

**TOWN OF GIBRALTAR
ORDINANCE 2022-10
TRAFFIC LAW ADOPTED**

Ordinance 2022-10 Identified in the code of ordinances as 10.01 shall repeal and replace any previous ordinance(s) in whole or part, or any other ordinances contradicting to this new ordinance.

The Town Board of Gibraltar, in the County of Door, State of Wisconsin, does hereby ordain as follows:

Purpose

The purpose of this Ordinance is to adopt Wisconsin Traffic Laws.

State Statutes Adopted – Authority

The Board of Supervisors of the Town of Gibraltar is granted authority for adopting this ordinance under its general 60.10(2)(c) and 60.22(3), Wisconsin Statutes. The Town Board Adopts this Ordinance under its general village powers authority and 66.1014 of the Wisconsin Statutes, 2917 Act 59.

The Wisconsin State Traffic Laws are hereby adopted, presently found in Wis. Stats. chs. 340, 341, 342, 343, 344, 345, 346, 347, 348, and 350 and Wis. Stats. §§ 941.01, 941.02 and 941.03, for the purpose of regulations and policing of traffic in the city.

The State of Wisconsin Revised Uniform State Traffic Deposit Schedule is hereby adopted.

Citations shall be issued by officers of the Town by referring to Section 10.01 as the prefix to the applicable and corresponding state statute number.

Any future amendments, revisions or modifications of statutes or uniform state traffic deposit schedule incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulation of traffic on the highways, streets, and alleys of the state.

The Town adopts and authorizes the use of citations for the enforcement of any traffic violation, including those for which there is a statutory counterpart. The citation for must comply with the form provided for in Wis. Stats. § 66.0113(1)(b).

Penalty

Moving violations. Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit such sum as indicated in the State of Wisconsin Revised Uniform Traffic Deposit Schedule together with 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 90 days, provided that the minimum forfeiture for a violation of any provision of 10.01 shall be \$10.00.

Traffic violation and registration program formal adoption

(1) The traffic violation and registration program is enabled by Wis. Stats. §§ 85.13, 345.28, and 345.47(1)(d) and as found pursuant to the Wisconsin Administrative Code regulations.

(2) Pursuant to the traffic violation and registration program, and pursuant to the Wis. Admin. Code ch. Trans 128, the Town police department is authorized to send out a first and second notice to those automobile registrants who have not paid fines; and, pursuant to the Wisconsin Administrative Regulation, the recipient shall be given 15 days to respond to the first notice and five days to respond to the second notice.

(3) Pursuant to the traffic violation and registration program and pursuant to the Wis. Admin. Code ch. Trans 128, a late fee of \$20.00 shall be assessed the recipient upon the first notice not being responded to and upon the second notice being sent; and said late fee penalty shall be assessed in addition to any amount originally stated in the first notice.

Enforcement.

(a) Procedural authority. This chapter shall be enforced according to Wis. Stats. § 66.0114 and Wis. Stats. ch. 345.

(b) Deposit. Any person arrested for a violation of this chapter may make a deposit for money as directed by the arresting officer to the office of the clerk of courts or by mailing the deposit to such places.

(1) The arresting officer of the person receiving the deposit shall comply with Wis. Stats. ch. 343, or, if the deposit is mailed, the signed statement required under Wis. Stats. ch. 343 shall be mailed with the deposit. The arresting person, orally or in writing, that:

(a) If he fails to appear in court at the time fixed in the citation, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit; or

(b) If he fails to appear in court at time fixed in the citation, and if the court does not accept the deposit as a forfeiture, he will be summoned into court to answer the complaint.

(2) The amount of the deposit shall be determined in accordance with the State of Wisconsin Revised Uniform Traffic Deposit Schedule. The deposit shall include court costs and suit tax. The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefor as required by Wis. Stats. ch. 345.

(3) If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit not less than the maximum forfeiture permitted under this section.

(4) Stipulation of no contest. Any person charged with a violation of this chapter, except Wis. Stats. §§ 346.62(1) and 346.63(1), may make a stipulation of no contest pursuant to Wis. Stats. ch. 345, which must be received at the office of the police department or clerk of courts within ten days of the date of the alleged violation. Such person shall at the time of entering into the stipulation make the deposit required under subsection (b) of this section, if he has not already done so. A person who has mailed or filed a stipulation under this subsection may, however, appear in court on the appearance date and may be relieved from the stipulation for cause shown as required in Wis. Stats. ch. 345.

(5) Any person who shall violate any provisions of this article shall be prosecuted pursuant to procedures found in 10.01 and shall suffer a forfeiture pursuant to the penalty provisions found in

section 10.01. This penalty section is not restrictive but should be concurrent with those penalty provisions as found in the state statutes adopted herein.

Reference to Statutes

Reference to specific statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the State Legislature.

Severability

If any of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.