

# CHAPTER 3

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## VEHICLES<sup>1</sup>

- 3.01 Parking - Snow
- 3.02 Restricting Parking Upon The Streets, Alleys Or Public Lands Of The Village Of Oostburg
- 3.03 Use Of Snowmobiles And All Terrain Vehicles Within The Village Limits
- 3.031 Use Of In-Line Skates Within The Village Limits
- 3.032 Skateboards And Other Play Vehicles
- 3.04 Adoption Of State Traffic Laws, Provision Of State Law Adopted By Reference
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### 3.01 Parking - Snow<sup>2</sup>

- (1) No person shall park on any public street in the Village of Oostburg between the hours of 2:00 o'clock A.M. and 6:00 o'clock A.M. between the dates of December 1 to April 1.
- (2) Penalty -

The penalty for violation of this section shall be as provided in Section 1.05.

### 3.02 Restricting Parking Upon The Streets, Alleys Or Public Lands Of The Village Of Oostburg<sup>3</sup>

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<sup>1</sup>Adopted as a part of the "Partial General Ordinances of the Village of Oostburg". Adopted March 24, 1982, Published March 29, 1982. See Minutes of the Village Board, Vol. 6, pg. 625.

<sup>2</sup>Section 3.01 added by Ordinance 2-1986, adopted December 8, 1986, See Minutes of the Village Board, Vol. 6, pg. 732, 732-A.

<sup>3</sup> Section 3.02 amended by Ordinance 2-1996, adopted July 8, 1996. See Minutes of the Village Board, Vol. 11, pg. 1112.

- (1) The following shall not be parked or stored upon any street, alley or public lands, except vehicles making a delivery, pick-up, or temporarily parked for a period not to exceed 2 hours:
  - (a) No truck larger than one- (1-) ton rating or any vehicle with dual rear wheels,
  - (b) No bus of any kind,
  - (c) No recreational vehicles either motorized or towed, except for loading or unloading and not to exceed a period of 48 hours.
  - (d) No trailers of any kind, including utility, sport, boat, except that business and/or construction related trailers for work or services being performed upon adjacent property may temporarily be parked upon Village streets provided that any such trailer must be parked as close as possible to the curb and must contain reflective devices on all sides. In lieu of reflective devices, reflective barricades or cones can be placed on each end of the trailer.<sup>4</sup> No trailer or boat may be parked on a Village street between the hours of 10:00 pm and 5:00 am, except as allowed in subsection (c) above.
  - (e) Any dumpster placed on a village street must be placed as close as possible to the curb and must utilize reflective devices on all sides. In lieu of reflective devices, reflective barricades can be placed on each end of the dumpster.
  - (f) Landscaping and building materials are prohibited on the roadway per ss. 86.04 & 86.05 WI Stats.

(2) Penalty -

Any person who shall violate this section shall pay a forfeiture as set forth in the Fine Schedule at Section 4.05, Forfeitures, of the Village Ordinances, plus the costs of prosecution.

**3.03 Use Of Snowmobiles And All Terrain Vehicles Within The Village Limits**

- (1) No person shall operate a snowmobile, minibike or other all-terrain vehicles at any time at any of the following locations within the Village of Oostburg:
  - (a) In the public park known as "Veterans Park";
  - (b) In or upon any Village owned property;
  - (c) Upon any private owned property without the consent of the owner or occupiers of said property.
- (2) No person, firm or corporation shall operate a snowmobile after the hour of 12:30 o'clock A.M. within the Village of Oostburg.
- (3) Definition - All Terrain Vehicles and Minibikes: means any self-propelled device designed for on and off-road use moving persons or property from one place to another.
- (4) Penalty - Persons violating this section shall pay a forfeiture as posted in the Village Fine Schedule.

**3.031 Use of In-Line Skates Within The Village Limits<sup>5</sup>**

- (1) Definition - In-line skates means skates with wheels arranged singly in a tandem rather in pairs.

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<sup>4</sup> Amended by Ordinance 14-1998, adopted December 14, 1998. See Minutes of the Village Board, Vol. 12, pg. 1169.

<sup>5</sup> Adopted through Ordinance 2-1996 on August 12, 1996. See the Minutes of the Village Board Vol. 11, Page 1114.

- (2) Use Restrictions - The use of in-line skates shall be prohibited upon the roadways in the following areas, except when crossing the roadway at the crosswalk.
  - (a.) Center Avenue from its intersection with 9<sup>th</sup> Street to its intersection with 11<sup>th</sup> Street.
  - (b.) 10<sup>th</sup> Street from its intersection with Park Avenue to its intersection with Superior Avenue.
- (3) Skating On Unrestricted Roadways
  - (a.) Every person using in-line skates upon a public roadway shall be subject to the provisions of all ordinances and laws applicable to the operator of any vehicle, except those provisions, which by their nature have no application.
  - (b.) Persons using in-line skates upon a roadway shall skate single file on all public roadways which have a center line or which have lines indicated by paint or other marking. On public roadways and alleys not divided by paint or other markings, in-line skaters may skate two abreast.
  - (c.) Every person using in-line skates on a two-way public street or alley shall keep as close to the right hand side of the road as possible and shall proceed in the direction of traffic flow. Persons using in-line skates upon a one-way public street or alley shall proceed in the direction of the one-way traffic flow.
  - (d.) Persons using in-line skates upon a public road or alley shall not impede the normal and reasonable movement of motor vehicle traffic.
  - (e.) It shall be unlawful for any person using in-line skates to cling to or attach to any bicycle or other moving vehicle upon a roadway.
  - (f.) Every person using in-line skates upon a public roadway shall stop for all stop signs and traffic signals in the same manner as is required for motor vehicles.
  - (g.) Persons using in-line skates shall upon entering a public roadway, yield the right of way to motor vehicles, except that a person using in-line skates shall be subject to the same regulations as bicyclists and pedestrians pursuant to § 346.23, 346.24, 346.37 and 346.38 Wis. Stats.
- (4) Riding On Sidewalks or Walkways - Every person using in-line skates upon a sidewalk or walkway shall yield the right of way to any pedestrian and shall exercise due care when passing any other person.
- (5) Skating after dark - In-line skating on public roadways and alleys after dark shall be prohibited.
- (6) Penalties - The penalty for the first violation of this section shall be \$10.00 (Ten Dollars) and \$25.00 (Twenty-five Dollars) for all subsequent violations.

### **3.032 Skateboards And Other Play Vehicles<sup>6</sup>**

- (1) Definition. For purposes of this section, 'play vehicle' shall include skateboards, scooters, roller blades, in-line skates, roller skates, roller skis, or similar push, gravity, or articulated operating devices that can be manipulated, operated or otherwise used as some form of conveyance for one or more persons. Bicycles and tricycles are specifically excluded from this definition.
- (2) No person shall operate, ride or park a play vehicle as follows:
  - (a) In or on any non-residential property in the downtown area between 9<sup>th</sup> and 10<sup>th</sup> Streets, from Center Avenue north approximately 1.5 blocks to the northernmost

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<sup>6</sup> Adopted through Ordinance 2-2004 on June 14, 2004. See the Minutes of the Village Board Vol. 16, Page 1358.

driveway and parking area of the Village Exchange (118 N 9<sup>th</sup> Street) on the east, and including the historical center park on the west.

- (b) On any private property, unless permission has been given by the owner or the person in charge of the property.
- (3) Any person who violates this section shall be subject to forfeiture as set forth in Section 1.05.

**3.04 Adoption Of State Traffic Laws Provision Of State Law Adopted By Reference**

Except as otherwise specifically provided in this code, the statutory provisions in Chapter 340 to 348, of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, inclusive of any provisions therein relating to forfeitures to be imposed and exclusive of any regulations for which the statutory penalty is a term of imprisonment without a forfeiture, are hereby adopted and by reference made a part of this code as if fully set forth herein. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this code in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State of Wisconsin.

Section of Chapters 340 to 350 adopted by reference shall include but not be limited to the following:

Statute Reference	Violation Reference	Penalty Reference (Wis. Stats.)
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**3.05 Stipulation Of Guilt Or No Contest**

Stipulations of guilt or no contest may be made by person arrested for violations of this chapter whenever the provisions of § 345.27 are applicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under § 345.11 Wis. Stats. and may be accepted within ten (10) days of the date of the alleged violation. Stipulations may be accepted by the Clerk of Courts office of Sheboygan County, Wisconsin.

**3.06 Deposits**

Any person stipulating guilt or no contest under subsection 3.05 of this section must make the deposit required under § 345.26 Wis. Stats., or if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the current uniform state traffic deposit schedule. Deposits may be brought or mailed to the office of the Clerk of Courts as directed by the arresting officer. Deposits for parking or non-moving violations shall be mailed or brought to the Sheboygan County Clerk of Courts.

**3.07 Notice Of Demerit Points And Receipt**

Every officer accepting a forfeited penalty or money deposit under this ordinance shall receipt therefor in triplicate as provided in § 345.26(3)(b) Wis. Stats. Every officer accepting a stipulation under the provisions of this ordinance shall comply with the provisions of § 343.27, 343.28, 345.26(1)(2) and 345.27(2) Wis. Stats. and shall require the alleged

violator to sign a statement or notice in substantially the form contained on the uniform traffic citations and complaint promulgated under § 345.11 Wis. Stats.

**3.08 Forfeitures In Treasury**

Officer to post bond, qualify. Any officer accepting deposits or forfeited penalties under this chapter shall deliver them to the Clerk of Courts of Sheboygan County within 20 days after receipt.

**3.09 Issuance Of Notices For Parking Violations**

(1) Purpose

The purpose of this Ordinance is to allow the issuance of notices for parking violations. Such a notice will allow a violator to stipulate guilt and make payment directly to the Village Clerk without the necessity of a formal court proceeding.

(2) Procedure

Upon receipt from an authorized official of a notice for parking violation, the violator may stipulate guilt and deliver in person or mail the notice of violation together with the fine amount to the Village Clerk. The stipulation of guilt and payment of fine amount shall be made within ten (10) days of receipt of notice of violation. If said stipulation and payment are not made within such time, an authorized official may issue a citation pursuant to Code section 3.04.

(3) Notice Of Violations

The Village Clerk shall authorize the printing of a notice for parking violations for use in enforcing parking violations contained in this code. The notice for violation shall contain a statement that the fine amount is to be paid on or before the listed due date and that failure to pay the fine amount will result in action being commenced against the violator.

**3.10 Parking Regulations – Specific Locations<sup>7</sup>**

(1) Center Avenue West of South 6<sup>th</sup> Street<sup>8</sup>

No parking is allowed on Sundays on the south side of Center Avenue from South 6<sup>th</sup> Street west to the Bethel Church parking lot entrance.

(2) Center Avenue west of North 12<sup>th</sup> Street<sup>9</sup>

No parking is allowed on the north side of Center Avenue from North 12<sup>th</sup> Street west to the center of 1218 Center Ave (355 feet from the corner of North 12<sup>th</sup> Street).

(3) Veterans Memorial Park (Park Avenue and Wisconsin Avenue)<sup>10</sup>

No parking is allowed from 10:00 p.m. to 6:00 a.m. except during special events authorized by the Village, on the north side of Park Avenue from the east lot line of Veterans Memorial Park west to North 12<sup>th</sup> Street, and on the south side of Wisconsin Avenue from the east lot line of Veterans Memorial Park west to North 12<sup>th</sup> Street; only Diagonal parking is allowed from 6:00 a.m. to 10:00 p.m.

(4) Oostburg Elementary School (North 6<sup>th</sup> Street)<sup>11</sup>

(a) Near Side. Between 8:30 a.m. to 3:15 p.m. on school days, no person may stop or leave any vehicle standing, whether temporarily or otherwise, on the

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<sup>7</sup> Sections 3.10-3.13 were renumbered into this section by Ord. No. 2-2009, adopted May 11, 2009.

<sup>8</sup> Added by Ord. 2-2009, adopted on May 11, 2009.

<sup>9</sup> Adopted through Ordinance 15-1998 on December 12, 1998. See the Minutes of the Village Board Vol. 12, page 1169.

<sup>10</sup> Added through Ordinance 1-2000 Adopted May 8, 2000. See the Minutes of the Village Board Vol. 13, Page 1198.

<sup>11</sup> Added through Ordinance 7-2001 Adopted July 9, 2001. See the Minutes fo the Village Board Vol. 13, Page 1238.

near side of North 6<sup>th</sup> Street adjacent to the Oostburg Elementary School. Parking, stopping, or leaving any vehicle standing on North 6<sup>th</sup> Street is allowed only on the near side of North 6<sup>th</sup> Street adjacent to the Oostburg Elementary School between 7:30 a.m. to 8:30 a.m. and 3:15 p.m. to 4:30 p.m. on school days.

- (b) Far side. Between 7:30 a.m. to 4:30 p.m. on school days, no person may stop or leave any vehicle standing, whether temporarily or otherwise, upon the far side of North 6<sup>th</sup> Street adjacent to the Oostburg Elementary School.

(5) Oostburg Middle and High School (New York Ave)<sup>12</sup>

Parking is permitted on the north side of New York Avenue between North 4<sup>th</sup> Street and North 6<sup>th</sup> Street adjacent to the Oostburg Middle School and the Oostburg High School, EXCEPT that on school days between 7:00 a.m. and 3:00 p.m., temporary parking for ten (10) minutes or less is allowed for student drop off and pick up in the following locations:

- (a) Middle School. From N 4<sup>th</sup> Street to the bus entrance approximately 210 feet to the west.

- (b) High School. From between 400' to 600' west of N 4<sup>th</sup> Street.

(6) West Side of South 10<sup>th</sup> Street Between Superior Avenue and South Avenue<sup>13</sup>

No parking is allowed at any time on the west side of South 10<sup>th</sup> Street between Superior Avenue and South Avenue.

(7) South Side of Center Avenue Between 4<sup>th</sup> Street & 9<sup>th</sup> Street<sup>14</sup>

No parking is allowed at any time on the South side of Center Avenue between 4<sup>th</sup> Street and 9<sup>th</sup> Street.

(8) East Side of North 10<sup>th</sup> Street

No parking is allowed on the east side of North 10<sup>th</sup> Street from curb line to 40 feet north of Center Avenue.

### 3.11-3.14 [Reserved for Future Use]

### 3.15<sup>15</sup> Adoption of State Law by Reference Relating to Prohibiting Any Unregistered Motor Vehicle from Being Located on a Village Highway, and Governing the Immobilization, Removal and Disposal of Unregistered Motor Vehicles

- (1) The statutory provisions of Wis. Stat. § 341.65, inclusive of any provisions therein relating to forfeitures to be imposed are hereby adopted and by reference made a part of this code as if fully set forth herein. Any future amendments, revisions or modifications of the statues incorporated herein are intended to be made part of this code.

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<sup>12</sup> Added by Ord. 2-2007, adopted on July 9, 2007.

<sup>13</sup> Added by Ord. 2-2014, adopted on September 8, 2014

<sup>14</sup> Added by Ord. 3-2014, adopted on September 8, 2014

<sup>15</sup> Added through Ordinance -2001 Adopted October 10, 2001 Published on October 16, 2001. See the Minutes of the Village Board Vol., Page 1248

- (2) The penalty for violation of this section shall be \$30.00 (Thirty Dollars), plus all applicable court costs.