

**TOWN OF SCHLESWIG
MANITOWOC COUNTY, WISCONSIN**

ORDINANCE NO. 2009-03

AN ORDINANCE ADOPTING STATE TRAFFIC REGULATIONS

The Town Board of the Town of Schleswig, Manitowoc County, Wisconsin, pursuant to authority under Section 349.06, Wis. Stat., and pursuant to its Village powers under Section 60.10 (2), Wis. Stat., and Section 60.22, Wis. Stat., in the interest of public health and safety do ordain as follows:

SECTION 1 – State Traffic Laws Adopted.

- a) Except as otherwise specifically provided, the statutory provisions in **Chapters 110, 194, and 340 through 348**, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, 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 regulation incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 through 349 incorporated herein are intended to be made part of this Ordinance 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. Any person who shall, within the Town of Schleswig, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.
- b) **Other State 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 through 349, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided:
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| 941.01 | Negligent Operation of Vehicle Off Highway |
| 943.11 | Entry into Locked Vehicle |
| 943.23 | Operating Motor Vehicles Without Owner Consent |
- c) **Statutes Specifically Incorporated by Reference.** Whenever the Ordinance incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 2007-08 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- d) **General References.** General references in this Ordinance to Wisconsin statutory sections or chapters describing or defining procedures of authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

SECTION 2 – Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers.

- a) **Duty of Town to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations created by this Chapter, including a State of Wisconsin traffic regulation adopted by reference in Section 1, require the erection of control devices for enforcement, the Town Highway Superintendent or designee 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 erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Town Board or its designee, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Town of Schleswig.
- b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Town Highway Superintendent shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (a), 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) **Prohibited Signs and Markers in Highways.** No Person other than an officer authorized by this Ordinance 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 Town any sign, signal, marker, mark or monument unless permission is first obtained from the Town Highway Superintendent, or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (d).
- d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Town Highway Superintendent may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Ordinance 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 Town Highway Superintendent to the Town 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 municipal taxes.

State Law Reference: Secs. 346.41 and 349.09, Wis. Stats.

SECTION 3 – Registration Record of Vehicle as Evidence.

When any vehicle is found upon a street or highway in violation of any provision of this Ordinance regulating the stopping, standing or parking of vehicles and 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 Ordinance 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.

SECTION 4 – School Bus Warning Lights.

- a) (1) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 1 to the contrary and except as provided in Subsection (b) below, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so the pupils must cross the street or highway before being loaded or after being unloaded.
- (2) The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least one hundred (100) feet before stopping to load or unload pupils or other authorized passengers and shall not extinguish such lights until loading or unloading is completed and persons who must cross the street or highway are safely across.
- (3) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers from either side where the curb and sidewalk are laid on one (1) side of the road only.
- (4) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers in a residential or business district when the passengers are to be loaded or unloaded at a location at which there are:
- a. No traffic signals;
 - b. Sidewalk and curb are laid on both sides of the street or highway; and
 - c. Such persons must cross the street or highway before being loaded or after being unloaded.
- (5) The operator of a motor vehicle which approaches from the front or rear of any school bus which has stopped on a street or highway when the bus is displaying flashing red warning lights shall stop the vehicle not less than twenty (20) feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of a school bus, which approaches the front or rear of another school bus that has stopped and is displaying red warning lights, shall stop not less than twenty (20) feet from the other bus, displaying its red warning lights and remain stopped with red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.

- (b) Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school ground or that portion of a right-of-way between the roadway and the school ground designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats.

SECTION 5 – Enforcement.

The Town of Schleswig Town Constable and the Manitowoc County Sheriffs Department are each separately empowered to enforce the provisions of this Ordinance and to issue citations for violation hereof. The Manitowoc County Sheriffs Department is authorized to enforce the State Traffic Laws and the Local Traffic Laws enacted under this Ordinance all in accordance with Sec. 349.06 Wis. Stats.

SECTION 6 – Penalty.

The penalty for violation of any provision of this Ordinance shall be a forfeiture as hereafter provided together with statutory Court costs and fees and penalty assessments. Payment may be suspended by the Court for not more than 60 days. Forfeitures for violation of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statutes, including any variations or increases for subsequent offenses as set forth in the Municipal Court Bond Schedule adopted by the Town of Schleswig. Any person who shall violate any provision of this Ordinance for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than \$10 and not more than \$500.

Adopted this 14th day of MAY, 2009.

TOWN OF SCHLESWIG TOWN BOARD

By: *Dennis Salzman*
Dennis Salzman, Chairperson

ATTEST:

By: *J. Ellen Gramling*
Jo Ellen Gramling, Clerk