

ORDINANCE NO. 2004-7


AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 10 OF THE MUNICIPAL CODE OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, RELATING TO TRAFFIC CODE

THE VILLAGE BOARD OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section 1: Chapter 10 of the Municipal Code is hereby repealed and recreated to read as attached hereto and incorporated herein by this reference as if fully set forth herein.

Section 2: This ordinance shall take effect immediately upon passage and posting as provided by law.

Dated this 9th day of December, 2004.


Village President

COUNTERSIGNED:


Village Clerk

Date Adopted:	December 6, 2004
Date Recorded:	December 9, 2004
Date Posted:	December 9, 2004
Date affidavit filed:	December 9, 2004
Effective Date:	December 9, 2004

Chapter 10, Traffic Code, of the Municipal Code of the Village of Highland, Iowa County, Wisconsin is hereby repealed and recreated to read as follows:

CHAPTER 10

TRAFFIC CODE

- 10.01 State Traffic Code Adopted
- 10.02 Through Streets Designated
- 10.03 Heavy Traffic Routes
- 10.04 Parking Limitations
- 10.05 Alternate Side of the Street Parking Required
- 10.06 Use of Motor Vehicles to Disturb Peace
- 10.07 Bicycles
- 10.08 Snowmobile and All-Terrain Vehicle Regulations
- 10.09 Enforcement
- 10.10 Penalty Provisions

10.01 STATE TRAFFIC CODE ADOPTED BY REFERENCE

(1) State Traffic Forfeiture Laws Adopted. Except as otherwise specifically provided in this Chapter, all provisions of Chapters 340 to 348 of the Wisconsin Statutes, as the same may be from time to time amended, 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 ordinance 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.

(2) Other Laws Adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes but the prosecution of such offenses under this ordinance shall be as provided in Chapter 340 to 348 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as provided in s. 10.10 of this Chapter.

- (a) 346.63(1), (2m), (5) and (7) Operating under the influence of intoxicant or other drug
- (b) Sec. 941.01 Negligent Operation of Vehicle off Highway.

10.02 THROUGH STREETS DESIGNATED

The following streets, in the interest of public safety, are hereby declared to be through streets:

- (1) State trunk Highway 80 (which consists of the northern portion of Main Street and all of Spring Street), excepting only that traffic proceeding in a westerly direction on Spring

Street at the intersection of Spring Street and Main Street shall be required to come to a stop before proceeding westerly on Diagonal Street or southerly on County Trunk I.

- (2) All of County Trunk Q lying west of the west curb line of Main Street.
- (3) All of Dodgeville Street lying east of the east curb line of Main Street.
- (4) All of County Trunk I (which is the south part of Main Street) except at the intersection of County Trunk I and Spring Street.
- (5) All that part of Isabel Street lying south of the south curb line of Spring Street.
- (6) That part of Grand Street lying south of the south curb line of Spring Street.
- (7) That part of Industrial Drive lying east of the east curb line of Main Street.
- (8) East Circle Drive running east of Highway 80 across from Circle Drive approximately 220 feet then South approximately 710 feet.

10.03 HEAVY TRAFFIC ROUTES

- (1) Definition. For purposes of this Section, heavy traffic shall be defined as:
 - (a) All vehicles not operating completely on pneumatic tires, and
 - (b) All vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than twelve thousand (12,000) pounds.
- (2) Prohibited Routes. Heavy traffic is prohibited from using any Village of Highland street or highway not designated as a heavy traffic route. This Section shall not act to prohibit heavy traffic from using a Village street or highway for the purpose of obtaining orders for supplies or for moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway. This Section shall not apply to heavy traffic necessary to obtain orders, to make deliveries, or to move supplies or equipment for agricultural purposes. This Section will not act to prohibit heavy traffic from using any Village streets over which are routed state trunk highways. When being driven to the site of construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this Section. This Section shall not apply to emergency vehicles.
- (3) Administration. The Public Works Department shall administer this Section. Administration shall include:

(a) Appropriate signs shall be posted giving notice of this Section and of heavy traffic routes established herein. Yellow sign posts may also be used to designate heavy traffic routes.

(b) The Director of Public Works may grant temporary permits to allow heavy construction equipment to use Village streets or highways not designated as heavy traffic routes. These permits may be granted only when use of a nondesignated route is necessary for the equipment to reach a construction site. No permit may be issued unless the person or corporation owning the equipment agrees to reimburse and hold the Village of Highland harmless for any damage done to the Village street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.

(c) Village owned or operated equipment is specifically excluded from the provisions of this Section.

(4) Liability. Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Village streets or highways in violating this Section shall be liable and required to pay the Village the cost of repair or replacement of the damaged street or highway.

(5) Heavy Traffic Routes. No person shall operate any vehicle defined as heavy traffic on any street or highway within the Village of Highland except for the following streets, on which heavy traffic will be permitted to move:

(a) Spring Street from the corporate limits to the west curb line of Main Street.

(b) Main Street.

(c) Dodgeville Street from the west curb line of Main Street to the corporate limits (also known as County Q).

(d) Industrial Drive from the east curb line of Main Street to the east end of Industrial Drive.

(6) Weight Limits. All streets and alleys within the Village of Highland are hereby designated Class A highways and shall be subject to the weight limitations imposed upon Class A highways by the statutes of the State of Wisconsin, and subject to further limitations on use as set forth in this Section.

10.04 PARKING LIMITATIONS

(1) Street storage prohibited. No vehicle, including vehicles that are not capable of self propulsion (such as trailers and campers that can only be towed) shall be left parked or standing on any street in the Village of Highland for more than 72 continuous hours.

(2) No vehicle or attached combination of vehicles which exceeds twenty (20) feet in length shall be left parked or standing on that part of Main Street lying south of Dodgeville Street and north of Spring Street or on that part of County Trunk Q lying west of Main Street and east of Merchant Street, except vehicles exceeding twenty (20) feet in length may stop or park temporarily but only for the purpose of loading or unloading.

(3) No vehicle or attached combination of vehicles which exceed thirty-five (35) feet in length shall be left parked or standing on any street in the Village of Highland between the hours of 10:00 P.M. and 6:00 A.M.

10.05 ALTERNATE SIDE OF THE STREET PARKING REQUIRED

When signs have been erected at or near the corporate limits of the Village as provided as in Wis. State Stats. 349.13, on all streets within the Village from December 1 through March 31 between 11:00 p.m. and 6:00 a.m. vehicles shall be parked only on even-numbered sides of the street on those preceding nights bearing an even-numbered calendar date, and on odd-numbered sides of the street of those nights bearing an odd-numbered calendar date.

10.06 BICYCLES

(1) Any person twelve (12) years of age or under may operate a bicycle upon any street or sidewalk in the Village of Highland. Any person over twelve (12) years of age shall not operate a bicycle on any sidewalk in the Village of Highland.

(2) All persons operating bicycles on streets in the Village of Highland shall observe all applicable traffic regulations of the municipality and the state and shall obey the instructions of official Traffic Control Devices applicable to vehicles unless otherwise directed by a law enforcement officer.

10.07 USE OF MOTOR VEHICLES TO DISTURB PEACE

No person shall make unnecessary and annoying noises with a motor vehicle by squealing tires, excessive engine acceleration, or by emitting unnecessary and loud muffler noises.

10.08 SNOWMOBILE AND ALL-TERRAIN VEHICLE REGULATIONS

(1) State snowmobile laws adopted. Except as otherwise specifically provided in this code, the statutory provisions in Chapters 350 and 346 of the Wisconsin Statutes, describing and defining regulations with respect to snowmobiles, exclusive 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 hereby adopted by reference made a part of this code 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. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this code.

(2) Place of snowmobile operation. Except as provided in Sections 350.02 and 350.045 of the Wisconsin Statutes, or for snowmobile events authorized in accordance with Section 350.04 of the Wisconsin Statutes, no person shall operate a snowmobile upon any public right-of-way, in any public park, golf course or any other public municipal property in the Village of Highland, except upon officially designated snowmobile routes and trails, provided, however, that this section shall not be construed to prohibit any person from driving a snowmobile between the place where the snowmobile is normally kept and a designated snowmobile trail, so long as the snowmobile is taken in the most direct route from the place where it is kept to the designated trail.

(3) Place of all-terrain vehicle operation. Except as provided in this section, or as may otherwise be provided by law, no person shall operate an all-terrain vehicle in any public park or any other public municipal property in the Village of Highland, provided, however, that this section shall not be construed to prohibit any person from driving an all-terrain vehicle used for the purpose of plowing snow or performing other maintenance work between the place where the all-terrain vehicle is normally kept and the premises where the snow plowing or other maintenance work will be performed provided:

(a) The all-terrain vehicle is taken in the most direct route from the place where it is kept to the premises where the snow plowing or other maintenance work will be performed; and

(b) The owner of the all-terrain vehicle has obtained a permit from the Village Clerk to operate the all-terrain vehicle for the purposes permitted under this section.

(4) Permits. The Village Clerk shall issue a permit at no charge to the owner of an all terrain vehicle who provides evidence satisfactory to the Village Clerk that he or she will be using said vehicle for the purpose of plowing snow or performing other maintenance work.

10.09 ENFORCEMENT

(1) This code shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this section.

(2) Citations.

(a) 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 code except those provisions which describe or define non-moving traffic violations.

(b) Non-Moving Citations. The Officer in Charge shall recommend a citation for use in enforcing the non-moving traffic offenses in this code. When approved by the Village Board, such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this code, including violations of non-moving traffic

regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10.01 and all provisions of Sections 10.04 and 10.05. The citation for non-moving 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 sub. (3)(b) of this section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Village of Highland Police Department.

(3) Deposits and stipulations.

(a) Uniform traffic offenses.

1. Who may make. Persons arrested or cited for violation of moving traffic offenses created or adopted by this code 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.

2. Delivery or mailing of deposit and stipulation. The deposit and stipulation shall be delivered personally or mailed to the office of the Village Clerk, Village Treasurer or Law Enforcement Department.

3. Receipt required. 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 five days to the Iowa County Clerk of Courts.

(b) Non-moving traffic offenses.

1. Direct payment of penalty permitted. Persons cited for violation of non-moving traffic offenses described and defined in this code may discharge the penalty thereof and avoid court prosecution by forwarding within ten (10) days of the issuance of the citation to the Village Clerk, Village Treasurer or Police Department the minimum penalty specified for the violation. When payment is made as provided in this paragraph, no court costs shall be charged.

2. Court prosecution. If the alleged violator does not deliver or mail a deposit as provided in sub. 1., within fifteen (15) days of the date of the citation, the Officer in Charge shall forward a copy of the citation to the Iowa County Clerk of Circuit Court for prosecution pursuant to law.

3. Deposits returned to treasurer. Officers receiving deposits for non-moving traffic violations under this subsection shall pay over such deposits to the Village treasurer within seven (7) 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.

10.10 PENALTIES

(1) Unless expressly provided otherwise in this chapter, the penalty for violation of any provisions of sections 10.01 through 10.08 of this Chapter shall be a forfeiture which shall conform to the forfeiture for violation of the comparable state offense.

(2) Non-Moving Traffic Offenses. The forfeitures for offenses described in Section 346.50 through Section 346.55, Wisconsin Statutes adopted by reference in Section 10.01 shall conform to the forfeitures for violation of the comparable state offenses, provided, however, that if said forfeiture is paid within the time specified under section 10.09(3)(b), no court costs shall be charged.

(3) Local regulations. The forfeiture for a violation of parking regulations set forth in s. 10.04 shall be not less than \$10.00 nor more than \$50.00 and for a violation of parking regulations set forth in s. 10.05 shall be \$10.00.

(4) Disturbing the Peace. The forfeiture for violation of s. 10.07 shall be not less than \$20 nor more than \$50 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent offenses within one year of the date of the first offense.

(5) Penalty Where None Otherwise Expressed. The forfeiture for violation of this chapter for which no other penalty is expressly provided shall be not less than \$20 nor more than \$50.

(6) Schedule of Penalties.

(a) To ensure uniformity and equal treatment of all persons who violate any provision of this Code, the deposit amounts set forth in the Revised Uniform State Traffic Deposit Schedule, as the same is amended from time to time, together with costs and surcharges, shall be the forfeitures imposed under this Code where the schedule states a deposit amount for a violation of statutory counterparts to the provisions of this code. The following Schedule of Deposits for Violations of this chapter shall be the used to establish the deposit amount for forfeitures for other violations of this chapter.

VILLAGE OF HIGHLAND SCHEDULE OF PENALTIES FOR CHAPTER 10 VIOLATIONS

(Add all court costs and surcharges to amounts listed)

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
			<u>12 MONTHS</u>
Any offense for which the specified forfeiture not more than \$50.00		\$20.00	\$40.00

Any offense for which the specified forfeiture is at least \$1.00 and not more than \$200.00	\$75.00	\$150.00
Any offense for which the specified forfeiture is at least \$1.00 and not more than \$500.00	\$200.00	\$375.00
Any offense for which the specified forfeiture is at least \$501.00	\$501.00	maximum permitted

(b) Penalty For Minors. In the event proceedings are commenced against children aged 16 or older for violations this chapter, the provisions of ss. 938.17(2), 938.237, 938.37, 938.343 and 938.344, Wis. Stats., shall be applicable.

(c) Continued Violations. Each violation and each day or part of a day a violation continues or occurs shall constitute a separate offense. Nothing in this chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(d) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Village, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

(e) Other sanctions. Nothing herein shall preclude or affect the power of a sentencing court to exercise additional authority granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant or to order the defendant to submit to assessment and rehabilitation or attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.