g) for Category B implements of husbandry as defined in Sec. 340.01(24)(a)1.b. on all highways within its jurisdiction.
  - (3)** Pursuant to Sec. 348.15(9) (f) Wis. Stats., all implements of husbandry in Walworth County (including Category B implements of husbandry) may not exceed the statutory weight and length limits on highways under the jurisdiction of the Village unless a permit for such has been granted by the Department of Public Works under authority granted by Sec. 348.27 (19) Wis. Stats. No fee shall be charged for the permit application.

- (4) Pursuant to Sec. 348.27(19)(b)(4m)a., in the event an application for a no-fee permit has been applied for a Category B implement of husbandry, the Village is required to provide an approved alternate route, which may include highways not under its jurisdiction if prior approval has been given by the other jurisdiction over the alternate route not under the Village's jurisdiction for operation of Category B implements of husbandry.
- (5) Permits issued under this section are subject to all other spring maximum weight postings or posted maximum weight allowances on bridges.
- (6) 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 Department of Public Works has failed to timely respond to a permit application as set forth in Sec. 348.27 (19)(b) Wis. Stats.

**§ 265-9. Overnight parking.**

**Parking shall be prohibited on Village streets between the hours of 2:00 a.m. and 6:00 a.m. from December 1st and ending on April 1st.**

**§ 265-10. Stopping or parking prohibited in certain places.**

No person shall stop, park or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, in any of the following places:

- A. Within an intersection.
- B. On a crosswalk.
- C. On a sidewalk or sidewalk area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters.
- D. Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
- E. On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
- F. Within 20 feet of the driveway entrance to a fire station
- G. Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
- H. In any place or manner so as to obstruct or hinder traffic.
- I. Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.

- J.** Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
- K.** Upon any bridge.
- L.** Upon any parkway or terrace where curb and gutter exist, and where no curb and gutter exist, no vehicle shall park on any parkway or terrace in the Village unless it is parked parallel to the street immediately adjacent to said parkway or terrace.
- M.** Extended Parking of Trailers Prohibited. No person shall park, stop, or leave standing a trailer as defined by 340.01(71), Wis. Stats., on any Village street for a period of time in excess of 24 hours.

**§ 265-11. Parking in private driveways.**

No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

**§ 265-12. Snow Emergency Parking Restrictions. [Amended 12-29-1994]**

- A. Definition.** A snow removal emergency situation within the Village is defined as a snowfall or blowing snow of such intensity and anticipated duration as to create hazardous driving conditions or congested traffic on the public streets, roads or highways within the Village, required immediate and continuing snow removal operations. In general, a continuing snowfall accumulating snow on road surfaces at the rate of one inch per hour or a snowfall and/or blowing conditions depositing, or expected to deposit, four inches or more of snow on road surfaces shall constitute a snow removal emergency. It shall be within the discretion of the Village President or his or her substitute to make a determination as to whether the above-described conditions exist.
- B. Declaration.** The Village President or his or her substitute shall declare a snow emergency to exist when conditions are as set forth in Subsection A above. Such notice may be made by radio, newspaper publication, if practicable, and by posting within the Village in the same manner as ordinances are posted; always provided, however, that failure of such notice shall not excuse any person from complying with the provisions of this section.
- C. Parking of vehicles.**
  - (1)** After the declaration of a snow emergency, no person shall park any vehicle at any time, night or day, on any public street, road or highway within the Village. Any vehicle parked upon any public street, road or highway within the Village may be removed by the Village and stored in a public area to be designated by the Village Board or suitable private facilities maintained for storage of vehicles.

- (2) The owner of any such vehicle removed by the Village shall be responsible for all towing and storage costs, which shall be paid before the vehicle is released to the owner, together with any forfeiture as set forth herein.
- D. **Moving snow into streets.** No person shall clear snow from lots, parking areas, driveways, filling stations, garages, commercial areas or other places and pile or redistribute such snow in any public street, road or highway within the Village in any manner which in any way tends to narrow, restrict or obstruct travel or block the vision of motorists or in any way create a traffic hazard or impede snow removal or plowing of such public street, road or highway in the Village<sup>1</sup>.
- E. **Penalties.** Any person who shall violate Subsection C(1) or D of this section shall, in addition to the costs of removal and storage of the vehicle, be subject to the penalty provided in Chapter 1, General Provisions, § 1-5 of this Code.

**§ 265-13. Parking reserved for vehicles of disabled persons.**

When official traffic signs indicating such restriction have been erected in accordance with § 265-2 of this chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

**§ 265-14. General parking regulations.**

- A. **Parking prohibited on certain streets.** No person shall stop or leave any vehicle standing on any of the following streets, except temporarily for the purposes of, and while actually engaged in, loading and unloading or in receiving and discharging passengers and while the vehicle is attended by a licensed operator so that it may properly be moved in case of any emergency or to avoid obstruction of traffic:
- (1) On Walworth Street between the E line of L 1, original plat of Genoa City, and a point 2,163 feet E of the E line of said L 1 as measured along the center line of Walworth Street.
- (2) On Freeman Street between the south line of Kossuth Street where said street intersects Freeman Street and a point 1,157 feet north of the south line of Kossuth Street, where said Kossuth Street intersects Freeman Street, said distance being measured along the center line of Freeman Street.
1. Editor's Note: See also Ch. 194, § 194-9, Depositing snow on streets.
- (3) On the south side of Walworth Street in front of the Village Hall and firehouse from the alley to a point 125 feet west of the alley.
- (4) On the west side of Fellows Street for a distance of 1,303.50 feet north of the north line of Main Street.
- (5) On both sides of South Carter Street for a distance of 1,050 feet from its intersection with Walworth Street to the driveway of Prime Plastics.

**B. Angle parking required.** On the following streets and portions thereof where designated, no person shall park a vehicle other than at an angle of 45° to the curb as indicated by markings thereon:

- (1) On the west side of Sumner Street between the north line of Walworth Street and the first alley entering the west side of Sumner Street north of said north line of Walworth Street.
- (2) On the west side of Freeman Street between the south line of Walworth Street and the north line of Main Street.
- (3) On the west side of Freeman Street from the north line of Walworth Street to a point 280 feet north of said line.

**C. Parallel parking required of certain vehicles.** No person shall park a vehicle whose overall length, including the vehicle and any attached trailer and any load on said vehicle or trailer, exceeds 23 feet in length on any public street in the Village of Genoa City in any manner other than parallel and immediately adjacent to the curb of such street. Said vehicles or trailers shall not be parked in areas on public streets designated for angle parking.

**D. Parking prohibited during certain hours.** No person shall park a vehicle on any of the following streets in the Village of Genoa City for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 6:00 a.m. of any day, except emergency vehicles, which shall include vehicles of physicians on emergency call:

- (1) On Walworth Street between Sumner Street and the Firehouse Alley.
- (2) On Freeman Street between Kossuth Street and Main Street.
- (3) On any municipal parking lot within the Village of Genoa City.

**E. Parking limited in certain areas.** In the following areas parking shall be limited as follows:

- (1) On the south side of Walworth Street, in front of the Genoa City Theater, from the east side of Freeman Street to a point 37 feet east of the east side of Freeman Street, there shall be no parking at any time.
- (2) Continuing east 112 feet from the easterly-most point described in Subsection A, parking shall be permitted for a one-hour period.
- (3) In the municipal parking lot located on the northwest corner of Freeman and Walworth Streets, parking shall be limited to two hours between the hours of 6:00 a.m. and 8:00 p.m., except that there shall be no time limit for parking in the row closest to Walworth Street

- (4) Parking regulations on the streets surrounding the Brookwood School shall be governed by § 346.52(2), Wis. Stats., except that during the hours of 7:30 a.m. to 4:30 p.m. during school days there shall be no parking on the west side of Sumner Street between Kossuth Street and the north line of the school property.
- (5) On the south side of Kossuth Street between Freeman Street and Sumner Street, parking shall be limited in the two posted parking spaces adjacent 328 Kossuth Street, which read "No Parking Loading Zone Only 6 am ó 6 pm Mon-Fri." Parking shall be limited on the north side of Kossuth Street adjacent to the yellow curb from Freeman Street to Sumner Street where posted, "No Parking During School Hours 8 am ó 9 am 3 pm ó 3:30pm" Parking of on duty emergency vehicle or commercial transportation services are exempt. **[Amended 01-28-2015]**
- (6) On the west side of Freeman Street there shall be no parking for a distance of 42.8 feet south of the south line of Walworth Street. Beginning at a point 42.8 feet south of the side of Freeman Street for a distance of 101.5 feet, parking shall be limited to 90 minutes between the hours of 9:00 a.m. and 9:00 p.m.
- (7) On the north side of Walworth Street, for a distance of 93 feet east of the east line of Freeman Street, parking shall be limited to 30 minutes between the hours of 9:00 a.m. and 9:00 p.m.
- (8) On North Wisconsin Street between Bond Street and Franklin Street there shall be no through truck traffic.
- (9) On the South side of Gifford Street from Freeman Street east to Wisconsin Street. **[Added 2-14-2002]**
- (10) On the north side of Highland Avenue. **[Added 4-10-2003]**
- (11) On the south side of Deer Path Drive. **[Added 4-10-2003]**
- (12) On the north side of Quail Drive. **[Added 4-10-2003]**
- (13) On the north and west sides of Pheasant Drive. **[Added 4-10-2003]**
- (14) On the east side of Mallard Lane. **[Added 4-10-2003]**
- (15) On the west side of Teal Trail. **[Added 4-10-2003]**

#### **§ 265-15. Unlawful removal of parking citations.**

No person other than the owner or operator thereof shall remove a Village parking ticket from a motor vehicle.

#### **§ 265-16. Loading zones.**

The Chief of Police and the Safety Committee of the Village of Genoa City are empowered to establish, for motor vehicles, loading zones of such kind and character at such places as shall be necessary in the best interests of the public and for the protection of persons using the public streets. When signs are erected at any such places or zones, no person shall park a vehicle for such purposes for a period of time longer than 30 minutes.

#### **§ 265-17. Determining identity of violator.**

When any vehicle is found upon a street or highway in violation of any provision of this chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this chapter and specifically § 265-1 and shall be subject to the applicable forfeiture penalty, provided that the defenses defined and described in § 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

#### **§ 265-18. Accident reports.**

The operator of every vehicle involved in an accident shall, within 10 days after such accident, file with the Village Police Department a copy of the report required by § 346.70, Wis. Stats., if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this section. Such reports shall be subject to the provisions and limitations of §§ 346.70(4)(f) and 346.73, Wis. Stats.

#### **§ 265-19. School bus warning lights.**

Notwithstanding the provisions of § 346.48(2)(b)2, Wis. Stats., adopted by reference in § 265-1, to the contrary, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalks or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

#### **§ 265-20. Parking lots and ramps.**

- A. Unlicensed operators prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- B. Traffic regulations applicable.** All provisions of § 265-1 of this chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot or ramp held out for use of the general public for parking or vehicular travel.

#### **§ 265-21. Disorderly conduct.**

No driver of any vehicle shall cause, by excessive and unnecessary acceleration, the tires of such vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel, nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the public peace.

**§ 265-22. Removal of illegally parked vehicles.**

- A. Hazard to public safety.** Any vehicle parked, stopped or standing upon a highway in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety.
- B. Removal by operator.** Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.
- C. Removal by traffic officer.** Any traffic officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is permitted.
- D. Removal by private service.** The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- E. Towing and storage charges.** In addition to other penalties provided in this chapter, the owner or operator of a vehicle so removed shall pay reasonable costs of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

**§ 265-23. Inoperable, wrecked or discarded vehicles<sup>2</sup>.**

- A. Storage prohibited.** No person owning or having custody of any partially dismantled, non-operable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public highway, parking lot or ramp longer than 72 hours after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this section and the date of the notice. Any vehicle so tagged which is not removed within 24 hours after notice is declared to be a public nuisance and may be removed as provided in § 265-22.

2. Editor's Note: See also Ch. 261, Vehicles, Abandoned, Stored and Junked

- B. Exemptions.** This section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village.

**§ 265-24. Time limit on parking or standing.**

No vehicle shall be left parked or standing on any street or parkway for more than 24 continuous hours, unless a permit to do so has first been obtained from the Police Department. "Parkway" means that area between the sidewalk and the nearest curblin running parallel or generally parallel thereto.

**§ 265-25. State Administrative Code provisions adopted; vehicle equipment.**

- A. Administrative regulations adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this chapter as if fully set forth herein:
- (1) Chapter MVD 3, Reciprocity - Nonresident Motor Carriers (penalties of § 341.04, Wis. Stats., apply).
  - (2) Chapter MVD 4, Lettering on Vehicles, Display of Evidence of Registration and Dual Permit.
  - (3) Chapter MVD 5, Standards for Motor Vehicle Equipment.
  - (4) Chapter MVD 6, Transportation of Explosives by Motor Vehicle.
  - (5) Chapter MVD 17, Transportation of School Children.
  - (6) Chapter MVD 18, Protective Headgear Standards and Specifications.
  - (7) Chapter MVD 22, Standards and Specifications - Design and Mounting SMV Emblem.
- B. Noncompliance prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Village a vehicle that is not in conformity with the requirements of Subsection A or the provisions of § 110.075 and Ch. 347, Wis. Stats., incorporated by reference in § 265-1 of this chapter.
- C. Owner's liability.** Any owner of a vehicle not equipped as required by this section who knowingly causes or permits such vehicle to be operated on a highway in violation of this section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of § 347.04, Wis. Stats., relating to non-applicability of demerit points, shall apply to owners convicted of violation of this section.

**D. Safety checks.**

- (1) Operators to submit to inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
- (2) Authority of officer.** Any law enforcement officer of the Village is hereby empowered, whenever he or she shall have reason to believe that any provision of this section is being violated, to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
- (3) Vehicle to be removed from highway.** Whenever, after inspection as provided by this section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the Secretary of the Department of Transportation under § 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.

**E. Penalty.** Penalty for violation of any provision of this section, including the provisions of the Wisconsin Administration Code incorporated herein by reference, shall be as provided in Subsection C of this section, together with the costs of prosecution and applicable penalty assessment.

**§ 265-26. Speed limits. [Amended 5-29-1997] [ Amended 6-09-2016]**

Pursuant to § 349.11(3)(c), Wis. Stats., the speed limits set forth in § 346.57(4)(e), (f) and (g), Wis. Stats., are increased as hereinafter set forth upon the following streets or portions of streets from 25 to 30 miles per hour:

- A.** On Carter Street between the north line of Franklin Street and the north Village limits.
- B.** On Main Street between the west Village limits and the Old Mill Race, which Mill Race is 1,942 feet easterly of the west Village limits, when measured along the center line of Main Street from said Village limits.

Pursuant to § 349.11(3)(c), Wis. Stats., the speed limits set forth in § 346.57(4)(e), (f) and (g), Wis. Stats., are decreased as hereinafter set forth upon the following streets or portions of streets from 45 to 35 miles per hour:

- A.** On Williams Rd from South Rd to Twin Lakes Rd/Cty. Hwy B

Pursuant to § 349.11(3)(c), Wis. Stats., the speed limits set forth in § 346.57(4)(e), (f) and (g), Wis. Stats., are decreased as hereinafter set forth upon the following streets or portions of streets from 35 to 25 miles per hour:

- A. On South Rd from State Hwy 12 heading east passed the curve towards the Village limits at the Kenosha County Line.

## **§ 265-27. Violations and penalties.**

- A. **Forfeiture penalty.** The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by § 814.63(1) and (2) or 814.65(1), Wis. Stats., and the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by §§ 757.05 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than 60 days. Any person 18 years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment there-for and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.

- B. **Other sanctions.**

- (1) **By court.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant or order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
  - (2) **By municipality.** No person who has been convicted of a violation of any provision of this chapter shall be issued a license or permit by the Village Clerk-Treasurer, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- C. **Forfeitures for violation of moving traffic regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in § 265-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this chapter for any offense described in Chs. 341 to 348, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- D. **Forfeitures for parking violations.**
  - (1) **Forfeitures for uniform statewide parking, stopping and standing offenses.** Minimum and maximum forfeitures for violation of nonmoving traffic regulations adopted by reference in § 265-1 as described in Chs. 341 to 348, Wis. Stats., shall be as provided for the comparable state nonmoving traffic violation<sup>3</sup>.

- (2) **Penalty for other parking violations.** The penalty for all other parking violations not included under Subsection D(1) above shall be a forfeiture of not less than \$5 nor more than \$100 for the first offense and not less than \$10 nor more than \$200 for the second offense within two years.
- (3) **Other violations.** Any person who shall violate any provision of this chapter for which a penalty is not otherwise established shall be subject to a forfeiture of not less than \$10 nor more than \$200<sup>4</sup>.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art II).

## **§ 265-28. Enforcement.**

This chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this section.

**A. Applicable court procedures.** Except where otherwise specifically provided by the laws of the State of Wisconsin or this chapter, the traffic regulations in this chapter shall be enforced in the Municipal Court of the Village of Genoa City in accordance with the provisions of Chs. 345 and 800, Wis. Stats.

**B. Citations.**

(1) **Uniform citation and complaint.** The Wisconsin uniform traffic citation and complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this chapter except those provisions which describe or define nonmoving traffic violations and violations of §§ 346.71 through 346.73, Wis. Stats. Violations of §§ 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney, and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.

(2) **Parking citations.** The Chief of Police shall recommend a citation for use in enforcing the nonmoving traffic offenses in this chapter. When approved by the Village Board, such citation shall be used for enforcement of nonmoving traffic regulations created or adopted by this chapter, including violations of nonmoving traffic regulations defined and described in the Wisconsin Statutes adopted by reference in § 265-1, and all provisions regarding nonmoving traffic violations in this chapter. The citation for nonmoving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a nonmoving traffic regulation and penalty thereof by complying with Subsection C(2) of this section. Nonmoving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

**C. Deposits and stipulations.**

(1) **Moving traffic offenses.**

- (a) **Who may make.** Persons arrested or cited for violation of moving traffic offenses created by this chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this chapter in accordance with § 66.0114(1)(b), Wis. Stats., whenever the provisions of § 345.27, Wis. Stats., are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under § 345.11, Wis. Stats., and may be accepted within five days of the date of the alleged violation. Stipulations may be accepted by the Clerk of County Court and the Village Police Department.
- (b) **Delivery or mailing of deposit and stipulation.** Any person stipulating guilt or no contest under the preceding subsection must make the deposit required under § 345.26, Wis. Stats., 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 office of the Police Department or Clerk of County Court as directed by the arresting officer.
- (c) **Receipt required.** Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of §§ 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., 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 § 345.11, Wis. Stats. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation and a copy of the receipt within seven days to the Municipal Judge.

(2) **Nonmoving traffic offenses.**

- (a) **Direct payment of penalty permitted.** Persons cited for violation of nonmoving traffic regulations described and defined in this chapter may discharge the penalty thereof and avoid court prosecution by forwarding within 10 days of the issuance of the citation to the Police Department the minimum penalty specified for the violation. If not so forwarded, the penalty may be discharged by forwarding within 15 days of the date of the citation to the above-named office the amount of \$25. When payment is made as provided in this subsection, no court costs shall be charged<sup>5</sup>.
- (b) **Court prosecution.** If the alleged violator does not deliver or mail a deposit as provided in Subsection C(2)(a) within 15 days of the date of the citation, the Chief of Police shall forward a copy of the citation to the Municipal Attorney.
- (c) **Deposits returned to Clerk-Treasurer.** Officers receiving deposits for nonmoving traffic violations under this subsection shall pay over such

deposits to the Village Clerk-Treasurer within seven days of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.

## **§ 265-29 Stop Intersections.**

In the interest of public safety and pursuant to the provision of Section 349.07, Wis. Stats., and other applicable statutory, the following streets and intersections are declared to be stop intersections, and traffic signs or signals giving notice thereof shall be erected by the Village:

5. Editor's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Art. II).

- A.** In both directions on Meadow Drive at the intersection of Mallard drive and on the northwest corner of Mallard Drive at the intersection of Meadow Drive. All vehicles shall stop before entering upon or crossing this intersection.