

#6

ORDINANCE

AN ORDINANCE TO REGULATE VEHICULAR TRAFFIC IN THE
TOWN OF BURNETT, DODGE COUNTY, WISCONSIN.

The Town Board of the Town of Burnett, Dodge County,
Wisconsin, does ordain as follows:

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)
- 341.44 (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)
- 343.305 (Implied consent)
- 343.35 (Surrender of licenses 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 ss. 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 346.48 (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) to (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 four (4) years
- 346.63 (1), (3) and (4) (Operating under "influence of intoxicant")-(first offense in five (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)
- 346.68 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)-first offense within
a year
346.77 to 346.81 (BICYCLES AND PLAY VEHICLES)
346.83 (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 346.98)
347.01 to 347.05 (GENERAL PROVISIONS)
347.06 to 347.29 (GENERAL PROVISIONS)
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)

(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 7 of this ordinance.

941.01 (1) (Negligent operation of vehicle off highway)
947.045 (Drinking in motor vehicles on highway)

Section 2. SPEED LIMITS. The Town Board of the Town of
Burnett, hereby determines that the statutory speed limits on all
streets within the limits of the unincorporated Town of Burnett
shall be 25 miles per hour.

Section 3. ALL-NIGHT PARKING REGULATED. When signs
have been erected at or reasonably near the corporate limits of the
town as provided in s. 349.13, Wis. Stats., no person shall park
any vehicle for a period of time longer than 30 minutes between the

hours of 2:00 A. M. and 7:00 A. M. of any day from November 1 to April 1 except physicians on emergency calls.

Section 4. SPECIAL AND SEASON WEIGHT LIMITATIONS. The Town Constable 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 town or for the safety of users of such highway, bridge or culvert and shall be responsible for erecting signs giving note thereof in accordance with 349.16, Wis. Stats.

Section 5. ABANDONED VEHICLES.

(1) VEHICLE ABANDONMENT PROHIBITED. No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or public or private property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any town street or highway or any public or private property within the town without the permission of the owner for more than 72 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

(2) REMOVAL AND IMPOUNDMENT OF ABANDONED VEHICLES. Any vehicle in violation of this ordinance shall be impounded until lawfully claimed or disposed of under section (3), except that if the Town Constable or his designated officer determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the town prior to the expiration of the impoundment period upon determination by the Town Constable or his designated officer that the vehicle is not wanted for evidence or other reason.

(3) DISPOSAL OF ABANDONED VEHICLES. (a) 1. If the Town Constable or his designated officer determines that the value of the abandoned vehicle exceeds \$100.00, he shall notify the owner and lienholders of record by certified mail that the vehicle has been deemed abandoned and impounded by the town and may be reclaimed within 15 days upon payment of accrued towing, storage and notice charges, and if not so reclaimed shall be sold. 2. In the event an abandoned vehicle determined to exceed \$100.00 in value is not reclaimed within the period and under the conditions as provided above, it may be sold at private sale. The description of the vehicle and the terms of sale shall be posted in three public places 3 days before the sale. 3. After deducting the expense of impoundment and sale, the balance of the proceeds, if any, should be paid into the town treasury. (b) Any abandoned vehicle which is determined by the Town Constable or his designated officer to have a value of less than \$100.00 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

(4) OWNER RESPONSIBLE FOR IMPOUNDMENT AND SALE COSTS. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered for the sale of the vehicle may be recovered in a civil action by the town against the owner.

(5) NOTICE OF SALE OR DISPOSITION. Within 5 days after the sale or disposal of a vehicle as provided in sections (3)(a) or (3)(b), the Town Constable or his designated officer shall advise the Wisconsin Department of Transportation, Division of

Motor Vehicles, of such sale or disposition on a form supplied by the division. A copy of such form shall also be given to the purchaser of the vehicle. (A copy shall also be retained by the Town.)

(6) PENALTY. Any person who shall abandon a vehicle in violation of this ordinance shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$100.00 together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid but not to exceed 3 days.

Section 6. OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(1) TOWN CONSTABLE AUTHORIZED TO PROCURE AND ERECT SIGNS AND SIGNALS. The Town Constable 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 Town Board 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 Town Constable 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 Town Board at its next regular meeting for review and certification.

Section 7. 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 (4) 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 \$50.00 nor more than \$500.00.

(4) PARKING. The forfeiture for violation of parking regulation in section 3 of this ordinance shall be \$5.00.

Section 8. 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 GUILTY OR NO CONTEST. Stipulations of guilty 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 Town Clerk, Clerk of the County Court or the 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, such person shall deposit a forfeited penalty as provided in the schedule established by the Town Constable, and approved by the Town Board. Deposits may be brought or mailed to the office of the Town Constable or Clerk of the County Court as directed by the arresting officer. Deposits for parking or nonmoving violations shall be mailed or brought to the Town Treasurer.

(3) NOTICE OF DEMERIT POINTS AND RECEIPT. Every officer accepting a forfeited penalty or money deposit under this ordinance shall receipt thereof 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) FORFEITURE IN TREASURY; OFFICER TO POST BOND, QUALIFY. Any officer accepting deposits or forfeited penalties under this ordinance shall deliver them to the Town 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 \$ 500.00 as described by s. 19.01.

Section 9. REFERENCES TO STATUTES. References to specific statutory sections where ever used in this ordinance shall mean the Wisconsin statutes of 1971.

Section 10. REPEAL OF CONFLICTING ORDINANCES. All ordinances regulating traffic upon the streets, alleys and highways of the Town of Burnett, Dodge County, Wisconsin, and all ordinances or parts of ordinances heretofore enacted by the Town Board of the Town of Burnett, are hereby relealed.

Section 11. SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the town 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 12. EFFECTIVE DATE. This ordinance shall take effect and be in force upon passage and publication as provided by law.

Section 13. This ordinance shall be known as Town of Burnett Municipal Ordinance No. 100.

Passed and adopted this 21st day of October, 1972.

TOWN BOARD, TOWN OF BURNETT
DODGE COUNTY, WISCONSIN

By:

Edwin O. Wroch
Chairman

Amily Muehle
Supervisor

Robert F. Beier
Supervisor

ATTEST:

Robert H. Hames
Town Clerk