

TOWN OF OSCEOLA
Polk County Wisconsin
ORDINANCE NO. 16-02-02
Amending previous Ordinance 12-10-05
Chapter 15
VEHICLES AND TRAFFIC

Adopted 11/12/2007, Amended 10/2/2012 and 6/7/16

The Town Board of Supervisors of the Town of Osceola do ordain as follows:

Pursuant to its authority under Wisconsin law, including Wis. Stat. '349.06, Sec. 340.11, and its adoption of Village Powers pursuant to Wis. Stat. '60.10, the Town Board of the Town of Osceola has the statutory authority to regulate, control, prevent and enforce against in the Town of Osceola certain uses, activities, businesses and operations by persons that may affect the traffic in the Town of Osceola, and hereby adopts the following traffic and parking regulations:

1. STATE TRAFFIC LAWS ADOPTED

A. STATE STATUTES. Except as otherwise specifically provided in this chapter, the statutory provisions in W.S.A. chs. 340 to 348, describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are adopted and by reference made a part of this chapter 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 chapter. Any future amendments, revisions or modifications of the statutes 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.

B. WISCONSIN ADMINISTRATIVE CODE. The provisions of Chapter Trans 305, Wisconsin Administrative Code, as amended from time to time, are hereby incorporated by reference as set forth in full herein, exclusive of any provisions therein relating to penalties. Any act as required to be performed or prohibited by such chapter is required or prohibited by this chapter.

C. VIOLATION. When written as an ordinance violation, the code cited shall be the appropriate state statute number preceded by T.O. (Example: State statute '346.63(1)(a) would be TO-346.63 for a code violation.)

2. SPEED LIMITS

A. STATE SPEED LIMITS ADOPTED. The provisions of W.S.A. ' ' 346.57, 346.58 and 346.59, relating to the maximum and minimum speed of vehicles, are hereby adopted as part of this section as if fully set forth herein, except as specified by Subsection B pursuant to W.S.A. ' 349.11(3)(c).

B. SPEED LIMITS REDUCED. Speed limits are reduced on the following town roads as provided below:

1. 240th Street between State Trunk Highway (STH) 35 and County Trunk Highway (CTH) M shall be 45 miles per hour.
2. 248th Street between State Trunk Highway (STH) 35 and County Trunk Highway (CTH) M shall be 45 miles per hour.
3. 60th Avenue between 240th Street and County Trunk Highway (CTH) M shall be 45 miles per hour.
4. 218th Street between 60th Avenue and County Trunk Highway (CTH) M shall be 45 miles per hour.
5. 113th Avenue between State Trunk Highway (STH) 35 and County Trunk Highway (CTH) S shall be 45 miles per hour.
6. 200th Street between County Trunk Highway (CTH) M and 90th Avenue shall be 45 miles per hour. (Amended 6/7/16)
7. Education Avenue from 248th Street going west to the Village of Osceola limits shall be 35 miles per hour. (Amended 6/7/16)

3. PARKING LIMITS

A. When signs are erected in any block giving notice thereof, no person shall park a vehicle for longer than the period specified in this section at any time between 8:00am and 5:00pm of any day, except Sundays and public holidays.

4. VIOLATIONS AND PENALTIES

The penalty for violation of any provision of this chapter shall be a forfeiture and penalty assessment if required by W.S.A. ' 165.87 and a jail assessment if required by W.S.A. ' 302.46(1), plus any applicable fees prescribed in W.S.A. ch. 814.

A. STATE STATUTES. Any forfeiture for violation of the state statutes adopted by reference herein shall conform to the forfeiture permitted to be imposed for violation of such statutes as set forth in the Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses, which schedule is adopted by reference.

B. LOCAL REGULATIONS. Except as otherwise provided in this chapter, the penalty for violation of Section 3 of this chapter shall be as provided in Chapter 16 of the Town of Osceola Code of Ordinances.

5. ENFORCEMENT

A. PROCEDURE. This chapter shall be enforced according to W.S.A. '66.0114 and 345.11 to 345.61 and ch. 800, including W.S.A. '345.28, relating to the issuance of summonses for nonmoving traffic violations, and all enforcement procedures set forth in said section are hereby incorporated by reference. The local authority referred to in this statute is hereby designated to be the Polk County Sherriff's Department.

B. UNPAID JUDGMENT. The provisions of W.S.A. '345.47(1)(d) relating to unpaid court judgments for traffic offenses and the enforcement procedures set forth in said section are hereby incorporated by reference.

C. DEPOSIT

1. Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the office of Polk County Clerk of Court or by mailing the deposit to such place. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

a. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation and the person will be deemed to have tendered a plea of no contest and submitted to a forfeiture and penalty assessment if required by W.S.A. '165.87 and a jail assessment if required by W.S.A. '302.46(1), plus any applicable fees prescribed in W.S.A. ch. 814, not to exceed the amount of the deposit that the court may accept as provided in W.S.A. '345.37.

b. If the person fails to make a deposit for a violation of a traffic regulation or appear in court at the time fixed in the citation, the court may enter a default judgment finding the person guilty of the offense or issue a warrant for his or her arrest.

2. The amount of the deposit shall be determined in accordance with the State of Wisconsin Revised Uniform State Traffic Deposit Schedule established by the Wisconsin Judicial conference and shall include the penalty assessment established under W.S.A '165.87, court costs and jail assessment. 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 chapter, which shall include the penalty assessment established under W.S.A. '165.87. Deposits for nonmoving violations shall not include the penalty assessment.

3. The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefore as required by W.S.A. ' 345.26(3)(b).

D. PETITION TO REOPEN JUDGMENT. Whenever a person has been convicted in this state on the basis of a forfeiture of deposit or a plea of guilty or no contest and the person was not informed as required under W.S.A. ' 345.27(1) and (2), the person may, within sixty (60) days after being notified of the revocation or suspension of the operating privilege, petition the court to reopen the judgment and grant him or her an opportunity to defend on merits. If the court finds that the petitioner was not informed as required under W.S.A. ' 345.27(1) and (2), the court shall order the judgment reopened. The court order reopening the judgment automatically reinstates the revoked or suspended operating privilege.

6. SEVERABILITY

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void, or invalid for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

7. EFFECTIVE DATE

This ordinance is effective upon adoption and publication as required by law.

Dated this 7th day of June, 2016.

TOWN OF OSCEOLA:

By: Doug Schmidt, Chairman

ATTEST:

By: Lorraine Rugroden, Clerk-Treasurer

Date Adopted: _____
Date Published: _____
Effective Date: _____