

CHAPTER 17
TRAFFIC CODE
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CHAPTER 17

TRAFFIC CODE

17.101 STATE TRAFFIC LAWS ADOPTED.

Except as otherwise specifically provided in this code, the statutory provisions in Chapters 340 to 348 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby 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 regulation incorporated herein by reference is required or prohibited by this code. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 to 348 incorporated herein are intended to be made part of this code in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin.

17.102 OFFICIAL TRAFFIC MAP AND CONTROL DEVICES:
PROHIBITED SIGNS, SIGNALS AND MARKERS

- (a) Duty of Oconto County Highway Department to erect and install uniform traffic control devices. Whenever traffic regulations created by this code, including a State of Wisconsin traffic regulation adopted by reference in Section 1.01, require the erection of traffic control devices for enforcement, the Oconto County Highway Department shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in devices or placement of a uniform traffic control device, devices shall be erected in such locations and in such manner as in the judgment of the Oconto County Highway Department will carry out the purposes of this code and give adequate warning to users of the streets and highways of the County of Oconto.
- (b) Code numbers to be affixed to official traffic control devices. The Oconto County Highway Department shall cause to be placed on each official traffic control sign, guide board, mile post, signal or marker erected under subsection (1) a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- (c) Official traffic map.
 - (1) Official traffic map established. There is hereby established an Official Traffic Map for the County of Oconto upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special speed limits, one-way highways, school crossings and all other restrictions or limitations contained in this code, as from time to time amended or modified by the Oconto County Board when laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations.
 - (2) 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 shown on the Official Traffic Map shall be a violation of the provisions of this code.
- (d) Prohibited signs and markers in highways. No person, other than an officer authorized by this code to erect and maintain official traffic control devices or his or her designee, shall place within the limits of any street or highway maintained by the Oconto County Highway Department any sign, signal, marker, mark or monument unless permission is first obtained from the Oconto

County Highway Department. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in sub. (5).

- (e) Removal of unofficial signs, markers, signals and traffic control devices. The Oconto County Highway Department may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this code or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Oconto County Highway Department to the Oconto County Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special County taxes.

17.103 SPEED LIMITS

The Oconto County Board hereby determines that the statutory speed limits on the following highways or portions thereof are unreasonable, unsafe or imprudent and modifies such speed limits as follows:

- (a) Speed limits increased. Speed limits are increased as hereinafter set forth upon the following highways or portions thereof: NONE.
- (b) Speed limits decreased. With the approval of the Wisconsin Department of Transportation, the speed limits are decreased as hereinafter set forth upon the following highways or portions thereof:

(1) COUNTY TRUNK "A":

- (A) County Trunk Highway "A", Town of Spruce, Oconto County 25 miles per hour from a point 0.11 of a mile east of its intersection with County Trunk Highway "B" at the unincorporated place known as Spruce, westerly and northerly for a distance of 0.21 of a mile.
- (B) County Trunk Highway "A" from Village of Lena, East limits to a point 2750 feet East in the Town of Lena: 45 miles per hour.

(2) COUNTY TRUNK "AA":

- (A) Co. Highway "AA", Town of Breed 45 miles per hour from the intersection of State Highway 32 at the unincorporated place known as Breed, westerly to a point 0.10 miles west of Weso Creek Road.
- (B) County Trunk Highway AA, beginning at South Branch Road, Northerly for a distance of .40 miles at 40 miles per hour. (created 04/20/17 Ord. O2017-04-02)

(3) COUNTY TRUNK "B":

- (A) County Trunk Highway "B", Town of Brazeau, Oconto County 30 miles per hour from its intersection with County Highway "Z" at the unincorporated place known as Klondike, easterly for a distance of 0.39 of a mile.
- (B) County Trunk Highway "B" at Goatsville Road from 800 feet North and 800 feet south, in the Town of Spruce, 45 miles per hour.

(4) COUNTY TRUNK "BB":

- (A) 25 mph speed zone on South Green Bay Avenue, also known as County Trunk Highway "BB", is extended 25 feet south to Barke Street.

(B) 35 mph speed zone be created starting at Barke Street and extending south to the City of Gillett limits.

(5) COUNTY TRUNK "C":

(A) County Trunk Highway "C", Town of Morgan, Oconto County 35 miles per hour for all vehicles from a point 0.09 of a mile south of its intersection with County Trunk Highway "E" at the unincorporated place known as Morgan, northerly for a distance of 0.35 of a mile.

(B) County Trunk Highway "C", Towns of Chase and Morgan, Oconto County 30 miles per hour for all vehicles from a point 0.04 of a mile southwesterly of its intersection with County Trunk Highway "D" at the unincorporated place known as Sampson, northerly for a distance of 0.15 of a mile.

(C) County Trunk Highway "C" from its intersection beginning .4 mile south of South Chase Road, northerly to County Highway "S", 45 miles per hour.

(6) COUNTY TRUNK "CC":

County Trunk Highway "CC" from Gray Lake Road to Hazelnut Lane/West Corporate Limit WCL-City of Oconto Falls: 45 miles per hour.

(7) COUNTY TRUNK "EE":

County Trunk Highway "EE", Town of Abrams 35 miles per hour for all vehicles from its intersection with County Trunk Highway "E" easterly and southerly to its intersection with Oak Orchard Road.

(8) COUNTY TRUNK "F":

County Trunk Highway "F", 35 miles per hour for all vehicles from its intersection with State Highway "32" in the unincorporated Village of Lakewood, easterly for a distance of 0.35 of a mile and then 45 miles per hour from a distance 0.35 of a mile east of the intersection of State Highway 32 to Clubhouse Lane.

(9) COUNTY TRUNK "G":

County Trunk Highway "G", Town of Spruce, Oconto County 25 miles per hour from a point 0.55 of a mile north of its intersection with County Trunk Highway "M" at the unincorporated place known as Kelly Lake, northerly and easterly for a distance of 1.61 miles.

(10) COUNTY TRUNK "H":

Co. Highway "H", Town of Underhill 25 miles per hour for all vehicles from a point 0.07 miles east of Morgan Road, in the unincorporated place known as Hintz, easterly 0.3 miles.

(11) COUNTY TRUNK "I":

(A) (i) 25 miles per hour for all vehicles from U.S. Highway 141 to a point 0.4 of a mile West of U.S. Highway 141.

- (ii) 45 miles per hour for all vehicles from a point 0.4 of a mile west of U.S. Highway 141 to Husky Lane.
 - (iii) 55 miles per hour for all vehicles from Husky Lane to Fuller Lane.
 - (iv) 35 miles per hour for all vehicles from Fuller Lane West 0.45 miles to South Main Street, Oconto Falls.
- (B) 45 miles per hour for all vehicles on County Trunk Highway "I" from South Main Street, Oconto Falls to State Highway "22".

(12) COUNTY TRUNK "J":

- (A) County Trunk "J" from Lade Beach Road .63 miles north, Town of Little Suamico, 35 miles per hour.
- (B) County Trunk Highway "J", Town of Pensaukee, Oconto County 25 miles per hour for all vehicles from a point 800 feet north of U.S. Highway 41, north for a distance of 3200 feet.
- (C) County Trunk Highway "J", Town of Little Suamico, Oconto County
- (i) 35 miles per hour from its intersection with County Trunk Highway "S" in an unincorporated place known as Little Suamico, southerly to Allen Road.
 - (ii) 45 miles per hour for all vehicles from Allen Road, southerly to Bramschreiber Road.
 - (iii) 35 miles per hour for all vehicles from Bramschreiber Road, southerly for 0.4 of a mile.
 - (iv) 45 miles per hour for all vehicles from a point 0.4 of a mile south of Bramschreiber Road to Brown County Line.

(13) COUNTY TRUNK "M":

County Trunk Highway "M", Town of Maple Valley, Oconto County 35 miles per hour from a point 0.12 of a mile east of its intersection with County Trunk Highway "G" at the unincorporated place known as Hickory Corners, westerly for a distance of 0.19 of a mile.

(14) COUNTY TRUNK HIGHWAY "N":

County Trunk Highway "N", Town of Oconto, Oconto County

- (A) 35 miles per hour from its north intersection with County Trunk Highway "S" southerly to a point 1.10 miles south of said intersection.
- (B) 25 miles per hour from a point 1.10 miles south of its north intersection with County Trunk Highway "S" southerly to a point 1.43 miles south of said intersection.
- (C) 35 miles per hour from a point 1.43 miles south of its north intersection with County Highway "S" southerly to a point 2.03 miles south of said intersection.

(15) COUNTY TRUNK “NN”:

- (A) County Trunk “NN” from the intersection of CTH “S” 1.0 miles south, 45 miles per hour.
- (B) County Trunk “NN” from the intersection of CTH “S” .50 mile east, 45 miles per hour.

(16) COUNTY TRUNK “P”:

County Trunk Highway “P”, Town of Gillett, Oconto County 35 miles per hour from a point 0.42 of a mile south of its intersection with County Trunk Highway “U” in the unincorporated place known as Mosling, southerly for a distance of 0.31 of a mile.

(17) COUNTY TRUNK “S”:

- (A) County Trunk “S” beginning at the intersection of County Trunk “S” and Pheasant Run Lane southwesterly for a distance of 3000 feet, Town of Little Suamico, 35 miles per hour.
- (B) County Trunk “S”, beginning .30 miles Northeast of Oak Orchard Road and continuing to a point 1.35 miles Northeast of Oak Orchard Road, 45 miles per hour.
- (C) County Trunk “S” beginning at the south city limits of the City of Oconto, southwesterly to a point .35 miles, southwest of Frog Pond Road, Town of Oconto, 34 miles per hour.
- (D) County Trunk Highway “S”, Town of Little Suamico, Oconto County 35 miles per hour from a point 0.13 of a mile east of its intersection with the Chicago, Milwaukee, St. Paul and Pacific Railway grade crossing in the unincorporated place known as Sobieski, westerly for a distance of 0.38 of a mile.
- (E) County Trunk Highway “S” from Old State Road to Pensaukee Bay Shore Road, Town of Pensaukee, 45 miles per hour.

(18) COUNTY TRUNK “SS”:

- (A) County Trunk Highway “SS”, Town of Pensaukee, Oconto County 35 miles per hour for all vehicles from County Trunk Highway “S” westerly for 0.43 of a mile.
- (B) County Trunk Highway “SS” from USH 41 to a point 1.19 miles East, Town of Pensaukee: 45 miles per hour.

(19) COUNTY TRUNK “T”:

County Trunk Highway “T” from Traxels Point Lane to Bismarck Lane in the Town of Doty: 35 miles per hour.

(20) COUNTY TRUNK “V”:

County Trunk Highway “V”, Town of Underhill, Oconto County 35 miles per hour from a point 0.12 of a mile south of its intersection with County Trunk Highway “U” at the unincorporated place known as Underhill, southwesterly for a distance of 0.60 of a mile.

(21) COUNTY TRUNK “VV”:

County Trunk Highway “VV” from Deerhill Road to the Menominee County Line, 35 miles per hour.

(22) COUNTY TRUNK “W”:

(A) County Trunk Highway “W”, Town of Riverview, Oconto County as follows:

- (i) 30 miles per hour for all vehicles from a point .01 mile southwest of Crooked Lake Lane, northeasterly to a point 280 feet Northeast of LaFave Rd.
- (ii) 45 miles per hour for all vehicles from a point 280 feet Northeast of LaFave Rd to the Marinette County line.
- (iii) 40 miles per hour for all vehicles from Nelligan Lake Lane to a point 0.1 of a mile southwest of Crooked Lake Lane.

(B) Oconto County Highway “W”, Town of Mountain, Oconto County as follows: 25 miles per hour for all vehicles from its intersection with State Highway 32 and 64 westerly and southerly for a distance of 0.65 of a mile.

(C) County Trunk Highway “W”, Town of Doty, Oconto County 30 miles per hour for all vehicles from the South Branch of the Oconto River Southeasterly and northeasterly to a point 0.1 miles northeast of Sheep Ranch Road.

(D) County Trunk Highway “W”, Town of Mountain, Oconto County 25 miles per hour from its intersection with State Trunk Highway 32 and 64 in the unincorporated place known as Mountain, easterly and northerly for a distance of 0.20 of a mile.

(E) County Trunk Highway “W” from a point 528 feet Northeast of Sheep Ranch Road, Northeast for a distance of 3700 feet. Town of Doty: 30 miles per hour.

(F) County Trunk Highway “W” beginning .65 miles west of State Trunk Highway 32 and 64, continuing westerly .35 miles, .45 miles per hour.

(23) COUNTY TRUNK “Z”:

County Trunk Highway “Z”, Town of Brazeau, Oconto County 30 miles per hour from its intersection with County Trunk Highway “B” at the unincorporated place known as Klondike, westerly for a distance of 0.30 of a mile.

(24) MISCELLANEOUS

(A) State Highway 64 at County Trunk ZZ and 64, 45 miles per hour

(B) State Highway 32 at Anderson Lake, 45 miles per hour

(C) State Highway 22-32 at Gillett, 45 miles per hour

(c) (1) If a highway is being constructed, reconstructed, maintained or repaired, temporary speed limits may be established as set forth in Wis. Stats. S. 349.11(10).

(2) The Oconto County Highway Commissioner, or his/her designee, is authorized, at his/her discretion, to impose mandatory temporary speed limits under the continuing authority of this

action and without the need of further action by this body.

- (3) Temporary speed limits shall be in accord with this section and shall be imposed by the posting of other portable or fixed temporary regulatory speed limit signs of the same face size and design as permanent regulatory speed limit signs, type R2-1, as described in the Manual of Uniform Traffic Control Devices as adopted by the Wisconsin Department of Transportation.
- (4) Signs may be posted on any highway under the jurisdiction of this authority (and any state trunk highway upon which the County performs maintenance under §84.07, Wis. Stats.) when such highway is being constructed, reconstructed, maintained or repaired, but only in the immediate area of such work and of those persons engaged in performing such work.
- (5) Any temporary speed limit imposed in an area where construction, reconstruction, maintenance or repair is being performed on the shoulders or what is normally the traveled portion of the roadway, or where the highway construction or maintenance workers performing such work area necessary on the shoulders or what is normally the traveled portion of the roadway, shall be determined by, and at the discretion of, the Oconto County Highway Commissioner or his/her designee.
- (6) No temporary speed limit shall be imposed when construction, reconstruction, or maintenance or repair work is being performed inside the highway right-of-way but not on the shoulders or the traveled portion of highway.
- (7) Any speed limits imposed under the authority of this section are temporary, and the signs imposing such limits shall be removed, covered, or otherwise obscured when the highway construction or maintenance workers performing construction, reconstruction, maintenance or repairs and their equipment are not present on the shoulders or traveled portion of the highway.
- (8) The area in which any temporary, speed limit imposed shall be terminated by posting a regulatory speed limit sign informing the public of the specific speed limit outside of the area where construction, reconstruction, maintenance or repair work is being performed.
- (9) Nothing herein shall prohibit the Oconto County Highway Commissioner from posting advisory speed limit signs, of the type W13-1 as described in the Manual of Uniform Traffic Control Devices, in areas of highway construction, reconstruction, maintenance or repairs suggesting such speed as he/she deems appropriate to promote the safety of highway construction and maintenance workers, pedestrians and highway users and that such advisory signs may also be posted in conjunction with the temporary mandatory speed limit signs, as described and authorized above.

17.104 THROUGH HIGHWAYS AND CONTROLLED INTERSECTIONS

- (a) Highway committee to designate through highways. The county highway committee in the interest of public safety shall designate those highways within the County's jurisdiction which are through highways and shall provide for the installation and maintenance of traffic control devices in accordance with the Wisconsin Official Traffic Control Device Manual adopted by reference in Sec. 1.02 of this code.
- (b) Controlled Intersections Designated. In the interest of public safety, the following intersections are declared controlled intersections and traffic control signals should be installed thereon in conformity with the Wisconsin Official Traffic Control Device Manual and the provisions of the code; NONE

- (c) Designation of Location of Stop Signs. In the interests of public safety, the County Highway Committee should designate the location of stop signs with said sign to be installed in accordance with the Wisconsin Official Traffic Control Device Manual and the provisions of the Code.
- (d) Yield Signs to be Erected. The County Highway Committee should designate the location of yield right-of-way signs with said signs to be installed in accordance with the Wisconsin Official Traffic Control Device Manual and the provisions of this Code.
- (e) Operators to obey traffic control devices. Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Section and Section 17.102 of this code shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section One of this code.

17.105 ONE WAY HIGHWAYS, SAFETY ZONES, SAFETY ISLANDS, TURNS, AND LANES

- (a) One way highways. The following highways or portions thereof maintained by the County of Oconto are hereby designated one-way highways and no person shall drive or operate a vehicle on any such highway or portion thereof except in the one direction designated below: NONE.
- (b) Safety zones and islands. The Oconto County Highway Department is directed to designate and mark safety zones and safety islands and cause to be constructed in accordance with the Wisconsin Uniform Traffic Control Device Manual. Driving over Safety Zones or Islands Prohibited. Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island.
- (c) Turns prohibited.
 - (1) Right turns prohibited. No operator of any vehicle shall make a right turn at any of the following locations: NONE.
 - (2) Left turns prohibited. No operator of any vehicle shall make a left turn at any of the following locations: NONE.
 - (3) U-turns prohibited. U-turns are prohibited at the following locations: NONE.
- (d) Miscellaneous lane and turn controls. The Oconto County Highway Department is authorized, when in his or her judgment the safety of a situation requires, to place Official Traffic control Devices within or adjacent to intersections directing that a different course from that specified in Sec. 346.31, Wis. Stats., be traveled by vehicles turning at the intersection and to mark lanes for traffic designating separate lanes for slow moving traffic or for traffic moving in a particular direction.

17.106 NO PASSING ZONES.

- (a) Highway committee to designate. The County Highway Committee is directed to designate and mark no passing zones by yellow unbroken lines on all county trunk highways in accordance with the Wisconsin Uniform Traffic Control Device Manual.
- (b) Passing prohibited. When No Passing Zone markers or signs giving notice thereof are erected or placed on the pavement as provided in this Section, no person shall operate a vehicle so as to overtake or pass another vehicle or drive to the left of the center of the roadway in designated no-passing zones.

17.107 WEIGHT LIMITS AND HEAVY TRAFFIC ROUTES.

- (a) Class "B" highways designated. The Highway Committee is authorized to designate any County highway or part thereof to be class "B" highways for the purposes of putting into effect the weight limitations imposed on class "B" highways by the Wisconsin Statutes adopted by reference in Section One of this code.
- (b) Special and season weight limitations. The Oconto County Highway Committee shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert maintained by the County of Oconto to prevent injury to the roadway or for the safety of the users of such bridge or culvert and shall be responsible for erecting Uniform Traffic Control Devices giving notice thereof in accordance with the proving of Section 1.02 of this code.

17.108 PARKING REGULATIONS.

- (a) Parking prohibited at all times. Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle upon any of the following highways or parts of highways:
 - (1) In a loading zone;
 - (2) In an alley in a business district;
 - (3) Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official sign;
 - (4) Within 4 feet of an entrance to an alley or private road or driveway;
 - (5) Closer than 15 feet to the near limits of a crosswalk;
 - (6) Upon any portion of a highway where and at the time when parking is prohibited, limited, or restricted by official traffic signs; and
 - (7) Specifically, the following identified locations:
 - (A) State Highway 32 at Anderson Lake
 - (B) State Highway 22 East of Oconto Falls
 - (C) State Highway 22 at Four Corners
- (b) No parking except for authorized vehicles. Except as herein permitted, no person shall park, stop or leave standing any vehicle in the following places unless authorized by permit issued by the Oconto County Highway Department or by an Official Traffic Control sign: In any Oconto County park, parkway, recreation area or public cemetery; On any drive through any Oconto County park, parkway, recreation area or public cemetery; At any curb or other area marked as a bus or taxi stop or stand; At the curb on the side of any roadway in any block posted "Parking By Permit Only". Upon any portion of a street, highway or parking facility reserved by official traffic signs for vehicles displaying special registration plates, identification cards or emblems for vehicles of physically disabled persons unless the vehicle displays a special registration plate, identification card or emblem issued by the State of Wisconsin or the jurisdiction in which the vehicle is registered.

(c) Miscellaneous parking restrictions.

- (1) Street maintenance. Whenever it is necessary to clear or repair a County roadway or any part thereof, the Oconto County Highway Department shall post such highways or parts thereof with signs bearing the words "No Parking-Street Maintenance Work". Such signs shall be posted at least two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.
- (2) Parking in driveways. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- (3) Parking heavy vehicles in residential districts. No operator of a motor truck, truck-tractor, trailer, or semitrailer or any other vehicle or combination of vehicles other than motorbuses weighing more than six thousand (6,000) pounds shall park such vehicle on any highway other than a routed State Trunk Highway in any residential district except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle.
- (4) Parking reserved for vehicles of disabled. When official traffic signs, indicating such restriction have been erected in accordance with Section 17.102 of this ordinance, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

(c) Unlawful removal of parking citations. No person other than the owner or operator thereof shall remove a County parking violation ticket from a motor vehicle.

(d) Removal of illegally parked vehicles.

- (1) Hazard to public safety. Any vehicle parked, stopped or standing upon a highway in violation of any of the provisions of this Section or Section One of this code is declared to be a hazard to traffic and public safety.
- (3) Removal by operator. Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.
- (4) Removal by traffic officer. Any traffic officer after issuing a citation for illegal parking, stopping or standing of an attended vehicle in violation of this code, is authorized to remove such vehicle to a position where parking is permitted.
- (5) Removal by private service. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- (6) Towing and storage charges. In addition to other penalties provided by Sec. 1.11 of this code, the owner or operator of a vehicle so removed shall pay reasonable cost of moving, towing and storage. If the vehicle is moved or towed by the Sheriff's department, a charge of \$25.00 plus .20 per mile shall be paid for moving or towing. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services be paid. If the vehicle is

stored in a public storage garage or rental facility, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

- (e) Registration record of vehicle as evidence. When any vehicle is found upon a street or highway in violation of any provisions of this code regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other State, shall be deemed to have committed the violation for purposes of enforcement of this Section and Section One of this code and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Sec. 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

17.109 ABANDONED VEHICLES.

- (a) Abandonment of vehicles prohibited. No person shall abandon any vehicle unattended within the County of Oconto for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.
- (b) Definition. As used in this Section, "vehicle" means a motor vehicle, trailer, semi-trailer or mobile home as defined in Section One of this code, whether or not vehicle is registered under ch.541, Wis. Stats.
- (c) Presumption of abandonment. Any vehicle left unattended for more than 48 hours on any public street or grounds, or on private property where parking is prohibited, limited or restricted, without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance; provided that the vehicle shall not be deemed abandoned under this Section if left unattended on private property out of public view, by permission of the owner or lessee.
- (d) Exceptions. This Section shall not apply to a vehicle in an enclosed building; a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the County of Oconto or a vehicle parked in a metered or paid lot or parking space where the required fee has been paid and meter activated.
- (e) Removal and impoundment or sale. Any vehicle found abandoned in violation of this ordinance shall be impounded by the Oconto County Sheriff Department until lawfully claimed or disposed of as provided in this Section. If the Oconto County Sheriff or his duly authorized representative determines that towing costs and storage charges for the 48 hour period, see sub. (5), would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Oconto County Sheriff that the vehicle is not wanted for evidence or any other reason; provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction, sale or sealed bid in accordance with sub. (5) of this section.
- (f) Minimum impoundment period. The minimum period of impoundment or storage of a vehicle found in violation of this Section shall be 10 days.
- (g) Notice to owner. The officer removing or causing removal of any vehicle found in violation of this Section shall immediately notify the Oconto County Sheriff of the abandonment and location of the impounded vehicle, and shall within 5 days thereafter notify the owner and lienholder of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in Sec. 342.40(3), Wis. Stats., and shall state that the failure of the owner or lienholder to exercise their rights to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle.
- (h) Sale. Each retained vehicle not reclaimed by the owner or lienholder may be disposed of by sealed bid or auction sale as provided in Sec. 342.40(3), Wis. Stats.

- (i) Sale to bar claims against vehicle. The sale of a motor vehicle under the provisions of this Section shall forever bar all prior claims thereto and interest thereon except as hereinafter provided.
- (j) Purchaser to remove vehicle. The purchaser of any vehicle on sealed bid or auction sale under sub. (7) shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee of \$10.00 for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.
- (k) Request for list. Any listing of vehicles to be sold pursuant to this Section shall be made available by the County of Oconto Clerk to any interested person or organization who makes a written request therefore, for a fee of \$5.00.
- (l) Notice to department. Within five days after sale or disposition of a vehicle under this Section, the Clerk shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the department.
- (m) Owner may file. At any time within two years after the sale of a motor vehicle is provided herein, any person claiming ownership of such motor vehicle or a financial interest therein may present a claim to the County Board setting forth such facts as are necessary to establish such ownership or interest, and that the failure of the claimant to reclaim the vehicle prior to sale was not the result of the neglect or fault of claimant. If the County Board is satisfied as to the justice of the claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the County Treasury as the result of the sale of such motor vehicle, nor the amount of interest of the claimant therein.
- (n) Exemption. Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason, and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place, not otherwise regulated as a restricted parking, stopping or standing zone, shall, within 12 hours of such occurrence, notify the Oconto County Sheriff Department of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the County of Oconto together with a fee of \$25.00 to offset the cost of towing and junking charges and shall be exempt from the provisions of this ordinance.

When so requested by the owner or person in charge of a vehicle the Oconto County Sheriff shall be authorized to order such vehicle removed and junk directly from the scene of disablement by the Oconto County Sheriff Department. The provisions of sub. (11) shall apply to any vehicle removed under this subsection.

17.110 ACCIDENT REPORTS.

- (a) Operators to file. The operator of any vehicle involved in an accident resulting in injury to or death of any person, or property damage to an apparent total extent of \$400.00 or more, shall within 10 days after such accident file with the Oconto County law enforcement department a copy of the report required by Sec. 346.70, Wis. Stats.
- (b) Reports confidential. Accident reports filed under this Section shall be for the confidential use of the department and shall not be open to public inspection except as permitted by Sec. 346.73, Wis. Stats., such reports shall not be used as evidence in any trial or proceedings.

17.111 PENALTIES.

- (a) Forfeiture penalty. The penalty for violation of any provision of this code shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sec. 814.63(1) and (2) or 814.655(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver

improvement surcharge imposed by Sec. 165.87 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than 60 days. Any person 18 years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this code may, upon order of the court entering judgment therefor, and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.\

(b) Other sanctions.

- (1) By court. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
- (2) By county. No person who has been convicted of a violation of any provision of this code shall be issued a license or permit by the County of Oconto Clerk except a marriage, hunting, fishing or dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.

(c) Forfeitures for violation of moving traffic regulations.

Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin statutes adopted by reference in Sec. 1.01 of this code shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this code for any offense described in chs. 341 to 348, Wis. Stats. for which an imprisonment penalty or fine may be imposed upon the defendant.

(d) Forfeitures for parking violations.

- (1) Forfeitures for uniform statewide parking, stopping and standing offenses. Minimum and maximum forfeitures for violation of non-moving traffic violations adopted by reference in Section 17.101 of this code as described in Wis. Stat. chs. 341 to 348, shall be as provided for the comparable state non-moving traffic violation, except that for violations of Sec. 17.108 of this code shall be as provided in Sec. 17.111(4)(b).
- (2) Penalty for parking violations.
 - (A) The penalty for all other parking violations not included under paragraph (a) shall be a forfeiture of not less than \$2.00 nor more than \$200.00. \$25.00, if paid within 5 days of the issuance of the citation, unless a hearing on the citation is requested in accordance with the directions set forth on the citation.
 - (B) Upon a failure to receive payment as set forth in 17.111(4) (b) (1), a first notice shall be mailed to the owner of the offending vehicle, indicating the increased forfeiture in the amount of \$30.00 shall be due within 10 days of the date of the first notice.
 - (C) Upon a failure to receive payment as set forth in 17.111(4)(b)(2), a second notice shall be mailed to the owner of the offending vehicle, indicated the increased forfeiture in the amount of \$35.00 shall be due within 10 days of the date of the second notice.

- (D) Upon failure to receive payment as set forth in 17.111(4)(b)(3), the matter shall be submitted to the State of Wisconsin for suspension of the registration on the offending vehicle.
- (E) Other violations. Any person who shall violate any provision of this code for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than \$20.00 nor more than \$200.00.

17.112 ENFORCEMENT.

This ordinance shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.

- (a) Applicable court procedures. Except as otherwise specifically provided by the laws of the Statutes or this code, the traffic regulations in this code shall be enforced in the Circuit Court of Oconto County in accordance with the provisions of chs. 345 and 799, Wis. Stats.
- (b) Citations.
 - (1) 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 nonmoving traffic violations and violations of Sec 346.71 through 346.73, Wis. Stats. Violations of Sec. 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
 - (2) Parking citations. The District Attorney shall recommend a citation for use in enforcing the non-moving traffic offenses in this code. When approved by the County Board such citation shall be used for enforcement of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 1.01 and all provisions of Sections 1.08 and 1.09 of this code. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with sub. (3)(b) of this Section. Non-moving traffic citations shall be issued by law enforcement officers.
 - (3) Deposits and stipulations.
 - (A) Moving traffic offenses.
 - (i) Who may make. Persons arrested or cited for violation of moving traffic offenses created 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.
 - (ii) Delivery or mailing of deposit and stipulation. The deposit and stipulation shall be delivered personally by the person cited or mailed to the office of the Clerk of Courts or Sheriff Department.
 - (iii) 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 35 days to the Clerk of Courts.
 - (B) Non-moving traffic offenses.

- (i) 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 10 days of the issuance of the citation to the Clerk of Courts the minimum penalty specified for the violation.
- (ii) Court prosecution. If the alleged violator does not deliver or mail a deposit as provided in sub. 1, within 10 days of the date of the citation, the Oconto County Sheriff shall forward a copy of the citation to the District Attorney for prosecution pursuant to law.
- (iii) Deposits returned to treasurer. Officers receiving deposits for non-moving traffic violations under this subsection shall pay over such deposits to the Clerk of Courts within seven 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.

17.113 REFERENCES TO WISCONSIN STATUTES.

- (a) Statutes specifically incorporated by reference. Whenever this code incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 2003-2004 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (b) General references. General references in this code to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactment of the Wisconsin Legislature describing or defining such procedures or authorities.

17.114 SEVERABILITY.

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