

CHAPTER 7

TRAFFIC CODE

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7.01 State Traffic Laws Adopted. Except as otherwise specifically provided, the statutory provisions in Chapters 340-348 inclusive, and Chapter 350, Wis. Stats., describing and defining regulations with respect to vehicles, snowmobiles, and traffic, 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 adopted and 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 section. Any violation of this Chapter shall be identified with the prefix "7.01" and applicable numbered statutory provisions in Chaps.340 to 348, Wis. Stats. Any future amendments, revisions, modifications, repeals and recreations or creations of the statutes incorporated herein are intended to be made part of this section in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State.

7.02 Definitions. In this chapter:

- (1) *County* means the entire County of Vilas.
- (2) *County employee* means a person employed by the County of Vilas on a full-time or part-time basis.
- (3) *County official* means a person who gains employment with the County through the election process
- (4) *Motorized vehicle* means any machine which is capable of the transportation of one or more persons or property and which is powered by an internal combustion diesel or electric engine, but is not limited to automobiles, trucks, vans, buses snowmobiles, trail bikes, mopeds, motorcycles, mini-bikes, go-carts, and all-terrain vehicles.
- (5) *Park or Parking* means the standing of a vehicle whether occupied or not, other than temporarily for the purpose or is actually engaged in the loading or unloading of merchandise or passengers.
- (6) *Public* means all persons not employed by Vilas County.
- (7) *Right-of-way* means the privilege of the immediate use of the roadway.
- (8) *Traffic* means vehicles, pedestrians, animals ridden or herded, and other conveyances either single or together while using any highway for the purposes of travel.
- (9) *Vehicle* means every device in, or by which any person or property is, or may be transported or drawn on any street except devices moved by human power. [History: cr. 2005-2A]

7.03 Speed Limits. (1) No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing.

(2) As of the effective date of this ordinance 9/22/1998, speed restrictions for all County Highways and State Highways within Vilas County shall be those limits posted and identified on the appropriate signs giving notice of such speed limits.

(a) Whenever a highway has no posted speed restrictions, the speed limit for that highway shall be set forth in §346.57(4), Wis. Stats.

(b) After the effective date of this ordinance, all changes to the speed limits on all

County highways, and on State highways within Vilas County when changed by the County in accordance with State laws and regulations, shall be made by resolution or ordinance and shall be kept on file in the Sheriff's Department, Highway Department and the County Clerk's Office.

7.04 Motorized Vehicle on Paved Bicycle Trails. No person shall operate a motorized vehicle on any paved bicycle trail or path within Vilas County except where such use is specifically approved or allowed. This section does not apply to vehicles used in the maintenance and construction of these trails or paths. [History: cr. 2005-2A]

7.05 Vehicles on Snowmobile Trails Prohibited. No person shall operate a 4-wheel drive vehicle, passenger car, truck, motorcycle or all-terrain vehicle on approved Vilas County Snowmobile Trails between December 1 and April 15 without the permission of the property owner or lessee. [History: cr. 2000-1A;]

7.07 Parking Restrictions. (1) No person shall park, stop, or otherwise leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, in any of the following places:

(a) Upon any portion of a highway, roadway, or parking lot where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.

(b) Within an intersection.

(c) On a crosswalk.

(d) Within 15 feet of the driveway entrance to a fire station or directly across the highway from such entrance.

(e) Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.

(f) Alongside or on any roadway when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.

(g) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.

(h) Except for those exceptions specified in §346.50, Wis. Stats., no vehicle shall stand, stop or park on any County Trunk Highway.

(i) Pursuant to §349.13, Wis. Stats., the Highway Commissioner and the County Highway Committee shall determine where additional parking restrictions and prohibitions are necessary on County road, and shall thereafter properly post and mark the same.

(2) No person may park, stop, or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of a street, highway, or parking facility reserved for vehicles displaying special registration plates in violation of §346.505, Wis. Stats.

7.09 Placing Snow on Highways. No person shall deposit or cause to be deposited snow upon any highway as that term is defined in §340.01(22), Wisconsin Statutes. [History :cr. 2000-1A;]

7.10 Courthouse Parking Lots. (1) USE RESTRICTED. The Public Property Committee shall designate those courthouse parking areas that shall be used only by the public, by persons who are attending County meetings or court functions, by persons who are on County business, or by County employees or officials who are engaged in County business. These restrictions shall be clearly marked.

(2) **OVERNIGHT PARKING PROHIBITED.** Except as permitted herein, no person shall park a vehicle overnight in the Courthouse lots. County employees and officials on County business may leave their vehicles in the Courthouse parking lots overnight after notifying the Buildings and Grounds Manager. Rules for such overnight parking shall be developed by the Public Property Committee.

(3) **PARKING OF CERTAIN VEHICLES.** Specific vehicle parking stalls may be designated by the Public Property Committee for certain vehicles for special purposes such as, but not limited to mail delivery and prisoner transport. These spaces shall be clearly marked. [History: cr. 2005-2A]

7.11 Justice Center Parking Lots. (1) RESTRICTED PARKING. (a) The parking lot north of the Justice Center is restricted to county employees and work release inmates.

(b) The small parking lot by the main entrance to the Justice Center is restricted to public use only, except for one space that will be designated and reserved for short-term use by the Sheriff’s Department.

(2) **OVERNIGHT PARKING PROHIBITED.** Overnight parking in any parking lot at the Justice Center is prohibited unless authorized by the Sheriff’s Department. [History: cr. 2005-2A;]

7.12 Designated Parking for Physically Disabled Persons. Vehicle parking stalls shall be provided in all County parking lots as provided by law for vehicles displaying special registration plates or special identification cards. Except as otherwise specifically provided in this Code, the statutory provisions in §§346.503 and 346.505, Wis. Stats., are adopted and by reference made a part of this Code as if fully set forth herein and shall be subject to the provisions of Sections 7.01, 7.15 and 7.16 of this chapter. The provisions of Trans 200.07, Wis. Adm. Code, relating to the design and installation requirements for signs designating parking spaces reserved for persons with disabilities are adopted and by reference made a part of this Code as if fully set forth herein. [History: cr. 2005-2A;]

7.13 Removal of Unauthorized Vehicles. Whenever the County Sheriff finds a vehicle parked in the Courthouse or Justice Center parking lots contrary to this section, the deputy shall cause the same to be removed by a towing company. Such vehicle shall be removed to a storage area of such towing company and kept there until the owner represents to the towing company a release from the County Sheriff’s Department. The owner shall be responsible for all towing and reasonable storage costs. The Public Property Committee and Sheriff’s Department may dispose of such vehicles which have been stored pursuant to the same procedures set forth in Section 66.0139 of Wis. Stats.[History: cr. 2005-2A;]

7.14 Obstructions on Highway or Right-of-Way. (1) No person shall place or leave or allow to be placed or left any obstacle, structure or material on a public highway right-of-way or any part thereof.

(2) This section does not apply to disabled vehicles or trailers parked off the traveled portion of the highway if such vehicles or trailers shall be removed within a reasonable time. [History: cr. 2005-2A;]

7.19 Penalty. The penalty for violation of any provision of this chapter shall be a forfeiture, as hereafter provided, together with costs and penalty assessment where applicable.

(1) **STATE FORFEITURE STATUTES.** Forfeitures for violation of §7.01 shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.

(2) **STATE FINE STATUTES.** Except as provided in par. (4)(c) below, forfeitures for violation of any provision of Chapters 341 to 348, Wis. Stats., adopted by reference in §7.01 shall conform to fines for violations of the comparable State offenses, including any variations or increases for subsequent offenses.

(3) **LOCAL REGULATIONS.** Except as otherwise provided, the penalty for a violation of this chapter shall be as provided in §25.04 of this Code.

(4) **PARKING VIOLATIONS.**

(a) *Penalty.* The penalty for violation of any parking regulation shall be a forfeiture as provided in this subsection.

(b) *Forfeiture Schedule.* The forfeiture upon stipulation for the following nonmoving traffic violations, as defined in the respective State Statutes, shall be in accordance with the following schedule:

<u>Violation</u>	<u>Forfeiture</u>
Parking in violation of §346.505	\$ 50.00
Parking on wrong side of street or highway	10.00
Abandoned vehicle	20.00
Blocking private driveway	20.00
Fail to remove after 24-hour notice	20.00
Handicapped zone	50.00
Obstructing traffic lane	20.00
Parked across lines	20.00
Parking on private property	20.00
Prohibited area by sign	20.00
Prohibited times	20.00
Restricted zone	20.00
All other	20.00

(c) *Forfeiture Increases.* The forfeiture schedule shall be increased as follows:

1. If a stipulation is not entered into within 7 days commencing at 4:00 p.m. on the day the citation is issued, the forfeiture shall be increased by \$10.00.

2. If a stipulation is not entered into within 28 days commencing at 4:00 p.m. on the day the citation is issued, the forfeiture shall be increased by \$30.00.

3. Subparagraphs 1. and 2. shall not apply if timely request for trial is made with the County in conformity with Wisconsin Statutes.

(d) *Stipulation Deposit.* 1. The amount of the forfeiture for such violations shall be paid in cash, money order or bank check and shall be made payable to Vilas County. Such payment may be made by mail as provided on the citation or in person at the Office of the Clerk of the Circuit Court in the Vilas County Courthouse in Eagle River, Wisconsin. If the person receiving a citation transmits the citation by messenger or mail to the Office of the Clerk of the Circuit Court, such office may require such person to print his or her name, post office address, operator's license number and date of birth thereon as appropriate.

2. No officer or County authority shall be personally or officially responsible for payment of any dishonored check given in payment of any forfeiture.

(e) *Failure to Pay Forfeiture.* The provisions of §345.28, Wis. Stats., are specifically incorporated herein by reference. If the alleged violator fails to pay the amount of the forfeiture as provided herein or to appear in court within 28 days after the issuance of a nonmoving traffic citation, the County may take any or all of the actions authorized under §345.28, Wis. Stats. The Sheriff shall be responsible for complying with the requirements set forth in §345.28(4), Wis. Stats.

(f) *Costs.* Any and all costs to the County, including the cost charged to the County for the program adopted under §345.28, Wis. Stats., and court and/or prosecution costs, if any, shall be added to the forfeiture or payment required of the violator.

(g) *Enforcement.* The Sheriff or designee shall enforce this section by issuing a citation to the registered owner of the vehicle, such citation to be clearly affixed in a conspicuous place upon

the vehicle and shall contain the following information:

1. License number of the vehicle.
2. Make of vehicle
3. Date and time of offense.
4. Location of offense.
5. Nature of offense.
6. Statement explaining the place and manner of payment of the forfeiture, together with a statement advising the owner of the consequences of failing to pay the forfeiture within 7 days of violation.

7.20 Enforcement. (1) **PROCEDURE.** This chapter shall be enforced according to §§66.12, 345.11 to 345.61, 350.17 and Chap. 799, Wis. Stats.

(2) **DEPOSIT.** (a) Any person cited for a violation of this chapter may make a deposit of money as directed by the issuing officer at the Vilas County Sheriff's Department or the office of the Clerk of Court or by mailing the deposit to such places. The issuing officer or the person receiving the deposit shall notify the arrested person, orally or in writing that:

1. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation and the person will be deemed to have tendered a plea of no contest and submitted to a forfeiture and penalty assessment if required by §165.87, Wis. Stats., a jail assessment if required by §53.46(1), Wis. Stats., plus any applicable fees prescribed in Chap. 814, Wis. Stats., not to exceed the amount of the deposit that the court may accept as provided in §345.37, Wis. Stats.

2. If the person fails to make a deposit for a violation of a traffic regulation or appear in court at the time fixed in the citation, the court may enter a default judgment finding the person guilty of the offence or issue a warrant for their arrest.

(b) The amount of the deposit shall be determined in accordance with the State of Wisconsin Revised Uniform State Traffic Deposit Schedule established by the Wisconsin Judicial Conference and shall include the penalty assessment established under §165.87, Wis. Stats., and court costs. If a deposit schedule has not been established, the issuing officer shall

require the alleged offender to deposit not less than the maximum forfeiture permitted under this chapter, which shall include the penalty assessment established under §165.87, Wis. Stats. Deposits for nonmoving violations shall not include the penalty assessment.

(c) The issuing officer or the person receiving the deposit shall issue the arrested person a receipt therefore as required by §345.26(3)(b), Wis. Stats.

(3) PETITION TO REOPEN JUDGMENT. Whenever a person has been convicted in this State on the basis of a forfeiture of deposit or a plea of guilty or no contest and the person was not informed as required under §345.27(1) and (2), Wis. Stats., the person may within 60 days after being notified of the revocation or suspension of the operating privilege, petition the court to reopen the judgment and grant them an opportunity to defend on merits. If the court finds that the petitioner was not informed as required under §345.27(1) and (2), the court shall order the judgment reopened. The court order reopening the judgment automatically reinstates the revoked or suspended operating privilege.

[History: cr. 2005-2A;]