

ORDINANCE NO. 234

**AN ORDINANCE TO REPEAL ORDINANCE NUMBERS 9, 46,
57, 64, 68, 74, 80, 81, 90, 101, 109, 137, 144, 148, 166, 225, and 231
AND CREATE REGULATIONS FOR TRAFFIC AND VEHICLES
IN THE VILLAGE OF OCONOMOWOC LAKE**

WHEREAS, the Village Board of Trustees has, from time-to-time, adopted various ordinances and amendments thereto regarding the regulation of traffic within the Village of Oconomowoc Lake, including, but not limited to, Ordinance Numbers 9, 46, 57, 64, 68, 74, 80, 81, 90, 101, 109, 137, 144, 148, 166, 225, and 231; and

WHEREAS, the Village Board finds that it is in the public's interest to revise and fully restate the traffic regulations for the Village of Oconomowoc Lake;

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, State of Wisconsin do ordain as follows:

SECTION 1: Ordinance Numbers 9, 46, 57, 64, 68, 74, 80, 81, 90, 101, 109, 137, 144, 148, 166, 225, and 231, and any and all other previously enacted Village ordinances related to the regulation of vehicular traffic in the Village of Oconomowoc Lake are hereby repealed in their entirety and the following Ordinance is hereby created concerning the regulation of vehicular traffic:

TRAFFIC AND VEHICLE REGULATIONS

Section 1. Provisions of State Law Adopted by Reference.

- (1) State Traffic Forfeiture Laws Adopted. Except as otherwise specifically provided in this Ordinance, all existing and future 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 the penalties to be imposed and procedures 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 Ordinance.
- (2) Other Laws Adopted. The following 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 rule incorporated herein by reference is required or prohibited by this Ordinance. Penalties for violations thereof shall be limited to a forfeiture as provided in Section 9 of this Ordinance.
 - a. All existing and future traffic regulations promulgated as a rule by the Wisconsin Department of Transportation pursuant to Wis. Stat. Chapters 110, 347, or 348 for which the penalty for violation thereof is a forfeiture,

including but not limited to Wis. Admin. Code Ch. Trans 305 but excepting rules pertaining to federal motor carrier safety standards.

- b. Section 941.01(1) of the Wisconsin Statutes, "Negligent operation of vehicle", prohibiting endangerment of another's safety by a high degree of negligence in the operation of a vehicle, not upon a highway as defined in Wis. Stat. § 340.01.

Section 2. Speed Limits.

No person shall drive a vehicle in excess of any speed limit established pursuant to law by state, county, or Village authorities and indicated by official signs. Notwithstanding any other provisions of this Ordinance, the following speed limits are hereby established pursuant to Wis. Stat. § 349.11 on the following streets or portions thereof, in the Village of Oconomowoc Lake:

(1) Fifteen (15) mile per hour speed limit zones:

- a. North Beach Road and West Beach Road—between Newport Road and the northern Lake Club Circle intersection.
- b. North Gifford Road—between North Beach Road and Lake Club Circle.
- c. North Lake Club Circle—between its two points of intersection with North Beach Road.

(2) Twenty-five (25) mile per hour speed limit zones:

- a. West Beach Road—between Newport Road and the Village limits.
- b. North Beach Road—between Gifford Road and the northerly intersection of North Beach Road and Lake Club Circle.
- c. North Gifford Road—between STH 16 and Lake Club Circle.
- d. West Fairview Road—between Sawyer Road and the end of West Fairview Road.
- e. North Hewitt's Point Road—between North Gifford Road and the end of North Hewitt's Point Road.
- f. North Lake Club Circle—except between its two points of intersection with North Beach Road.
- g. West Armour Road—between the Village Limits and West Beach Road.
- h. West Plank Road—between Wisconsin Avenue and the start of the

pedestrian mall.

i. Valentine Road—between West Beach Road and the Village Limits.

(3) Thirty-five (35) miles per hour speed limit zones:

a. Pabst Road—between CTH P and the westerly Village limits.

Section 3. Parking Limits.

(1) **General Parking Regulations.** Pursuant to Wis. Stat. § 349.13, and subject to the exceptions set forth in Wis. Stat. § 349.50, it shall be unlawful for any person, firm, partnership, company, or corporation; or any officer, member, agent, servant, or employee of any firm, partnership, company, or corporation; or any operator of any vehicle or device in, upon, or by which any person or property is or may be transported or drawn upon a public highway to park, stop, leave standing, or suffer any such vehicle or device at the curb, shoulder, or edge of any highway area, roadway, or fire lane within the Village of Oconomowoc Lake.

(2) Boat Launch Parking Regulations.

a. No person, firm, partnership or corporation, nor any officer, member or agent, servant or employee of any firm, partnership, or corporation, may leave or park any motor vehicle and/or trailer at the Village boat launch without having first:

i. Purchased a parking permit from the Village of Oconomowoc Lake Police Department;

ii. Purchased a parking permit from the boat launch attendant; or

iii. Depositing the permit price in the self-service receptacle at the boat launch.

b. Parking permits issued under section 2 (a) (i) shall authorize parking in permit parking areas only and must be prominently displayed.

Section 4. Weight Limits and Heavy Traffic Routes.

(1) Definitions. For purposes of this Ordinance, the term "heavy traffic" means all vehicles not operated completely on pneumatic tires and all vehicles or combinations of vehicles designed or used for transporting property of any nature and having a gross weight of more than 6,000 pounds.

(2) Heavy Traffic/Road Machinery, Regulated..

- a. No heavy traffic shall be operated or moved on any street not a part of the heavy traffic routes designated in Subsection (3) below except for the purpose of picking up and delivering materials, supplies, or commodities, which pickups or deliveries originate from or terminate within the Village. In no event shall the weight of the vehicle and load in such case exceed the limitations of Wis. Stat. §§ 348.15 or 348.16 pertaining to Class "A" or "B" highways.
- b. No road machinery as defined in Wis. Stat. 340.01(52) shall be operated on any road within the Village without the prior written consent of the Village Administrator.

(3) Heavy Traffic Routes Designated.

- a. STH 16, STH 67, and Sawyer Road are hereby designated as heavy traffic routes within the Village of Oconomowoc Lake.
- b. Oconomowoc Lake Club Heavy Traffic. Notwithstanding the provisions of subsection (a) above, all heavy traffic operating for the purpose of obtaining orders or supplies for the Oconomowoc Lake Club or moving or delivering supplies to the Oconomowoc Lake Club shall only operate upon the designated route as established by the Village Administrator as indicated on the attached Exhibit "A".

(4) Designation of Class "B" Highways. All streets under the jurisdiction of the Village of Oconomowoc Lake not enumerated in subsection (3) above, are hereby designated as Class "B" highways and shall be subject to the weight limitations imposed by Wis. Stat. § 348.16.

(5) Special and Seasonal Weight Limitations. The Village Administrator of the Village of Oconomowoc Lake, and his or her designee, shall have the authority to impose special or seasonal weight limits as provided under Wis. Stat. § 349.16 to prevent injury to the roadway of any highway, bridge, or culvert under the jurisdiction of the Village or for the safety of users of such highway, bridge, or culvert. The Village Administrator and his or her designee shall also be responsible for erecting signs giving notice of such special or seasonal weight limits in accordance with Wis. Stat. § 349.16.

(6) Limitations. Subject to the provisions of subsection (5) above, the weight restrictions established herein shall not apply to any heavy traffic using a street for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence that has an entrance upon such street. In no event, however, shall the gross weight of any

such vehicle exceed 16,500 pounds per axle, or Class "A" highway weight limits, whichever is lower.

Section 5. Accident Reports.

The operator of any vehicle involved in an accident within the Village shall, within ten (10) days of such accident, file with the Village police department a copy of any report required by Wis. Stat. § 346.70. 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 set forth in Wis. Stat. §§ 346.70(4)(f) and 346.73.

Section 6. Loud and Unnecessary Noise Prohibited.

No driver of any motor vehicle within the Village of Oconomowoc Lake 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 such as would be disturbing to the public peace, nor shall any driver cause any vehicle to operate in an unsafe manner.

Section 7. Official Traffic Signs and Signals.

- (1) Department of Public Works Authorized to Procure and Erect Signs. The Department of Public Works is hereby authorized to procure, erect, and maintain appropriate standard traffic signs, signals, and markings conforming to the rules of the State Department of Transportation giving notice of the provisions of this Ordinance as required by State law. Signs shall be erected in such locations and manner as to give adequate warning to users of the street or highway in question.
- (2) Removal of Unofficial Signs and Signals. The Village Administrator shall have the authority granted by Wis. Stat. § 349.09, and is hereby directed, to order the removal of any sign, signal, marking, or device that is placed, maintained, or displayed in violation of Wis. Stat. § 346.41. Any charge imposed on a premises pursuant to Wis. Stat. § 349.09 for removal of such an illegal sign, signal or device shall be reported to the Village Board at its next regular meeting for review and certification.
- (3) Official Traffic Map Established. There is hereby established an Official Traffic Map for the Village of Oconomowoc Lake upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, and all other restrictions or limitations contained in this Ordinance, as from time to time amended or modified by the Village Board when the laws of the State of Wisconsin require the erection or use of official traffic control

devices to enforce such restrictions or limitations. Said map is hereby made a part of this Ordinance by reference.

- (4) Violations Prohibited. When official traffic control devices giving notice of the restrictions, prohibitions, and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this section a violation of the restriction, prohibition, or limitation shown on the Official Traffic Map shall be a violation of the provisions of this Ordinance.
- (5) Map to be Maintained. A copy of the Official Traffic Map shall be maintained and displayed in the office of the Village of Oconomowoc Lake Police Department.
- (6) Additions to Map. The Village Board may from time to time make additions to or deletions from the Official Traffic Map by resolution and the Village Administrator, or his or her designated representative, shall keep such Official Traffic Map current.

Section 8. Penalty.

The penalty for violation of any provision of this Ordinance shall be a forfeiture as hereinafter provided together with the cost of prosecution imposed as provided in Wis. Stat. § 345.26 and Wis. Stat. Ch. 814.

- (1) State Traffic Laws. Any forfeiture for violation of the State Statutes adopted by reference in this Ordinance shall conform to the forfeiture permitted to be imposed for violation of such statute as set forth in the uniform deposit and misdemeanor bail schedule promulgated by the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses. Said schedule, as amended from time-to-time, is hereby adopted by reference and made part of this Ordinance.
- (2) Local Traffic Laws and Municipal Ordinance Violation. Except as otherwise provided in this Ordinance, the penalty for violation of any local traffic law established under this Ordinance shall be as follows:
 - a. First Offense: Not less than \$50.00 or more than \$500.00, together with the costs of prosecution.
 - b. Second Offense within Two Years: Not less than \$100.00 or more than \$750.00, together with the costs of prosecution.
 - c. Parking:
 - i. The forfeiture for parking violations under Section 3(1) of this Ordinance shall be \$20.00.

- ii. The forfeiture for parking violations under Section 3(2) of this Ordinance shall be \$60.00.

Section 9. Enforcement.

This Ordinance shall be enforced according to Wis. Stat. §§ 66.0113 and 66.0114, and Wis. Stat. Chapters 345 and 800.

- (1) Stipulation of no contest. Any person charged with a violation of this Ordinance except violations under Wis. Stat. § 346.63(1), may make a stipulation of no contest pursuant to Wis. Stat. § 66.114. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under Wis. Stat. § 345.11, which must be received at the office of the police department or clerk of court within five (5) days of the date of the alleged violation.
- (2) Deposit. Any person making a stipulation of no contest under subsection (1) above must, at the time of entry into such stipulation, make the deposit required under Wis. Stat. § 345.26 or, if the deposit is not established under such statute, shall deposit the amount set forth in the deposit schedule adopted by the Village Board and approved by the Municipal Court pursuant to Wis. Stat. § 800.03(3). Said deposit shall be made as directed by the arresting officer at the police station or at the office of the clerk of court or by mailing the deposit to such places. The arresting officer or the person receiving the deposit shall comply with Wis. Stat. § 345.26.
- (3) Officer to Post Bond. Any officer authorized to accept deposits under Wis. Stat. § 346.26 or this Ordinance shall qualify by taking the oath prescribed by Wis. Stat. § 19.01 and filing an official bond in the amount of \$1,000.00, as described in Wis. Stat. § 19.01.

Section 10. References to Statutes.

References to specific statutory sections, where used in this Ordinance, shall be deemed to refer to the official Wisconsin Statutes as amended from time-to-time.

Section 11. Repeal of Conflicting Ordinances.

All ordinances and parts of such ordinances regulating traffic upon the streets, alleys, and highways of the Village of Oconomowoc Lake, Wisconsin heretofore enacted by the Village Board for the Village of Oconomowoc Lake are hereby repealed in their entirety.

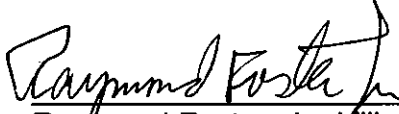
SECTION 2: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall

not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 15th day of January, 2007.

Village of Oconomowoc Lake


Raymond Foster, Jr., Village President

ATTEST:


Kathy Kreuser, Village Clerk/Treasurer

Published and/or posted this 15th day of January, 2007.

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STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

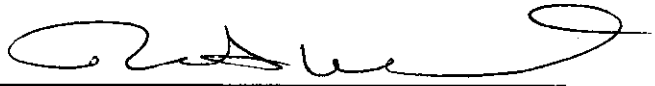
AFFIDAVIT OF POSTING

Ordinance 234

The undersigned, being first duly sworn, on oath deposes and states that on January 17, 2007, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village:

to-wit:

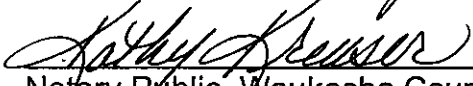
- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 35622 E. Wisconsin Avenue.



Posting Officer

Subscribed and sworn to before me

This 17th day of January, 2007



Notary Public, Waukesha County, Wisconsin
My Commission expires: 3-23-08