

TOWN OF RHINE MUNICIPAL CODE

CHAPTER 8: MOTOR VEHICLE

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8.01 PROVISIONS OF STATE LAW ADOPTED BY REFERENCE

(1) STATE TRAFFIC FORFEITURE LAWS ADOPTED. The following Sections of the Motor Vehicle Code of the Wisconsin State Statutes are hereby adopted by reference:

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
343.01	Words and phrases defined
343.05	Operators to be licensed
343.305	Implied consent
343.35	Surrender of license upon cancellation, revocation, or 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), 346.05 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 s. 346.31 to 346.35
346.37 to 346.42	Traffic signs, signals, and markings
346.43	Penalty for violating ss. 346.37 to 346.42
346.44 to 346.485	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. 346.503 to 346.55
346.57(2), (3), and (4)(a) to (h)	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 B first offense in four (4) years
346.63(1), (3), and (4)	Operating under "influence" of intoxicant--first offense in five (5) yrs
346.64	Employment of drunk operators B 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
346.68 and 346.69	Duty upon striking unattended vehicle--upon striking property on or adjacent to highway--first offense within a year
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 B first offense within a year
346.77 to 346.804	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 B 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

(2) OTHER LAWS ADOPTED. Wis. Stat.s. 941.01(1) is also hereby adopted by reference but the prosecution of such offense under this Chapter shall be as provided in Wis. Stat. chs. 340 through 348 and the penalty for violation thereof shall be limited to a forfeiture as provided in Section 8.04 of this Chapter. Wis. Stat. s. 346.935 is included and adopted by reference and the penalty for violation thereof shall be limited to a forfeiture as provided in Section 8.04 of this Chapter.

8.02 SPEED LIMITS

(1) STATE SPEED LAWS ADOPTED. The provisions of Wis. Stat. ss. 346.57, 346.58, and 346.59 relating to the maximum and minimum speed of vehicles are hereby adopted as part of this Section as if fully set forth herein.

(2) SPECIAL SPEED LIMITS. The purpose of this Subsection is to establish maximum permissible speeds at which vehicles may be operated on the following highways which speeds (after traffic and engineering investigation having been made) are herewith established as reasonable and safe pursuant to the state motor vehicle code. Said maximum shall be effective upon the following roads of the Town upon the erection of standard signs giving notice thereof:

(a) **45 miles per hour** for all vehicles on the following specified roads or portions of roads:

1. Snake Road from the northernmost boundary of Sections 16 and 17 (County Trunk Highway MM) south to the southern boundary of Sections 21 and 20 (County Trunk Highway A).
2. Highview Drive from its intersection with Highway 67 at Golf Course Road thence south forty-five hundredths (0.45) miles.
3. Rhine Road from its intersection with County Trunk Highway MM to its intersection with County Trunk Highway FF.
4. Rhine Road from County Trunk Highway EH to County Line. (Rev. 11/07/01)
5. Penalty: The penalty for violation of this Subsection shall be a forfeiture of not less than Twenty Dollars (\$20.00) nor more than Two Hundred Dollars (\$200.00).

(b) **25 miles per hour** for all vehicles on the following specified roads or portions of roads:

1. Royal and Ancient Road from its intersection with Hammann Road north to its intersection with the western boundary of County Road J. St. Andrews Court from its intersection with Golf Course Road covering the length and distance of said roadway (Quit Qui Oc Subdivision). (Rev. 06/03/03)
2. Ridge Creek Road and Ridge Creek Court from its intersection with County Road FF throughout the length and distance of said roadway (Ridge Creek Subdivision). (Rev. 06/03/03)
3. Penalty: The penalty for violation of this Subsection shall be a forfeiture of not less than Twenty Dollars (\$20.00) nor more than Two Hundred Dollars (\$200.00).

8.03 ACCIDENT REPORTS. The operator of any vehicle involved in an accident shall within twenty (20) days after such accident file with the Village of Elkhart Lake Police Department a copy of the report required by Wis. Stat. s. 346.70 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 Wis. Stat. s. 346.70(4)(f) and 346.73.

8.04 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. s. 345.20 to 345.53.

(1) **UNIFORM OFFENSES.** Except as provided in Subsection (4) for nonmoving traffic offenses, forfeitures for violation of any provision of Wis. Stat. chs. 341 to 348 adopted by reference in Sections 1 and 2 of this Chapter shall conform to forfeitures for violation of the comparable state offense, including any variations of increases for second offenses.

(2) **SPECIAL LOCAL REGULATIONS.** The forfeiture for violation of Section 8.03 shall not be less than Forty Dollars (\$40.00) nor more than Two Hundred Dollars (\$200.00) for the first offense and not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense within two (2) years.

(3) **PARKING.** The forfeitures for offenses described in Wis. Stat. ' 346.50 to 346.55 adopted by reference in Section 1 of this Chapter shall be:

- 346.51(1) Improper parking on/off roadway: Two Dollars (\$2.00) to Two Hundred Dollars (\$200.00).
- 346.52(1) Stopping/standing in prohibited areas: Two Dollars (\$2.00) to Forty Dollars (\$40.00).
Second conviction within one (1) year: Ten Dollars (\$10.00) to One Hundred Dollars (\$100.00).
- 346.52(2) Stopping/standing on highway by grade school: Two Dollars (\$2.00) to Forty Dollars (\$40.00).
Second conviction within one (1) year: Ten Dollars (\$10.00) to One Hundred Dollars (\$100.00)
- 346.53 Parking/standing where prohibited: Two Dollars (\$2.00) to Forty Dollars (\$40.00).
Second conviction within one (1) year: Ten Dollars (\$10.00) to One Hundred Dollars (\$100.00).
- 346.54 Improper parking/standing of vehicle: Two Dollars (\$2.00) to Forty Dollars (\$40.00).
Second conviction within one (1) year: Ten Dollars (\$10.00) to One Hundred Dollars (\$100.00).
- 346.55(1) Parking on left side of highway: Two Dollars (\$2.00) to Two Hundred Dollars (\$200.00).
- 346.55(2) Parking vehicle for sale on highway: Two Dollars (\$2.00) to Two Hundred Dollars (\$200.00).
- 346.55(3) Parking on posted private property: Two Dollars (\$2.00) to Forty Dollars (\$40.00).
Second conviction within one (1) year: Ten Dollars (\$10.00) to One Hundred Dollars (\$100.00).

8.05 ENFORCEMENT

This Chapter will be enforced in accordance with the provisions of Wis. Stat. ss. 66.12 and 345.20 to 345.53 and Wis. Stat. ch. 799.

(1) **UNIFORM CITATION.** The uniform traffic citation promulgated under Wis. Stat. s. 346.11 shall be used for all moving traffic violations under this Chapter.

(2) **PARKING CITATIONS.** Citations for all nonmoving traffic violations under this Chapter shall conform to Wis. Stat. s. 345.28 and shall permit direct mail payment of the applicable minimum forfeiture to the Village of Elkhart Lake Police Department within five (5) days of the issuance of the citation in lieu of Court appearance. The issuing officer shall specify thereon the amount of the applicable forfeiture as provided in this Chapter.

(3) **NOTICE OF DEMERIT POINTS AND RECEIPT.** Every officer accepting a forfeited penalty or money deposit under this Chapter shall receipt therefrom in triplicate as provided in Wis. Stat. s. 345.26(3)(b). Every officer accepting a stipulation under the provisions of this Ordinance shall comply with the provisions of Wis. Stat. ss. 343.27, 343.28, 345.26(1)(a), and 345.27(2) 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 Wis. Stat. s. 345.11.

(4) **FORFEITURES IN TREASURY: OFFICER TO POST BOND, QUALITY.** Any officer accepting deposits or forfeited penalties under this Chapter shall deliver them to the Town of Rhine Treasurer within twenty (20) days after receipt. Any officer authorized to accept deposits under Wis. Stat. s. 345.26 or this Chapter shall qualify by taking the oath prescribed by Wis. Stat. s. 19.01 and filing an official bond in the sum of One Thousand Dollars (\$1,000.00) as described by s. 19.01.

8.06 REFERENCES TO STATUTES

References to specific statutory sections wherever used in this Chapter shall mean the Wisconsin Statutes of 1989 to 1990 as amended from time to time.

8.07 SEVERABILITY

The provisions of this Chapter shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Chapter irrespective of whether or not one or more provision may be declared invalid and if any provision of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of the Chapter and the application of such provision(s) to the other person or circumstance(s) shall not be affected thereby.

8.08 PARKING RESTRICTED

No person shall park or leave standing any vehicle at any time upon any Town road within the Town of Rhine where there shall have been erected official signs of a type approved by the Wisconsin Department of Transportation giving notice to the public that parking is prohibited at

such location. No person who shall violate any provision of this Ordinance shall forfeit not less than Twenty Dollars (\$20.00) plus the costs of prosecution for each offense.

8.09 AGRICULTURAL VEHICLES¹

(1) Pursuant to § 348.15(9)(f)2., Wis. Stats., the following may not exceed the axle weight limits imposed by § 348.15(3)(b), Wis. Stats.:

(a) Category B Implements of Husbandry (as defined in § 340.01(24)(a)1.b.).

(b) Category 1 Agricultural Commercial Vehicles (as defined in § 340.01(1o)(e)1.).

(c) Any 2-vehicle combination transporting by trailer or semitrailer either one of these two types of vehicles from farm to field, from field to field, or from farm to farm.

(2) Those desiring to exceed applicable length and/or weight limitations on highways under the Town's jurisdiction may apply for a no-fee permit from the Town.

(3) Pursuant to § 348.27(19)(b)4m. in the event an application for a no-fee permit is made for a Category B Implement of Husbandry, a Category 1 Agricultural Commercial Vehicles, or any 2-vehicle combination transporting by trailer or semitrailer either one of these two types of vehicles from farm to field, from field to field, or from farm to farm, the Town may not deny the application but may modify and approve the application to include an alternate route or map of highways other than those specified by the applicant and may include highways that are not under the Town's jurisdiction only upon prior approval of the authority having jurisdiction over those highways, except that no prior approval is required with respect to a highway on which these vehicles may be legally operated or transported without a permit or as authorized by the other jurisdiction.

¹ Created by Ord. 2016-____, adopted _____, 2016.