

TOWN OF CLAYTON, COUNTY OF WINNEBAGO, STATE OF WISCONSIN
ORDINANCE NO. 2020-005

An Ordinance Repealing Ordinance 16 § 3.7 of the Town of Clayton Code of Ordinances and
Creating § 3.7 of the Town of Clayton Code of Ordinances Relating Truck Traffic

THE TOWN BOARD OF THE TOWN OF CLAYTON DOES ORDAIN AS FOLLOWS:

SECTION 1. TRUCK TRAFFIC PROHIBITED.

- a. Definition: For purposes of this Section, truck traffic shall be defined as:
 1. All vehicles not operating completely on pneumatic tires; and
 2. All vehicles or combination of vehicles, other than motor busses, designed or used for transporting property of any nature and having a gross weight of more than 14,000 pounds.
- b. Prohibited Routes: Truck traffic is prohibited from using any town road or highway. This section shall not act to prohibit truck traffic from using a road or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence. Furthermore, this section will not act to prohibit truck traffic from using any town road over which are routed state truck highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provision of this section.
- c. Administration: The Town Administrator, or their designee, shall administer this section. Administration shall include:
 1. Posting of Signs: Appropriate signs shall be posted giving notice of this section and of the truck traffic routes established herein.
 2. Construction-Equipment:
 - a. The Town Administrator may allow heavy construction equipment to use town roads or highways not designated as truck traffic routes. Permission may be granted only when use of a route is necessary for the equipment to reach a construction site. Permission will not be granted unless the person or corporation owning the equipment agrees to reimburse and hold the Town harmless for any damage done to the town road by the equipment and / or any personal injury or property damage caused in part or in whole by the street damage.

- b. Town owned or operated equipment is specifically excluded from the provisions of this section.
- d. Liability: Any operator, corporation, owner or agent whose truck traffic vehicle damages any town road or highways in violating this section shall be liable and required to pay the Town the cost of repair or replacement of the damaged street or highway.
- e. Residential Exception: This section shall not prohibit truck traffic from using a road in the Town of Clayton for the purpose of driving such vehicle to the block of the street at which the owner or operator of such vehicle permanent resides in the Town for the purpose of parking such vehicle on such road and in such block of the residence of such owner or operator on the following conditions:
 - 1. The parking of such vehicle shall not be for a period in excess of twenty-four (24) consecutive hours;
 - 2. Such vehicle must contain business cargo. If, upon request of an authorized Officer, the owner or operator of such vehicle fails to provide sufficient evidence to such officer that such vehicle does contain business cargo, such vehicle shall be deemed to not contain business cargo and this exception shall not apply.
 - 3. Such vehicle complies with all other Town Ordinances and state laws, including, but not limited to, ordinances and laws regarding the parking of such vehicle on streets and highways and ordinances and laws relating to noise, disturbances and hazardous contents.

SECTION 2. PENALTIES.

- a. Forfeiture Penalty. The penalty for violation of any provision of this ordinance shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Section 346.655, Wis. Stats., where applicable. Payment of the judgement and applicable court costs, fees assessments and surcharge may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this ordinance may, upon Order of the Court entering judgement therefore and having jurisdiction of the case, be imprisoned until such forfeiture, cost and assessment are paid, but not exceeding ninety (90) days.
- b. Other Sanctions.
 - 1. By Court. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment

and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.

2. By Municipality. No person who has been convicted of a violation of any provision of this chapter shall be issued a license or permit by the Town except dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- c. Forfeitures for Violation of Uniform Moving Traffic Regulations. Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit persecution under this chapter for any offense described in Chapter 341 and 348, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- d. Other Violations. Any person who shall violate any provision of this chapter for which a penalty is not otherwise established by this section shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00.

Section 3 – ENFORCEMENT

- a. Enforcement Procedures.
 1. How enforced. This chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes of this Ordinance.
 2. Applicable court procedures. Except where otherwise specifically provided by the laws of the State of Wisconsin or this code, the traffic regulations in this code shall be enforced in the municipal court.
- b. Citations.
 1. Uniform citation and complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this ordinance except those provisions which described or define non-moving traffic violations shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
- c. Deposits and Stipulations.
 1. Registration Suspension. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified on the citation, within 28 days after the citation

is issued, the Town may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Section 345.28(4), Wis. Stats., and Subsection (c)(3) below.

2. Bond. Any officer authorized to accept deposits under Section 345.26, Wis. Stats., or this section, shall qualify by taking the oath prescribed by Section 19.01, Wis. Stats.
3. Registration Suspension Program.
 - a. The Town shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Section 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.
 - b. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed and permitted by Section 345.28(4)(d), Wis. Stats.
 - c. This subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Traffic Violations and Registration Program. The Town's participation in such program shall be in addition to any and all other means legally available to enforce such citations.


Adopted this 17th Day of June, 2020

APPROVED:



Russ Geise, Town Chairperson

ATTEST:


Holly Stevens, Clerk

Published: 06/19/2020