

CHAPTER IV
TRAFFIC CODE

4.01 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 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 is prohibited by any Statutes incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revisions or modifications of Statutes incorporated herein are intended to be made part of this Ordinance in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State of Wisconsin. 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) Certificates 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 Responsibilities 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) & (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. 346.28 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

346.37 346.42 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

346.57(2), (3) and (4)(a) To (c) Speed Restrictions on First Offense in a Year

346.57(4) (d) (q) and (h), (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 Years

346.63(1), (3) and (4) Operating Under "Influence" of Intoxicant First Offense in Five 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

346.82 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

(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 4.05 of this Ordinance.

941.01(1) Negligent Operation of a Vehicle Off Highway

947.045 Drinking in Motor Vehicles on Highway

(3) Adoption of Additional Standards.

(a) In addition to the sections of the Wisconsin Statutes previously adopted, there is also adopted in its entirety, Chapter MVD-5, entitled "Standards for Motor Vehicle Equipment", as it exists on the date of adoption of this Ordinance and as it may be amended from time to time.

(b) The penalty for violation of any provision of Chapter MVD-5 shall be a forfeiture of Fifty Dollars (\$50.00) together with the costs of prosecution, which amounts shall also constitute the deposit which may be required under the provisions of Wis. Stat. 345.26.

4.02 THROUGH HIGHWAYS DESIGNATED AND NO PARKING AREAS.

(1) Through Highways. In the interest of public safety and pursuant to Section 349.06 of the Wisconsin Statutes, the following streets or portions thereof are declared to be through highways, and arterial stop signs or traffic control signals shall be installed at the entrances thereto from those streets intersecting the said through highways, and all vehicles shall stop before entering such through highways:

(a) Taylor Avenue from the Village limits on the North to the intersection of Lathrop Avenue.

(b) Lathrop Avenue from the Village limits on the North to the intersection with Taylor Avenue.

(c) Maryland Avenue from Lathrop Avenue on the West to the intersection of Kensington Court on the East.

(d) Standish Lane from North Elmwood Drive on the North to the Village limits on the South.

(2) Arterial Stop Signs Designated. Arterial stop signs shall be placed at the following intersections:

(a) At each corner of the intersection of Standish Lane and South Elmwood Drive so as to require persons traveling through such intersection to bring their vehicle to a stop before entering the intersection.

(3) No Parking Areas. No person shall park, stop or leave standing any vehicle, whether attended or unattended, between the hours of 5:30 a.m. and 7:00 p.m. on MONDAY through Saturday on the following streets:

(a) Lathrop Avenue, the West side in front of 3230 Lathrop Avenue.

~~(4) No person shall park, stop or leave standing any vehicle, whether attended or unattended, between the hours of 2:00 a.m. and 6:00 a.m. on any street or Village right-of-way, in the Village of Elmwood Park, excepting that the foregoing shall not apply to the street or right-of-way immediately adjacent to those premises described as:~~

~~Lot 11, Block 4, Elmwood, according to the recorded plat thereof (3508 Maryland Avenue)~~

~~And also the Village Board may grant a temporary or permanent permit to any resident when to do otherwise would be a hardship to the Village resident which hardship, however, may not have been created by said Village resident.~~

~~(5) In no event shall parking be allowed on the grass within the Village of Elmwood Park~~

~~(6) The forfeiture for the Violation of Section 4.02(1) — (5) of this Ordinance shall be \$50.00~~

(4) No person shall park, stop or leave standing any vehicle, whether attended or unattended, between the hours of 2:00 a.m. and 6:00 a.m. on any street or Village right-of-way, in the Village of Elmwood Park, with the following exception:

(a) Emergency Parking. Medical professionals or law enforcement in emergency situations;

(5) No parking is allowed on any street within the Village during snow emergencies at any time as declared by the City of Racine.

(6) In no event shall parking be allowed on the grass within the Village of Elmwood Park.

(7) The forfeiture for the Violation of Section 4.02(1) – (6) of this Ordinance shall be \$50.00.
Passed and Approved the September 10th, 2020

(Amended 9/10/2020)

4.03 HEAVY TRAFFIC ROUTES.

(1) Heavy Traffic Routes Designated. No streets within the Village of Elmwood Park are designated as “Heavy Traffic Routes” and thus are bound by the restrictions listed in subsection (2) of this Section.

(2) Restrictions on Use of Other Streets by Heavy Traffic. No vehicle, except a motor bus, which is not equipped with pneumatic tires or has a gross vehicle weight rating of more than 16,000 pounds shall be operated or moved on any street or alley not part of the heavy traffic route designated in subsection (1) of this section in the Village of Elmwood Park, 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 limitation of Sections 348.15 or 348.16(3) of the Wisconsin Statutes pertaining to Class “A” Highways or deliveries on Class “B” Highways.

4.04 OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(1) Village Board Authorized to Direct the Procurement and Erection of Signs and Signals. The Village Board shall direct and procure the erection and maintenance of 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 Village Board shall determine will best affect the purposes of this Ordinance and give adequate warning to the users of the highway, street, or alley in question.

(2) Removal of Unofficial Signs and Signals. The Village Board shall have the authority granted by Section 349.09 of the Wisconsin Statutes and is hereby directed to order the removal of any sign, signal, marking or device placed, maintained or displayed in violation of this Ordinance or Section 346.41 of the Wisconsin Statutes. Any charge imposed on premises for removal of such an illegal sign, signal, marking or device shall be reported to the Village Board at its next regular meeting for review and certification.

4.05 PENALTY.

The penalty for violation of any provisions of this Ordinance shall be a forfeiture as hereinafter provided together with the cost of prosecution imposed as provided in Section 345.20 to 345.53 of the Wisconsin Statutes.

(1) Uniform Offenses. Forfeitures for violation of any provision of Chapters 341 to 348 adopted by reference in Section 4.01(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.

(a) The forfeiture for violation of Section 4.02(2) of this Ordinance shall be \$50.00 for the first offense and \$100.00 for the second offense within one year.

(b) The forfeiture for violation of Section 4.03 of this Ordinance shall be \$389.50 for the first offense and \$767.50 for the second offense within two (2) years.

(3) Compulsory Safety School Attendance. The provisions of Section 345.60 of the Wisconsin Statutes shall apply to adjudications of violation of the provisions of Chapters 346 to 348 adopted by reference in this Ordinance.

4.06 ENFORCEMENT.

This Ordinance shall be enforced in accordance with the provisions of Sections 345.20 and 345.53, Chapter 299, and Section 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 Section 66.12(1) (b) of the Wisconsin Statutes, whenever the provisions of Section 345.27 are inapplicable to such violations.

Stipulations shall conform to the form contained on the uniform traffic citation and complaint under Section 345.11 of the Wisconsin Statutes, and may be accepted within five days of the date of the alleged violation. Stipulations may be accepted by the Village's contracted police service.

(2) Deposits. Any person stipulating guilt or no contest under subsection (1) of this section must make the deposit required under Section 345.26 of the Wisconsin Statutes, or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule established and approved by the Village Board. Deposits may be brought or mailed to the Village Hall as directed by the arresting officer.

(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 Section 345.26(3)(b) of the Wisconsin Statutes. Every officer accepting a stipulation under the provisions of this Ordinance shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2) of the Wisconsin Statutes, 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 Section 345.11 of the Wisconsin Statutes.

(4) Forfeitures in Treasury. Any officer accepting deposits or forfeited penalties under this Ordinance shall deliver them to the Village Treasurer at least once in each seven days.

(5) Citations. Citations for all nonmoving traffic violations under this Chapter shall conform to Section 345.28 of the Wisconsin Statutes, and shall permit direct mail payment of the applicable minimum forfeiture plus costs to the Village Police Department within ten 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 by this Chapter.

(a) Forfeitures. The forfeiture for violation of all nonmoving traffic violations under this Chapter shall double if the applicable minimum forfeiture is not paid to the Village Police Department within the later of ten days of the issuance of the citation or the first arraignment date after the issuance of the citation as set forth above.

4.07 REFERENCE TO STATUTES.

Reference to specific statutory sections wherever used in this Ordinance shall mean the Wisconsin Statutes of 1971 and the laws amendatory thereto.

4.08 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.

(Amended and Adopted March 14, 2019)