

CHAPTER 5
TRAFFIC

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5.01 STATE TRAFFIC LAWS ADOPTED

Except as otherwise specifically provided in this Code, the current and future statutory provisions of Section 110.075 and Chapter 340 to 348 and Chapter 350, Wis. Stats, and Chapter Trans 305 of the Wisconsin Administrative Code 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 term of imprisonment, are adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this Section. Any future additions, amendments, revisions or modification of the current or future statutes incorporated herein or of Chapter Trans 305 of the Wisconsin Administrative Code are intended to be made part of this Code in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State.

5.02 SPEED LIMITS (Rep. & Rec. 06-18, Rep. & Rec. 13-24)

- (1) **State Speed Limits Adopted.** The provisions of §§346.57, 346.58, and 346.59, Wis. Stats., 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 Section 5.02, Subsection 2, pursuant to §349.11(3)(c), Wis. Stats. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Code. Any future additions, amendments, revisions or modifications of the current or future statutory regulations incorporated herein are intended to be made part of this Code in order to secure to the extent legally practicable uniform statewide regulation of vehicular traffic on the highways, streets, and alleys of the State of Wisconsin.
- (2) **Particular Speed Limits Designated.** No person shall operate any motor vehicle at speeds in excess of the following speed limits on roads in the City of Pewaukee, to wit:
 - (a) **Thirty (30) miles per hour speed zone.**
 1. Green Road from its intersection with Duplainville Road easterly to its intersection with Springdale Road.
 - (b) **Thirty-five (35) miles per hour speed zone.**
 1. Busse Road from its intersection with Bluemound Road (C.T.H. “JJ”) northerly to its end and from Pewaukee Road (S.T.H. “164”) south to Stoneridge Drive.
 2. Northview Road from the City limits of the City of Waukesha westerly to Hilltop Drive.
 3. Duplainville Road from its intersection with Redford Blvd. (C.T.H. “F”) northerly to a location .2 miles north of Overhill Road.
 4. Wilhar Road from the City line of the Township of Lisbon south to its end at the intersection of Lindsay Road.
 5. Green Road from its intersection with Duplainville Road west to its intersection with Pewaukee Road (S.T.H. “164”)
 6. Lindsay Road from Swan Road easterly to Duplainville Road and from County Trunk Highway “KF” easterly to Pewaukee Road (S.T.H. “164”).

7. Meadowbrook Road from Northview Road north to Lancaster.
8. Swan Road from Pewaukee Road (S.T.H. “164”) north to City line of the Township of Lisbon.
9. Meadowbrook Road 150 feet east of Sussex Lane eastbound .02 mile to city limit with City of Waukesha.
10. Weyer Road from Duplainville Road .75 miles to City limits.

(c) **Forty-five (45) miles per hour speed zone.**

1. Northview Road from Hilltop Drive westerly to City limits.
2. Duplainville Road from a location 0.2 miles north of Overhill Road north to City line of the Township of Lisbon.
3. Silvernail Road from Meadowbrook Road east to City line with City of Waukesha.
4. Watertown Road from Springdale Road to North Avenue.
5. Meadowbrook from Northview south to city line with City of Waukesha.

(d) **Fifty (50) miles per hour speed zone.**

1. Silvernail Road from Meadowbrook Road westerly to Prospect Avenue (C.T.H. “SS”).

(e) **Twenty-five (25) miles per hour speed zone.** All other roads owned by the City of Pewaukee not otherwise specifically delineated in 5.02(2) of this section.

5.03 OFFICIAL TRAFFIC MAP AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS

- (1) Duty of Public Works Department to Erect and Install Uniform Traffic Control Devices.
Whenever traffic regulations created by this Code including a State of Wisconsin traffic regulation adopted by reference in Section 5.01, require the erection of traffic control devices for enforcement, the Public Works Department 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 City Common Council will carry out the purposes of this Code and give adequate warning to users of the streets and highways of the City of Pewaukee.
- (2) (Repealed 12-03)
- (3) Official Traffic Map. (Rep. & Recr. 17-05)
 - (a) Official Traffic Map Established. There is hereby established an Official Traffic Map for the City of Pewaukee which may indicate some of the no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, and other restrictions of limitations contained in this code, as from time to time amended or modified by the Common Council when the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations.

- (b) Violations Prohibited. When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this section a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this code. Nothing herein shall be interpreted to require that all signs be shown on the Official Traffic Map, or to exempt compliance with applicable laws in the event the actual signage is not reflected in the Official Traffic Map.
 - (c) Map to be Maintained. A copy of the Official Traffic Map shall be maintained and displayed in the office of the City Clerk.
 - (d) Additions to Map. The Common Council may from time to time make additions to or deletions from the Official Traffic Map by resolution and the City Engineer or designated representative shall keep such Official Traffic Map current.
 - (e) Nothing herein shall be interpreted to restrict the locations where signs may be placed to only those places depicted on the Official Traffic Map. Signs shall be erected in such locations and manner as to give adequate warning to users of the street, alley or highway in question.
- (4) Prohibited Signs and Markers in Highways. No person, other than an officer authorized by this Code 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 community any sign, signal, marker, mark or monument unless permission is first obtained from the Public Works Department or 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 Section 5.03, Subsection 5.
- (5) Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices. The Public Works Department may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Code 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 Police Chief to the City Common Council 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 charge.
- (6) Vehicles must Stop. It shall be unlawful in the City of Pewaukee for the operator of any vehicle, and every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, to fail to come to a full and complete stop within thirty (30) feet of the main limits of the intersection, at which has been erected an "official stop sign" or traffic signal, designating an artery for through traffic.

5.04 PARKING ZONES LIMITATIONS AND REGULATIONS.

- (1) General Parking Restrictions. (Rep.&Rec.#10-06)
 - (a) It shall be unlawful in the City of Pewaukee for the owner, person, firm, partnership or corporation nor any officer, member, agent, servant, employee of any firm, partnership or corporation or operator of any vehicle or any device in, upon or by which any person or property is or may be transported or drawn upon a public highway to park, stop, leave standing, or suffer any such vehicle or devise at the curb, shoulder, or edge of any highway

area, roadway or fire lane in the City of Pewaukee upon which or upon a portion of which any sign has been erected restricting, limiting or prohibited in any way the same.

(2) General "No Parking" Zones. No owner, person, firm, partnership or corporation nor any officer, member, agent, servant, employee of any firm, partnership or corporation or operator shall:

- (a) Stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, in any of the following places:
 - 1. Within the driving lane.
 - 2. Alongside another vehicle properly parked along such highway.
 - 3. On a sidewalk or sidewalk area.
 - 4. Alongside or opposite any highway excavation or obstruction, when such stopping would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
 - 5. Upon any portion of highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
 - 6. No truck, tractor, trailer, or semi trailer as defined by Section 340.01 vehicle code definition (73) (71) and (57) W.S.A. shall be parked on any residential street between the hours of 2:00 A.M. and 6:00 A.M. on any day of the week.

- (b) Stop or leave standing any vehicle in any of the following places except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic:
 - 1. In a loading zone.
 - 2. Within fifteen (15) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - 3. Within four (4) feet of the entrance to any alley or private driveway.
 - 4. Closer than thirty (30) feet to the driveway entrance to a fire station.
 - 5. Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - 6. With the wheels more than twelve (12) inches from the curb.
 - 7. Closer than two (2) feet to a vehicle parked to the front or rear.
 - 8. Upon any portion of a highway any vehicle displayed for sale.
 - 9. Without the permission of the owner or lessee of any public or private property, contrary to a posted sign thereon, if there is in plain view on such property a "No Parking" sign or a sign indicating limited or restricted parking.

- (c) Stop or leave standing any vehicle which in any way blocks the entrance to any private driveway or garage, without the consent of the owner of said driveway, so as to prevent free passage of vehicles.

- (d) Stop or leave standing any vehicle on a street in such a manner as to obstruct the free flow of traffic. Any such obstruction shall constitute an emergency condition detrimental to the health, safety, welfare, and good order of the general public in that the movement of food, fuel supplies, medical care, fire, health and police protection is impaired, as provided for in Section 66.325(2) of the Wis. Stats., and said vehicle may, at the direction of a law enforcement officer, be removed by the City or its representative after first attempting to give notice to the owner of said vehicle that the same must be removed. (Rep. & Rec. 09-21)
 - (e) The Director of Public Works or their designee may establish and direct the posting of temporary “no parking” zones within the City of Pewaukee as necessary. The Director shall provide notice to the Common Council regarding the temporary no parking zones, within 10 business days of making such decisions. (Cr. 10-02)
- (3) Specific "No Parking" Zones. No owner, person, firm, partnership, or corporation, nor any officer, member or agent, servant, employee of any firm, partnership, corporation or operation shall: (Rep. & Rec. 06-18)
- (a) To put or leave a vehicle or equipment for a time in a certain area unattended:
 1. On the east side of C.T.H. "SS" between Edgewater Drive on the south and Lehman (Edgewood Avenue) on the north.
 2. On either side of Duplainville Road from its intersection with Green Road to its intersection with Capitol Drive (S.T.H. "190"), with the exception that a loading zone will be provided on said Duplainville Road on the east side of the road where posted by the City Highway Department with the appropriate "Loading Zone" signs.
 3. On WEPCO easements and right-of-way in the City of Pewaukee. The City Highway Superintendent is authorized and instructed to place "No Parking" signs at all locations where he deems necessary to warn the public of this parking restriction. This Code shall not apply to WEPCO trucks and other vehicles owned or authorized by the WEPCO.
 4. On either side of North Avenue from its intersection with Watertown Road south to its end.
 5. On either side of Oak Street from Woodland Drive to Rocky Point Road.
 6. On the east side of Oakwood Lane from Springdale Park north to Aspenwood Lane.
 7. On the south side of Meadowood Lane from Emberwood Court to Alderwood Lane.
 8. On the west side of Springdale Road.
 9. On Lindsay Road.
 10. On either side of Milwaukee Avenue.
 11. On either side of Hillside Grove Road and the south side of Parkside Lane. (Rep. & Rec. 09-09)
 12. On either side of Meadowood Lane from Elmwood Drive to Alderwood Lane.
 13. On the west side of Oakridge Drive 450 feet south of Bluemound Road (C.T.H. "JJ").
 14. Silvernail Road in the City from University Drive east to Grandview Blvd.

(C.T.H. “T”).

15. On the west side of Chicago Avenue.
 16. On the west side of Oak Street from Prospect Avenue (C.T.H. “SS”) south to end.
 17. On either side of Coachman Drive from Steeplechase Drive to Pewaukee School District parcel.
 18. On Edgewater Drive – on the south side of the road east of C.T.H. “SS”, on the north side of the road from two hundred thirty five feet (235’) east of C.T.H. “SS” to Lakeview Drive, on the north side of the road from west of C.T.H. “SS” to the City Limits, and on Both Sides of Edgewater Drive from Lakeview Drive easterly to Spring Creek Drive. (Cr. 09-14; Rep. & Rec. 10-16, 13-15)
 19. Along both sides of Lakeview Drive from Edgewater Drive southerly approximately 370’ ending at the north side of the driveway to W277 N2146 Lakeview Drive (on east side of Lakeview Drive). (Cr. 13-14)
 20. No Parking on E. Fieldhack Drive between Meadowbrook Road (CTH G) and Milkweed Lane (easterly intersection of E. Fieldhack Drive and Milkweed Lane), further described as: (Cr. 15-01)
 - a. No Parking on both sides of E. Fieldhack Drive from Meadowbrook Road (CTH G) easterly approximately 1,200 feet to the intersection with Conservancy Drive.
 - b. No Parking on the north side of E. Fieldhack Drive from the intersection of Conservancy Drive easterly approximately 435 feet to the intersection of Tall Reeds Lane (the westerly intersection of E. Fieldhack Drive and Tall Reeds Lane).
 - c. No Parking on both sides of E. Fieldhack Drive from the westerly intersection of E. Fieldhack Drive and Tall Reeds Lane easterly approximately 615 feet to the driveway entrance to the Spice Creek Rec Center.
 - d. No Parking on the north side/westerly side of E. Fieldhack Drive from the driveway entrance to the Spice Creek Rec Center easterly approximately 850 feet to the intersection with Golf View Lane (the northerly intersection of E. Fieldhack Drive and Golf View Lane).
 - e. No Parking on the east side of E. Fieldhack Drive from the northerly intersection of Golf View Lane and E. Fieldhack Drive northerly approximately 1,400 feet to the intersection of E. Fieldhack Drive and Milkweed Lane (the easterly intersection of E. Fieldhack Drive and Milkweed Lane).
- (b) Park or leave an item designed or constructed to be towed or hauled by a motor vehicle on*:
(Rep. & Rec. 09-16)
1. Lakeview Boulevard
 2. Woodland Drive
 3. Ash Street
 4. Maple Street (north of C.T.H. “SS”)
 5. Front Street
 6. Elm Avenue/Street

7. Arlington Drive
8. Arlington Court
9. Fairmount Court
10. Covington Court
11. Orchard Lane (from Arlington Court to 575 feet east of Arlington Court)

* Except trucks or trailers owned by persons or companies which hold an active building permit and are engaged in construction on adjacent property.

(c) Park or leave any motor vehicle standing on either side for the entire length of the following industrial/commercial development streets without permission of a law enforcement officer or in the case of local temporary construction, the Building Inspector/Zoning Administrator: (Rep. & Recr. 09-21)

1. All streets in Bluemound Industrial Park (Westmound, Eastmound, Northmound, Saratoga Rd., Cheaney Rd., Johnson Drive or Johnson Road).
2. All streets in Jericho Industrial Park (Jericho Drive, Jericho Court).
3. All streets in Roundys/Opus Industrial Park (Paul Road, Roundys Drive, Woodgate Rd, Creative Way, Roundy Circle).
4. Westwood Drive.
5. Tower Place.
6. All streets in WEPCO Stone Ridge Development area (Rockwood Drive, Busse Road, Stoneridge Dr. (east of Busse Rd.), Corporate Court, Ridgeview Parkway, and Ridgeview Parkway Court).
7. Badinger Road.
8. Marjean Lane.
9. Joseph Road.
10. Foster Court.
11. Nancy's Court.
12. Riverwood Drive.
13. Paul Court.
14. Highfield Drive.
15. Schuett Drive.

(4) Parked in a Tow-away Zone.

(a) Any vehicle parked or stopped on a section of highway marked as a tow-away zone during the time in which such parking or stopping is prohibited, may, at the direction of a law enforcement officer, be removed by the towing company under contract with the City of Pewaukee to the storage area maintained by such company and kept there until the owner shall present to the towing company a release from a law enforcement officer. (Rep. & Recr. 09-21)

(b) The following areas of the City of Pewaukee public streets and highways are hereby

designated as tow-away zones: (Rep. & Ren. 09-14)

1. Edgewood Avenue, both sides, from C.T.H. "SS" east to intersection of Edgewood Avenue (north-south portion of Edgewood Avenue).
2. The east side of the north bound lane of Lakeview Boulevard from C.T.H. "SS" to the intersection of Woodland Drive and the west side of the south bound lane of Lakeview Boulevard from C.T.H. "65" to the intersection of Woodland Drive.

(5) Winter Parking Regulations. It shall be unlawful in the City of Pewaukee for the owner, person, firm, partnership or corporation nor any officer, member, agent, servant, employee of any firm, partnership or corporation or operator of any vehicle or any device in, upon or by which any person or property is or may be transported or drawn upon a public highway to park, stop, leave standing, or suffer any such vehicle or device at the curb, shoulder, or edge or any highway area, roadway or fire lane in the City of Pewaukee during the months of November, December, January, February and March of each year.

(6) Other "Parking" Limitations.

(a) Open parking of automobiles accessory to a residential use shall be limited to no more than those actually owned or leased by the residents. Temporary parking of guests shall be permitted, not to exceed three (3) days. In the event the owner of the premises requires parking for additional automobiles, the owner may make application to the City of Pewaukee on forms provided by the City and if good cause is shown for the need for additional vehicle parking other than allowed herein a permit will be issued on a yearly basis. Law enforcement officers for the City shall administer the provisions of this paragraph. (Rep. & Recr. 09-21)

(b) No trucks, commercial trailers, mobile homes, camping trailers, campers, buses, or other vehicles not commonly known of as an automobile shall be parked on a lot in any district except where permitted as a use in an industrial or commercial district, as hereinafter provided or as follows:

1. Parking of agricultural equipment shall be permitted without limitation where accessory to a permitted agricultural use.
2. Parking of one panel or pickup truck on the owner's premises shall be permitted in any district.
3. Unenclosed parking of no more than one mobile home, camper home, camping trailer or camper on an occupied residential lot where the length of said vehicle is twenty-four (24) feet or less (excluding therefrom the length of the trailer's tongue) shall be permitted in any district and only when the vehicle is actually owned or leased by the resident. All other vehicles other than trucks and commercial trailers prohibited in this Code shall be permitted to temporarily park on a residential lot for no more than three (3) consecutive or ten (10) cumulative days in any twelve (12) month period. Those vehicles described above longer than twenty-four (24) feet in length (excluding tongue or draw-bar) may be permitted for longer periods of time by special permission of the City Common Council. Applicant shall make application for longer parking of those

vehicles by filing with the City Clerk a sketch of his lot, the location of the proposed unit to be parked, the location of his neighbor's buildings. The City Common Council, after recommendation of the Building Inspector/Zoning Administrator and after on-site observation, may grant a yearly parking permit to those units described herein where it appears that the parking of that mobile home, camper home, camping trailer or camper in excess of twenty-four (24) feet in length will not be an eyesore, nuisance or hazard to any adjoining properties or to the residential neighborhood in which it shall exist. No such vehicle units may be used as living quarters.

4. Parking of trucks and commercial trailers shall be permitted in those districts where not permitted as a use only when making deliveries or pickups to the building where parked and then only during the hours of 7:00 a.m. to 7:00 p.m. and, only while actually making said delivery or pickup. The temporary, overnight parking of truck-tractors may be permitted in a residential zoning district when the owner/operator of the truck-trailer is being temporarily parked, and the City law enforcement office is duly notified of the time(s) in advance of such overnight parking. For the purposes of this Code, "temporary, overnight parking" is defined as not more than one continuous twenty-four (24) hour period twice a month. (Rep. & Recr. 09-21)

- (7) Registration record of vehicle as evidence. When any vehicle is found upon a street or highway in violation of any provision of this code regulating the stopping, standing or parking of vehicles and the 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 Code and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Section 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation. (Renumbered 09-21)

5.05 VEHICULAR WEIGHT LIMITATIONS. (Rep. & Rec. 10-15)

- (1) **CLASS "B" HIGHWAYS DESIGNATED.** All streets and alleys within the City except the following enumerated streets and alleys are hereby designated Class "B" highways and shall be subject to the weight limitations imposed by § 348.16, Wis. Stats.:
 - (a) All State Trunk Highways and connecting streets and all County Trunk Highways, unless otherwise designated by the County Board.
 - (b) Silvernail Road between Meadowbrook Road and CTH SS.

- (2) **SPECIAL AND SEASONAL WEIGHT LIMITATIONS. (Rep. & Rec. 16-05)**
 - (a) Section 349.16, Wis. Stats., is hereby adopted by reference. The City's Highway Superintendent (or Director of Public Works) shall have the authority to impose special or seasonal weight limits to prevent injury to the roadway of any highway, bridge or culvert within the jurisdiction of the City or for the safety of users of such highway, bridge or culvert and shall be responsible for erecting signs giving notice thereof in accordance with § 349.16, Wis. Stats.

(b) **EXEMPTION OF VEHICLES CARRYING CERTAIN COMMODITIES OR PROVIDING CERTAIN SERVICES.** Pursuant to the provisions of §349.16(3), Wis. Stats., the following vehicles are exempt from the special weight limits imposed by this subsection when carrying the following specified commodities or providing the specified services:

- (1) Trucks designed and used for transporting milk from dairy farms where access to such farm(s) is not to which access is not otherwise available except by means of a route that includes the road for which restrictions have been imposed under this Section.
- (2) School buses carrying one or more pupils and students to and from schools.
- (3) Vehicles designed and utilized for the collection and transportation of garbage, rubbish or other refuse or recyclables when being used for the purpose of collection from, or delivery to, property to which access is not otherwise available except by means of a route that includes the road for which restrictions have been imposed under this Section.
- (4) Vehicles owned or operated by any governmental entity when used for transporting persons and/or property for the purpose of protection of persons and/or property.
- (5) Vehicles carrying personal property owned by the City or carrying persons acting as agents of the City, State, County, or Federal government within the scope of their official duties.
- (6) A vehicle operated by or at the direction of a public utility, as defined in Wis. Stat. sec. 196.01(5), a telecommunications provider, as defined in Wis. Stat. sec. 196.01(8p), or a cooperative association organized under ch. 185 of the Wisconsin Statutes for the purpose of producing or furnishing heat, light, power, or water to its members, that is being operated for the purpose of responding to a service interruption.
- (7) Farm tractors and farm implements carrying persons or commodities directly related to farming activities being conducted on property that is only accessible via a route that includes the road for which restrictions have been imposed under this Section.
- (8) A vehicle that is used to transport material pumped from a septic or holding tank if, because of health concerns, material needs to be removed from a septic or holding tank within 24 hours after the vehicle owner or operator is notified and if the vehicle is operated for the purpose of emptying the septic or holding tank and disposing of its contents and is operated on a route that minimizes travel on highways subject to weight limitations imposed under sub. (1)(a). Within 72 hours after operating a vehicle that transported material pumped from a septic or holding tank and that exceeded special or seasonal weight limitations as authorized by this paragraph, the owner or operator of the vehicle shall notify the City's Highway Superintendent (or Director of Public Works).

(c) **INCREASED WEIGHT LIMITS FOR VEHICLES CARRYING CERTAIN COMMODITIES.**

Vehicles designed for the transportation of and carrying the following commodities in a governmentally declared emergency may carry no more than a ½ load, which shall not exceed 25,200 pounds:

- (1) Material loaded on the vehicle directly from a septic tank or holding tank not exempted under Section 5.05(2)(b)(8).
- (2) Fuel.
- (3) Livestock feed.
- (4) Food.

(d) Penalty and enforcement of this section shall be pursuant to §348.21(3), Wis. Stats.

(3) REGULATION OF HEAVY TRAFFIC. (Rep. & Recr. 17-05)

(a) All vehicles not operating completely on pneumatic tires and all vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than 12,000 pounds are prohibited from traveling on any highway in the City of Pewaukee, except as authorized by Section 349.17(1), Wis. Stats. The exemptions allowed by Wisconsin Statutes Section 349.17(1) only apply to the extent necessary for such non-traffic route travel, which is defined as the shortest roadway distance between the heavy traffic route and the applicable place of business or residence which has an entrance within the restricted weight zone.

(b) Main Heavy Traffic Routes. Heavy traffic may travel on these routes in any direction or combination of described highways: all US, State and County Highways within the City. Heavy Traffic is prohibited on the following streets:

- 1) Oakridge Drive in its entirety.
- 2) Badinger Road in its entirety.
- 3) Busse Road from Bluemound Road (CTH JJ to end at south side of I-94)
- 4) Green Road in its entirety.
- 5) Lindsay Road in its entirety.
- 6) Sussex Street in its entirety.
- 7) Swan Road from STH 164 to the North City Boundary
- 8) Tacoma Hills Subdivision (Virginia Drive, Mt. Vernon Drive, Lexington Drive, and Tacoma Drive).
- 9) North Avenue from Watertown Road to the south end.
- 10) Lakeview Drive in its entirety.
- 11) Oak Street in its entirety.
- 12) Milkweed Lane in its entirety.
- 13) Rocky Point Road in its entirety.
- 14) Ishnala Trail in its entirety.
- 15) Spring Hill Drive in its entirety.
- 16) Weyer Road in its entirety.

(c) Policy in Prosecuting Weight Violations. It is declared to be the public policy of the City that prosecutions for heavy traffic route violations shall be instituted against the person or entity on whose behalf the vehicle is traveling in the City, as follows. In instances where a combination of tractor and trailer or semitrailer is used, the person standing in the relationship of the principal or employer to the driver of the tractor portion of the vehicle combination is liable along with the owner. It is a violation of this ordinance for the owner or any other person employing or otherwise directing the operator of the vehicle to require or permit the operation of such vehicle upon a highway contrary to this Section. This section shall not apply to individuals, partnerships, limited liability companies or corporations whose principal business is leasing, for compensation, vehicles including trailers and semitrailers, but such prosecution shall be instituted against the Lessee of the vehicle.

5.06 REPEALED (10-15).

5.07 STOP SIGNS - VEHICLES MUST STOP

It shall be unlawful in the City of Pewaukee for the operator of any vehicle, and every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, to fail to come to a full and complete stop within thirty (30) feet of the main limits of the intersection, at which had been erected an "Official Stop Sign" or traffic signal, designating an artery for through traffic.

5.08 UNSAFE DRIVING

It shall be unlawful in the City of Pewaukee for the owner or operator of any vehicle and every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, public property, public park, or other property whether owned or leased, to cause by excessive and unnecessary acceleration the tires of any such vehicle or device to spin or emit loud noises or unnecessarily throw stones or ground, nor cause such a vehicle or device to make any loud noise or conditions such as would be a disturbance to the public peace or unsafe.

5.09 PENALTY

- (1) State Traffic Laws and All Other Violations as Set Forth in Sections 5.01, 5.02, 5.03 of this Ordinance. Any forfeiture for violation of the State Statutes adopted by reference in Section 5.01 of this Code shall conform to the forfeiture permitted to be impose 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.
- (2) Local Traffic Laws as Set Forth in this Section.
 - (a) General provisions. Any person over the age of seventeen (17) years violating the provisions of this Ordinance shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 plus costs per each offense. Failure to pay any forfeiture hereunder shall subject any violator over the age of seventeen (17) years to be sentenced to the County Jail until said forfeiture is paid but not to exceed ninety (90) days.

Any person between the ages of fourteen (14) and seventeen (17) shall be subject to a forfeiture of not less than \$10.00 nor more than \$25.00 plus costs per each offense or referred to the proper authorities as provided in Chapter 938, Wisconsin Statutes. Failure to pay any forfeiture hereunder shall subject the violator to the provisions of 938.17(2), Wis. Stats.

Any person under the age of fourteen (14) shall be referred to the proper authorities as provided in Chapter 938, Wisconsin Statutes.

- (b) Deposit schedule. (Rep. & Rec. 06-17)

Sections 5.01 to 5.06 Applicable Sections of Uniform Deposit and Misdemeanor Bail Schedule

Parking Violations as shall be established from time to time by resolution of the Common Council.

Section 5.07 as shall be established from time to time by resolution of the Common Council.

If a deposit schedule has not been established for a specific violation, the arresting officer shall require the alleged offender to deposit not less than the maximum forfeiture permitted hereunder.

- (3) PENALTIES FOR VIOLATING SECTION 5.05(3) (REGULATION OF HEAVY TRAFFIC).
The penalty for violating Section 7.14 (Heavy Traffic Route) shall be determined as follows: (Cr. 17-05)
- (a) If the weight exceeds by 1,000 pounds or less, the maximum set forth in this section, a forfeiture of not less than \$50.00 nor more than \$100.00 upon the first conviction and, upon the second and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100.00 nor more than \$200.00.
 - (b) If the weight exceeds by more than 1,000 pounds the maximum set forth in this section, the forfeiture shall be computed according to the following schedule:
 - 1. For the first conviction, a forfeiture of \$100 plus an amount equal to whichever of the following applies:
 - i. One cent for each pound of total excess load when the total excess is not over 2,000 pounds.
 - ii. Three cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
 - iii. Five cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.
 - iv. Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
 - v. Fifteen cents for each pound of total excess load if the excess is over 5,000 pounds.
 - 2. For the 2nd and each subsequent conviction within a 12-month period, a forfeiture of \$200, plus an amount equal to whichever of the following applies:
 - i. Two cents for each pound of total excess load when the total excess is not over 2,000 pounds.
 - ii. Five cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
 - iii. Eight cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds.
 - iv. Twelve cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
 - v. Eighteen cents for each pound of total excess load if the excess is over 5,000 pounds.

5.10 ENFORCEMENT.

- (1) Enforcement Procedure. The current or future statutory provisions of Sections 66.0109, 66.0113, 66.114, 345.20 to 345.53, of the Wisconsin Statutes, are adopted and by reference made a part of this Code 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 Code. Any future additions, amendments, revisions or modifications of the current or future statutes incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation and enforcement of traffic and municipal ordinance violations. Further the City specifically elects to use the citation method of enforcement.
- (2) Deposit.
 - (a) Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the City Hall or at the office of the Clerk of Court or by mailing the deposit to such places. The arresting officer or the person receiving the deposit shall comply with Section 345.26, Wis. Stats. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:
 1. 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
 2. If he fails to appear in court at the 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.
 - (b) The amount of the deposit shall be as set forth in 5.08 of this Code and shall include the penalty assessment established under Section 757.05, Wis. Stats., and costs. 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.
 - (c) The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefore as required by Section 345.26(3)(b), Wis. Stats.
- (3) Stipulation of No Contest. Any person charged with a violation of this Chapter except Sections 346.62(2), (3) and (4) and 346.63(1) may make a stipulation of no contest pursuant to Section 345.40, Wis. Stats., which shall be received at the City Offices or the office of the Clerk of Court within ten (10) days of the date of the alleged violation. Such person shall, at the time of entering into the stipulation, make the deposit required under sub.(2) 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 Section 345.51, Wis. Stats.
- (4) Issuance of Citations. All sections of this Code shall be enforced by the City of Pewaukee's law enforcement officers or duly appointed representatives. (Rep. & Recr. 09-21)
- (5) Nonexclusivity.

- (a) Other ordinances. Adoption of this Code does not preclude the City of Pewaukee from adopting any other Ordinance or providing for the enforcement of any other law or Ordinance relating to the same or other matter.
 - (b) Other remedies. The issuance of a citation hereunder shall not preclude the City of Pewaukee or any authorized office from proceedings under any other Ordinance or law or by any other enforcement method to enforce any Ordinance, regulation or order.
- (6) Traffic Violation and Registration Program.
- (a) General. (Repealed 09-21)
 - (b) Collection of forfeitures for non-moving traffic violations. (Repealed 09-21)

5.11 REPEALED (16-02)

5.12 REPEALED (13-11)