

ORDINANCE # 81
Restating Ordinance #64 as Amended

AN ORDINANCE TO REGULATE VEHICULAR TRAFFIC
IN THE VILLAGE OF
OCONOMOWOC LAKE, WISCONSIN

The Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin, does hereby adopt the following ordinance for the regulation of vehicular traffic:

Section 1. Provisions of State Law Adopted by Reference.

(1) State Traffic Forfeiture Laws Adopted. Except as otherwise specifically provided in this ordinance, all provisions of Chapters 340 to 348 of the Wisconsin statutes describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and by reference made a part of this 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.

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

- 340.01 (Words and Phrases defined)
- 341.11 (4) (Display of registration plates)
- 341.15 (Display of registration plates)
- 341.16 (4) (Issuance of duplicate plates)
- 341.42 (4) (Reciprocity permits)
- 341.55 (Penalty for misuse of plates)
- 341.57 (3) (Registration of finance companies and banks)
- 341.63 (When registration is to be suspended)
- 342.05 (4) Certificate of title required)
- 342.15 (5), (6), and (7) (Transfer of interest in vehicle)
- 342.23 (Secured party's and owner's duties)
- 342.30, 342.31, 342.34 (ANTI-THEFT AND ANTI-FRAUD PROVISIONS)
- 342.40 (Vehicle Abandonment Prohibited; Removal; Disposal).
- 343.01 (Words and phrases defined)
- 343.305 (Implied consent)
- 343.35 (Surrender of licenses upon cancellation, revocation of suspension)
- 343.45 to 343.46 (Unlawful practices relative to licenses)
- 343.60 to 343.72 (LICENSING OF DRIVER SCHOOLS AND INSTRUCTORS)
- 343.73 (Penalty)
- 344.01 (Words and phrases defined)
- 344.45 to 344.47 (PENALTIES FOR VIOLATION OF CHAPTER)
- 344.51 (Financial responsibility for domestic rented vehicles)
- 345.01 (Words and phrases defined)
- 345.20 to 345.53 (GENERAL PROVISIONS IN TRAFFIC FORFEITURE ACTIONS)
- 345.55 (Traffic officers not to profit from arrests)
- 346.01 (Words and phrases defined)

- 346.02 (Applicability of chapter)
- 346.03 (Applicability of rules of the road to authorized emergency vehicles)
- 346.04 (1) and (2), 346.06 to 346.16 (DRIVING, MEETING, OVERTAKING AND PASSING)
- 346.17 (Penalty for violating ss. 346.04 to 346.16)
- 346.18 to 346.21 (RIGHT OF WAY)
- 346.22 (Penalty for violating ss. 346.18 to 346.21)
- 346.23 to 346.29 (DRIVERS AND PEDESTRIANS)
- 346.30 (Penalty for violating ss. 346.23 to 346.29)
- 346.31 to 346.35 (TURNING AND STOPPING AND REQUIRED SIGNALS)
- 346.36 (Penalty for violating ss. 346.31 to 346.35)
- 346.37 to 346.42 (TRAFFIC SIGNS, SIGNALS AND MARKINGS)
- 346.43 (Penalty for violating ss. 346.36 to 346.42)
- 346.44 to 346.48 (REQUIRED STOPS)
- 346.49 (Penalty for violating ss. 346.44 to 346.48)
- 346.50 to 346.55 (RESTRICTIONS ON STOPPING AND PARKING)
- 346.56 (Penalty for violating ss. 346.50 to 346.55)
- 346.57 (2), (3) and (4) (a) and (c) (SPEED RESTRICTIONS -- first offense in a year.)
- 346.57 (4)d (5) and (6) to 346.595 (SPEED RESTRICTIONS)
- 346.60 (Penalty for violating ss. 346.57 to 346.595)
- 346.61 (Applicability of sections relating to reckless and drunken driving)
- 346.62 (1) and (3) (Reckless driving) -- first offense in 4 years.
- 346.63 (1), (3), and (4) (Operating under "influence" of intoxicant) -- first offense in 5 years
- 346.64 (Employment of drunk operators) -- first offense in a year
- 346.65 (1) and (2) (Penalty for violating ss. 346.62 to 346.64)
- 346.66 (Applicability of sections relating to accident and accident reporting)
- 346.70 (1), (2) or (3), 346.71, 346.72, 346.73 (Duty to report accident, etc.)
- 346.70 (4) (Police and traffic agencies to report)
- 346.70 (5) (Falsifying reports) -- first offense within a year
- 346.77 to 346.81 (BICYCLES AND PLAY VEHICLES)
- 346.82 (Penalty for violating ss. 346.77 to 346.81)
- 346.87 to 346.94 (MISCELLANEOUS RULES)
- 346.95 (Penalty for violating ss. 346.87 to 346.94)
- 347.01 to 347.05 (GENERAL PROVISIONS)
- 347.06 to 347.29 (LIGHTING EQUIPMENT)
- 347.30 (Penalty for violating lighting equipment requirements)
- 347.35 to 347.49 (OTHER EQUIPMENT)
- 347.50 (Penalty for violating ss. 347.35 to 347.49)
- 348.01 to 348.02 (SIZE, WEIGHT, LOAD -- General Provisions)
- 348.05 to 348.10 (SIZE AND LOAD)
- 348.11 (Penalty for violating size and load limitations)
- 348.15 to 348.20 (WEIGHT)
- 348.21 (Penalty for violating weight limitations)
- 348.25 to 348.27 (PERMITS)
- 348.28 (Permits to be carried -- PENALTY)

346.63
(2m)

(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 chapters 340 to 348

of the Wisconsin statutes and the penalty for violation thereof shall be limited to a forfeiture as provided in section 10 of this ordinance.

941.01 (1) (Negligent operation of vehicle off highway)

947.045 (Drinking in motor vehicles on highway)

Chapter MVD 5

Section 2. Speed Limits. The Village Board of the Village of Oconomowoc Lake hereby determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe or imprudent and modifies such speed limits under authority granted by s. 349.11 of the statutes as follows:

(1) Speed Limits Increased. Speed limits established by s. 346.57 (4) (e), (f) and (g), Wis. Stats. are increased as hereinafter set forth upon the following streets or portions thereof:

None

(2) Speed Limits Decreased. With the approval of the state highway commission the speed limits set forth in s. 346.57 (4) (e), (f) and (g) Wis. Stats., are decreased as hereinafter set forth upon the following streets or portions thereof:

(a) Twenty-five (25) miles per hour on North Beach Road and West Beach Road between Highway 16 and Highway 67.

(b) Twenty-five (25) miles per hour on North Gifford Road between Highway 16 and North Beach Road.

(c) Twenty-five (25) miles per hour on West Fairview Road between Highway 16 and the end of West Fairview Road.

(d) Twenty-five (25) miles per hour on N. Hewitts Point Road between Highway 16 and the end of N. Hewitts Point Road.

(e) Twenty-five (25) miles per hour on N. Lake Club Circle.

(f) Twenty-five (25) miles per hour on W. Armour Road between the Village limits and W. Beach Road.

(g) Twenty-five (25) miles per hour on West Plank Road between Highway 16 East to the Oconomowoc River.

(h) Twenty-five (25) miles per hour on Valentine Road between W. Beach Road and the Village Limits.

Section 3. Through Highways Designated. In the interest of public safety and pursuant to s. 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 Department of Public Works in accordance with section 8 of this ordinance:

(a) West Beach Road from the intersection with the Southerly Village boundary line to and including the east curb line of North Beach Road.

(b) North Beach Road and Gifford Road, combined, from the East curb line of West Beach Road to and including the intersection of Gifford Road with the Northerly Village boundary line.

(c) North Beach Road from the East curb line of Gifford Road to and including the intersection with the Northerly Village boundary line.

Section 4. Parking Limits. Pursuant to ss. 349.13 and subject to exception set forth in 346.50 of the Wisconsin Statutes for 1969, it is hereby declared unlawful to park or leave standing any truck, automobile, motor cycle, wagon or other vehicle upon any public highway or street in the Village of Oconomowoc Lake.

Section 5. Weight Limits and Heavy Traffic Routes.

(1) Class "B" Highways Designated. All streets and alleys within the Village of Oconomowoc Lake, Wisconsin, except the following enumerated streets and alleys, are hereby designated class "B" highways and shall be subject to the weight limitations imposed by s. 348.16 Wis. Stats: North Beach Road, West Beach Road and Gifford Road.

(2) Special and Season Weight Limitations. The Public Works Department shall have the authority to impose special or seasonal weight limits to prevent injury to the roadway of any highway, bridge or culvert within the jurisdiction of the Village or for the safety or users of such highway, bridge or culvert and shall be responsible for erecting signs giving notice thereof in accordance with s. 349.16 Wis. Stats.

(3) Restrictions on Use of Other Streets by Heavy Traffic. No vehicle which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 6,000 pounds shall be operated or moved on any street or alley in the Village of Oconomowoc Lake, except for the purpose of obtaining orders for, moving or delivering supplies or commodities to or from a place of business or residence facing thereon, provided that in no event shall the weight of the vehicle and load on such other street exceed the limitations of ss. 348.15 or 348.16 (3) of the Wisconsin statutes pertaining to class "A" highways or deliveries on class "B" highways.

Section 6. Accident Reports. The operator of any vehicle involved in an accident shall within ten (10) days after such accident file with the Village police department a copy of the report required by s. 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 in ss. 346.70 (4) (f) and 346.73, Wis. Stats.

Section 7. Loud and Unnecessary Noise Prohibited. No person shall operate a motor vehicle so as to cause the tires thereof to squeal, the horn to

blow excessively or the motor to race excessively.

Section 8. Official Traffic Signs and Signals.

(1) Department of Public Works Authorized to Procure and Erect Signs and Signals. The Department of Public Works is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals, and markings conforming to the rules of the state highway division giving such notice of the provisions of this ordinance as required by state law. Signs shall be erected in such locations and manner as the Public Health and Safety Department shall determine will best effect the purposes of this ordinance and give adequate warning to users of the street or highway.

(2) Removal of Unofficial Signs and Signals. The Public Health and Safety Department shall have the authority granted by s. 349.09, Wis. Stats., and is hereby directed to order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this ordinance or s. 346.41, Wis. Stats. Any charge imposed on a premises 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.

Section 9. 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 ss. 345.20 to 345.53, Wis. Stats.

(1) Uniform Offenses. Forfeitures for violation of any provision of chs. 341 to 348 adopted by reference in section 1 of this ordinance shall conform to forfeitures for violation of the comparable state offense, including any variations or increases for second offenses.

(2) Special Local Regulations. The forfeiture for violation of sections 2, 3, 4, 5, 6 and 7 of this ordinance shall be not less than \$5.00 nor more than \$200.00 for the first offense and not less than \$10.00 nor more than \$500.00 for the second offense within 2 years.

(3) Miscellaneous. The forfeiture for violation of any provision of Section 1 (2) of this ordinance shall be not less than \$20.00 nor more than \$500.00.

(4) Parking. The forfeiture for violation of parking regulations of Section 4 of this ordinance shall be \$10.00.

Section 10. Enforcement. This ordinance shall be enforced in accordance with the provisions of ss. 345.20 to 345.53, ch. 299 and s. 66.12, of the Wisconsin Statutes.

(1) Stipulation of Guilt or No Contest. Stipulations of guilt or no contest may be made by persons arrested for violations of this ordinance in accordance with s. 66.12 (1) (b), Wis. Stats., whenever the provisions of

s. 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under s. 345.11, Wis. Stats., and may be accepted within 5 days of the date of the alleged violation. Stipulations may be accepted by the Village police department.

(2) Deposits. Any person stipulating guilt or no contest under subsection (1) of this section must make the deposit required under s. 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 as directed by the arresting officer. Deposits for parking or nonmoving violations shall be mailed or brought to the Village Treasurer.

(3) Notice of Demerit Points and Receipt. Every officer accepting a forfeited penalty or money deposit under this ordinance shall receipt therefor in triplicate as provided in s. 345.26 (3) (b), Wis. Stats. Every officer accepting a stipulation under the provisions of this ordinance shall comply with the provisions of ss. 343.27, 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 s. 345.11, Wis. Stats.

(4) Forfeitures in Treasury; Officer to Post Bond, Qualify. Any officer accepting deposits or forfeited penalties under this ordinance shall deliver them to the Village Treasurer within twenty (20) days after receipt. Any officer authorized to accept deposits under s. 345.26, Wis. Stats., or this ordinance shall qualify by taking the oath prescribed by s. 19.01, Wis. Stats., and filing an official bond in the sum of \$1,000.00, as described by s. 19.01.

Section 11. References to Statutes. References to specific statutory sections wherever used in this ordinance shall mean the Wisconsin Statutes of 1977, and all amendments thereto.

Section 12. Repeal of Conflicting Ordinances. All ordinances regulating traffic upon the streets, alleys and highways of the Village of Oconomowoc Lake, Wisconsin, and all ordinances or parts of ordinances heretofore enacted by the Village Board of the Village of Oconomowoc Lake, Wisconsin, are hereby repealed.

Section 13. Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 14. Effective Date. This ordinance shall take effect and be in force from and after March 6, 1979, upon passage and publication as provided by law.

Passed and adopted by the Village Board of the Village of Oconomowoc Lake, this 19th day of February, 1979.

William F. Roberts
Village President

Countersigned:

(VILLAGE SEAL)

Ann Miller
Village Clerk

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING
ORDINANCE

Ordinance #81
Restating Ord. #64 As Amended

The undersigned, being first duly sworn, on oath deposes and states that on March 6, 1979, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the above ordinance 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 northeast corner of the junction of County Trunk Highway "P" (West Beach Road) and the private drive (South Beach Road) leading into the Borisch, Loeser, Morsell, et al properties.

Richard Riello

Subscribed and sworn to before me
this 6th day of March, 1979.

Aris Miller
Notary Public, Waukesha County, Wisconsin
My commission expires: 3/23/80