

CHAPTER 4

TRAFFIC REGULATION

I. STATE TRAFFIC LAWS

- A. The Village does hereby adopt the rules of the road and the penalties for the violations of such rules as are set forth in Wis. Stats. Chapters 340, 341, 342, 343, 344, 345, 346, 347, 348, and 349. All ordinances shall be numbered 4.01 followed by the state statute number. Example: Violation of Operating While Intoxicated provisions would be cited at Village of Rockland Ordinance 4.01-346.63(1)a.

II. PARKING REGULATIONS (11/1995)

- A. Heavy Traffic Restrictions: None of the following vehicles shall be parked on any street in a residential district unless actually engaged in loading or unloading and is attended by a licensed operator:
1. Trucks weighing more than 10,000 pounds;
 2. Semi-trailers as defined by Wis. Stats. Sec. 340.01;
 3. Busses weighing more than 10,000 pounds
- B. Engine and Auxiliary Motor Operation
1. Engines will not be run for more than 30 minutes in a residential district.
 2. Auxiliary motors/engines such as compressor motors/engines will not be operated for more than 30 minutes in any 24 hour period in a residential district.
- C. Restrictions on Use of Streets by Heavy Traffic
1. A vehicle with a gross weight of 40,000 pounds or more may not be operated on Village streets not designated for heavy traffic except when engaged in loading, unloading, or obtaining orders.
 2. The weight of a vehicle shall not exceed the limitations of Wis. Stats. Sec. 348.15 or 348.16(3).
- D. Restrictions of parking on streets (06/2004): Parking of boats, campers, trailers, recreational vehicles, or dumpsters is prohibited on any Village Streets.
- E. Penalties (07/2007): Penalties for violations of 4.02 shall be subject to a forfeiture of \$15 for the first offense and \$125 forfeiture for subsequent offenses, plus all costs for the repair of damage to the roadway caused by the vehicle, plus any court costs as specified by the court. Each day is a separate offense.

III. STORAGE OF JUNKED VEHICLES, ETC.

The accumulation or storage of junk, junked vehicles, or parts thereof is prohibited outside of any building on any real estate located within the Village limits except upon a permit issued by the Village Board.

- A. "Accumulate or store" is defined to mean the keeping for a period of three days or more.
- B. "Junked motor vehicle" is defined to mean
1. any automobile, truck, bus, or motorcycle which is not capable of being operated under its own power on any public way in its present condition,

2. or, any motor vehicle as defined under State of Wisconsin Motor Vehicle Code which is, for more than three weeks, without valid current registration or license to operate upon the public highways of the State of Wisconsin.
3. "Junked motor vehicle(s)" does not include any vehicle which is temporarily not in operating condition and which the owner intends to have repaired within a reasonable length of time, which is deemed to be three weeks.

C. Penalties (07/2007)

Penalties for violation of 4.03 shall be a forfeiture not less than \$10.00 nor more than \$50, plus all court costs, for each offense. Each day of violation hereof shall constitute a separate and distinct offense.

IV. ABANDONED VEHICLES (09/2009)

A. Statutory Authorization

This section is adopted pursuant to Wis. Stats. Sec. 342.40(3).

B. Definition

As used in this Section, "vehicle" means a motor vehicle, trailer, semi-trailer or mobile home as defined in Section 340.01(74) of Wis. Stats. whether or not the vehicle is registered under Ch. 341 Wis. Stats.

C. Presumption of Abandonment

Any vehicle left unattended for more than forty-eight (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 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. In addition, any vehicle that is not moved in thirty (30) days, and reasonably appears incapable of operation (including but not limited to being licensed or registered with the Department of Motor Vehicles for the current year) shall be deemed abandoned and a public nuisance regardless of who owns the vehicle, or where it is parked within the Village.

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 Village or a vehicle parked in a paid lot or parking space where the required fee has been paid.

E. Abandonment Prohibited.

No person shall leave unattended any vehicle, trailer, semi-trailer or mobile home on any public highway or private or public property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned within the incorporated limits of the Village.

F. Public Nuisance Declared.

An abandoned vehicle constitutes a public nuisance.

G. Authority to take Possession of Abandoned Motor Vehicles.

Any sheriff's deputy, County traffic patrolman, State Traffic Officer or Conservation Warden who discovers any motor vehicle, trailer semi-trailer or mobile home on any public highway or private or public property which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment. Upon removal of the vehicle, the officer shall notify the Sheriff of the abandonment of the vehicle and the location of the impounded vehicle. The Village or County, acting through one of the persons designated above, may employ its own personnel, equipment and facilities or hire persons, equipment and facilities for the purpose of removing, preserving, and restoring abandoned motor vehicles.

H. Notification of Owner and Lien Holders and Disposal

1. Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under Section (H3) except that if it is deemed by a duly authorized Village representative that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the Village prior to expiration of the impoundment period upon determination by the Sheriff having jurisdiction that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of 19 model years of age shall be disposed of in accordance with Section (H3).
2. 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 from the sale of the vehicle may be recovered in a civil action by the Village against the owner. Whether or not the Village recovers the cost of towing and enforcement, the Village shall be responsible to the towing service for requisition towing service and reasonable charges for impoundment.
3. Any vehicle which is deemed abandoned by a duly authorized Village representative and not disposed of under sub.(H1) shall be retained in storage for a minimum period of 10 days after certified mail notice has been sent to the owner and lienholders of record to permit reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the year, make, model, and serial number of the abandoned motor vehicle, the place where the vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this section shall be deemed a waiver of all right, title, and interest in the vehicle and consent to the sale of the vehicle. Each retained vehicle not reclaimed by its owner or lienholder may be sold. The Village or County may dispose of the vehicle by sealed bid or auction sale as provided by ordinance. At such sale the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate by a duly authorized Village representative, in which event all bids may be rejected. If all bids are rejected or no bid is received, the Village may either re-advertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle. Any interested person may offer bids on each abandoned vehicle to be sold. Public notice of such sale shall be posted at the office of the County Sheriff. The posting of the notice at the Sheriff's Department shall be in the same form as the certified mail notice sent to the owner or lienholders of record. Upon sale of an abandoned vehicle, the Village

shall supply the purchaser with a completed form designed by the department enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have 10 days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the Village or County for each day the vehicle remains in storage after the 2nd 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 sold again. Any listing of vehicles to be sold by the Village shall be made available to any interested party or organization which makes a written request for such list. The Village may charge a fee for the list.

I. Report

Within 5 days after the sale or disposal of a vehicle as provided in sub. (6), the Village shall advise the Division of Motor Vehicles, Madison, Wisconsin, of the sale or disposition of such vehicle on a form supplied by the Division of Motor Vehicles.

J. Penalties

The owner of any abandoned motor vehicle which is sold or disposed of pursuant to this section shall, in addition to reimbursing the Village for all costs the Village incurred as provided in sub. (6)(b), be subject to a forfeiture of no less than \$15 and no more than \$50, plus all court costs.

This ordinance shall be in force from and after its passage, approval, and publication, according to law.

V. SPECIAL OR SEASONAL WEIGHT LIMITATIONS

A. The Rockland Village Board shall have the authority to impose special or seasonal weight limits to prevent injury to the roadway of any highway, street, bridge, or culvert within the jurisdiction of the Village or for the safety of the users of such highway, streets, bridges, or culverts and shall be responsible for erecting signs giving notice thereof, in accordance to Wisconsin Statutes.

B. Penalty (07/2007)

Wis. Stats. Sec. 348.21(2)(a) states that any person who violates Ordinance 4.05 as adopted pursuant to Wis. Stats. Sec. 348.17(2) or 349.19(3) may be required to pay a forfeiture of not less than a \$50 fine nor more than a \$100, plus all court costs, upon the first conviction. Upon the second and each subsequent conviction within a twelve (12) month period, may be required to pay a forfeiture of not less than a \$100 nor more than a \$200, plus all court costs, for each violation.

VI. SNOW SEASON PARKING REGULATIONS

A. Purpose: The purpose of this ordinance is to provide for the public safety, convenience and orderly removal of snow from the streets and highways in the Village of Rockland, La Crosse County, Wisconsin.

B. Scope: The parking of all automobiles, wagons, trailers, bicycles, motor cycles, trucks, semi-trailers, carriages, campers, and buses on the streets or highways of the Village of Rockland during the period of November 1 through April 1 of each year.

- C. Regulations & Requirements: That during the period of November 1 through April 1 (snow season), Vehicles as enumerated in Section 2 above shall be parked on streets and highways within the Village of Rockland as follows:
1. Between the hours of 1:00 a.m. and 6:00 a.m., said vehicles shall not be parked on any street or highway within the Village limits. Vehicles must be parked at least five (5) feet off the edge of the roadway.
 2. The existence of said Ordinance shall be noticed to the public by appropriate sign in accordance with Section 349.12(1) Wis. Stats.
- D. Penalty: (07/2007) Any person, firm, or corporation who shall fail to comply with any of the provisions of this ordinance shall, upon conviction, pay a forfeiture of \$10.00 for each violation. In event of non-payment, the person, firm, or corporation shall be subject to the procedures for the collection of overdue parking citations as set forth by Wis. Stats. Sec. 345.28(1) after meeting requirements of Wis. Stats. Sec. 345.28(4)a(2)c or 345.28(5m)(d) or 345.28(5m)(c)1.

VII. RULES OF THE ROAD (07/2000)

- A. The Village does hereby adopt the rules of the road and the penalties for violations of such rules as are set forth in Wis. Stats. Chapter 346. All ordinances shall be numbered 4-07- followed by the state statute number. EXAMPLE: Violation of the Operating While Intoxicated provisions would be cited as Village of Rockland ordinance 4-07-346.63.
- B. Disorderly Conduct with a Motor Vehicle
1. No driver of any vehicle shall, by excessive and unnecessary acceleration, cause the tires of such vehicle to spin excessively and emit loud noises or to unnecessarily throw stones or gravel.
 2. Racing engine prohibited no person in control of a motor vehicle shall cause or permit by excessive or unnecessary acceleration or by increasing the revolutions per minute of the engine either while standing or moving and loud noise such as would disturb the public peace quiet within the Village.
 3. The penalty for violation of said Ordinance shall be a forfeiture of not less than \$20, plus court costs and not more than \$200, plus court costs for the first offense within a three (3) year period and a forfeiture of not less than \$50, plus court costs, and not more than \$400, plus court costs for each subsequent offense within a three (3) year period. (07/2007)

VIII. PROHIBITION OF COMPRESSION BRAKES (07/2005)

The Village of Rockland does ordain as follows:

- A. No Person should use motor vehicle brakes within the Village that are in any way activated or operated by the compression of an engine of any such motor vehicle or any unit or part thereof, except in an emergency.
- B. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by Court of competent jurisdiction or by any agency of any kind or by anyone else, the remainder of this ordinance shall not be affected.
- C. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

- D. The penalty for violation of said Ordinance shall be a forfeiture of \$50, plus court costs for each offense. (07/2007)

IX. PARTICIPATION IN THE NONMOVING TRAFFIC VIOLATION AND REGISTRATION PROGRAM OF THE WISCONSIN DEPARTMENT OF TRANSPORTATION

In order to discourage nonmoving traffic violations and to encourage the payment of forfeitures imposed for such violations, the Village Board of the Village of Rockland, La Crosse County, Wisconsin, do ordain that Section IX of Chapter 4 of the Municipal Ordinances be created as follows:

A. Nonmoving violation and registration program

Pursuant to the provisions of Section 345.28(4) of the Wisconsin Statutes, the Village elects to participate in the nonmoving traffic violations and registration program of the Wisconsin Department of Transportation, and pay the costs established by the Department under Wis. Stats. Sec. 85.13; such costs shall, in turn, be assessed against persons charged with nonmoving traffic violations. The Village Attorney shall be responsible for complying with the requirements set forth in Wis. Stats. Sec. 345.28(4).

Dated this 13th day of May, 2008.