

ORDINANCE NO. 2008-01

CODIFICATION OF TRAFFIC REGULATIONS AND MISCELLANEOUS MUNICIPAL ORDINANCES.

The Town Board of Supervisors of the Town of Gibraltar, Door County, Wisconsin, find that it is in the best interests of the residents and property owners and taxpayers in the Town of Gibraltar to amend the current codification of the existing traffic regulations and miscellaneous municipal ordinances for enforcement purposes. The adoption of this resolution for such regulation will promote government and good order in the Town for its benefit and promote the safety, welfare and convenience of the public. This Ordinance repeals and replaces Ordinance No. 2006-07 in its entirety.

TOWN OF GIBRALTAR: Traffic Code and Municipal Ordinance Code

Chapter 1: TRAFFIC REGULATIONS

1.1 State Traffic Forfeiture Laws Adopted. Except as otherwise specified herein, all provisions of:

Chapter 340	Vehicles – General Provisions,
Chapter 341	Registration of Vehicles,
Chapter 342	Vehicle Title and Anti-Theft Laws,
Chapter 343	Operations’ Licenses,
Chapter 344	Vehicles – Financial Responsibility,
Chapter 346	Rules of the Road,
Chapter 347	Equipment of Vehicles, and
Chapter 348	Vehicles – Size, Weight and Load,

Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture, only, including penalties and assessments to be imposed and the procedure for prosecution, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act or any statute incorporated herein by reference, required to be performed is hereby required to be performed, or prohibited is hereby prohibited. Each section of the Wisconsin Statutes adopted by this Chapter shall bear the chapter and section number as herein set forth. The sections of such chapters of the Statutes hereby adopted include, but are not limited to, the following:

State Statute Section Number

340.01	(Words and phrases defined)
341.11(4)	(Display of registration certificate)
341.15	(Display of registration, plates)
341.16(4)	(Issuance of duplicate plates)
341.41	(Reciprocity permits)
341.55	(Penalty for misuse of plates)
341.57	(Registration of finance companies and banks)
341.63	(When registration is to be suspended)
342.05(4)	(Certificate of title required)

342.15(5), (6), (7) (Transfer of interest in vehicle)
 342.23 (Secured party's and owner's duties)
 342.30;
 342.31;
 342.34 (Anti-theft and anti-fraud provisions)
 343.01 (Words and phrases defined)
 343.305(2) (Implied consent)
 343.35 (Surrender of licenses upon cancellation,
 revocation or suspension)
 343.45 to
 343.46 (Unlawful practices relative to licenses)
 343.60 to
 343.72 (Licensing of driver schools and instructors)
 343.73 (Penalty)
 344.01 (Words and phrases defined)
 344.45 to
 344.47 (Penalties for violation of chapter)
 344.51 (Financial responsibility for domestic rented vehicles)
 345.01 (Words and phrases defined)
 345.20 to
 345.53 (General provisions in traffic forfeiture actions)
 345.55 (Traffic officers not to profit from arrests)
 346.01 (Words and phrases defined)
 346.02 (Applicability of chapter)
 346.03 (Applicability of rules of the road to authorized emergency
 vehicles)
 346.04(1), (2) (Obedience to traffic officers, signs & signals)
 346.05 to
 346.16 (Driving, meeting, overtaking and passing)
 346.17 Penalty for violating ss. 346.04 to 346.16)
 346.18 to
 346.21 (Right-of-way)
 346.22 (Penalty for violating ss. 346.18 to 346.21)
 346.23 to
 346.29 (Drivers and pedestrians)
 346.30 (Penalty for violating ss. 346.23 to 346.29)
 346.31 to
 346.35 (Turning and stopping, required signals)
 346.36 (Penalty for violating ss. 346.31 to 346.35)
 346.37 to
 346.42 (Traffic signs, signals and markings)
 346.43 (Penalty for violating ss. 346.37 to 346.42)
 346.44 to
 346.48 (Required stops)
 346.49 (Penalty for violating ss. 346.44 to 346.48)
 346.50 to
 346.55 (Restrictions on stopping and parking)
 346.56 (Penalty for violating ss. 346.50 to 346.55)
 346.57(2), (3), (4) (a) to (c) (Speed restrictions – first offense in a year)
 346.57(4) (d), (5), (6) to

346.595	(Speed restrictions)
346.60	(Penalty for violating ss. 346.57 to 346.595)
346.61	(Applicability of sections relating to reckless and drunken driving)
346.62(1), (3)	(Reckless driving – first offense in 4 years)
346.63(1), (3), (4)	(Operating under influence of intoxicant-first offense in 5 years)
346.64	(Employment of drunk operators – first offense in a year)
346.65(1) and (2)	(Penalty for violating ss. 346.62 to 346.64)
346.66	(Applicability of sections relating to accident and accident reporting)
346.68 and 346.69	(Duty upon striking unattended vehicle; upon striking property on or adjacent to highway – first offense within a year)
346.70(1), (2) or (3); 346.71; 346.72;	
346.73	(Duty to report accident, etc.)
346.70(4)	(Police and traffic agencies to report)
346.70(5)	(Falsifying reports – first offense within a year)
346.77 to 346.81	(Bicycles and play vehicles)
346.82	(Penalty for violating ss. 346.77 to 346.81)
346.84 to 346.94	(Miscellaneous rules)
346.95	(Penalty for violating ss. 346.84 to 346.94)
347.01 to 347.05	(General provisions)
347.29	(Lighting equipment)
347.30	(Penalty for violating lighting equipment requirements)
347.35 to 347.49	(Other equipment)
347.50	(Penalty for violating ss. 347.35 to 347.49)
348.01 to 348.02	(Size weight load, General Provisions)
348.10	(Size and load)
348.11	(Penalty for violating size and load limitations)
348.15 to 348.20	(Weight)
348.21	(Penalty for violating weight limitations)
348.25 to 348.27	(Permits)
348.28	(Permits to be carried, Penalty)

1.2. Other Laws Adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this ordinance shall be as provided in chapters 340 to 348 of the Wisconsin statutes and the penalty for violation thereof shall be limited to a forfeiture as provided in Section 10 of this ordinance.

- 941.01(1) (Negligent operation of vehicle off highway)
947.045 (Drinking in motor vehicles on highway)

1.3. Speed Limits. On the basis of a certain engineering and traffic investigation heretofore made, the speeds on the highways or parts thereof indicated below are determined and declared to be reasonable and safe pursuant to the provisions of Section 349.11, Wisconsin Statutes, and subject to the approval of the State Highway Commission, shall be the speed limits on such highways, streets or parts thereof upon erecting and placing appropriate signs giving notice of such limits. No person shall drive a vehicle in excess of such speed limits.

A. The speed limit shall be forty-five (45) miles per hour on the following roads:

1. Peninsula Players Road, from its intersection with County Trunk Highway A, to its intersection with Gibraltar Bluff Road. (Ordinance No. 2000-03)
2. Spring Road, from its intersection with Peninsula Players Road, to its intersection with Wandering Road.
3. Juddville Road, from its intersection with County Trunk Highway A, to its intersection with White Cliff Road.
4. Gibraltar Road, from its intersection with County Highway Trunk A, to its intersection with Maple Grove Road.
5. Maple Grove Road, from its intersection with County F to Gibraltar Road.
6. Maple Grove East, from its intersection with County Trunk Highway F, to its intersection with West Meadow Road.
7. West Meadow Road, that part belonging to the Town of Gibraltar lying within its intersection with Maple Grove East, to its intersection with County Trunk Highway F.
8. Highland Road, from its intersection with County Trunk Highway A, to its intersection with County Trunk Highway F.
9. Little Marsh Road, from its intersection with County A, to its intersection with County EE.
10. Wandering Road, from its intersection with Spring Road, to its intersection with Peninsula Players Road. (Ordinance No. 2002-02).

B. The speed limit shall be Forty (40) miles per hour on the following roads:

1. Maple Grove Road from its intersection with Gibraltar Road, to the border of the Village of Ephraim (Ephraim-Gibraltar Airport driveway).

C. The speed limit shall be Thirty-five (35) miles per hour on the following roads:

1. White Cliff Road, from its intersection with Juddville Road, southerly to the boundary of the Town of Gibraltar.
2. Gibraltar Road, from its intersection with County Trunk Highway A, to its Intersection with County Trunk Highway 42.
3. Spring Road, from its intersection with Wandering Road, to its intersection with County Trunk Highway F.
4. Cottage Row Road, from its intersection with Gibraltar Bluff Road, to its intersection with State Highway 42.

D. The speed limit shall be Twenty-five (25) miles per hour on the following roads:

1. Cottage Row Road, from its intersection with Spruce Street, to its intersection with Gibraltar Bluff Road.
2. Streets in the unincorporated village of Fish Creek, excluding State Trunk Highway 42, extended easterly, more or less, to a point 200 feet northeast of its intersection with Gibraltar Road.
3. Daisy Patch Road, from its intersection with Highway 42, to its intersection with Wildflower Patch Road.

(adopting former Ordinance No. 2002-16)

- 1.4. No Passing Zone. When signs are erected giving notice thereof, the operator of a vehicle shall not overtake and pass another vehicle proceeding in the same direction on the following streets and highways:
- 1.5. Through Streets and Stop Intersections. The streets and intersections described in Schedule B are hereby designated through streets and stop intersections as set forth in the schedule. When stop signs are erected in accordance with such schedule, the operator of a vehicle approaching any such sign shall stop as required by law.
- 1.6. Yield Right of Way Intersections. The intersections described in Schedule C are hereby designated yield right of way intersections as set forth in the schedule. When yield signs are erected in accordance with such schedule, the operator of a vehicle approaching any such sign shall yield the right of way, as required by law.
- 1.7. One Way Streets. Pursuant to the provisions of Section 349.10, Wisconsin Statutes, streets and alleyways are hereby declared to be a one-way highway, appropriate signs shall be erected to designate them as a one-way highway, and all vehicles on such highways shall be operated only in the direction designated herein:
- 1.8. Through Trucking. There shall be no through trucking on: Signs shall be erected giving notice hereof.

1.9. Liquor in Motor Vehicles. No person shall drink, open a container of, or carry any open or unsealed container of any fermented malt beverage or intoxicating liquor in a moving vehicle on a public highway within the Town of Gibraltar.

1.10. School Bus Unloading Zone. No person shall park, bring to a stop, or leave standing, either temporarily or otherwise, any vehicle, excepting only school buses, during the hours of 7:30 o'clock a.m. to 4:30 o'clock p.m. during school days, in the following areas, which are hereby designated as a "School Bus Unloading Zone":

1.11. No Parking Zones.

A. When signs are erected giving notice thereof, no person shall park a vehicle upon any of the streets or part of streets described below, except to comply with the directions of a traffic officer or traffic control signal or sign:

1. Along the north side of Spruce Street in the Town of Gibraltar, along the frontage of the Spruce Park property owned by the Town of Gibraltar. No vehicles or trailers may be parked or left standing in said area. (Ordinance No. 2002-17).

2. Along the north side of Highway 42 from the intersection of Shore road and Highway 42 Easterly a distance of 50 feet.

B. No person shall park a vehicle on or upon, or so as to cross or obstruct or in any manner intrude upon, or over any part of any public sidewalk, public walkway, public median area, or public park area.

C. No person shall park, stop or leave standing any vehicle, whether attended or unattended, either temporarily or otherwise, upon any portion of any street, highway, or parking facility reserved for handicapped persons and which have been so designated by any official traffic sign, district marker or parking meter indicating such restriction, except a person who qualifies for a license plate under the provisions of Section 341.14 (1), (1a), (1m) or (1g), Wisconsin Statutes, or is the holder of a ten valid special identification card for the physically disabled, which is issued under the provisions of Section 343.51(1), Wisconsin Statutes.

D. When signs are erected giving notice thereof, no person shall park a vehicle upon any of the Streets or part of Town Roads clearly designated as no parking zones by the following methods: signs, yellow painted curbing together with appropriate signs or yellow painted areas marked as no parking zones on the pavement. The Town Board shall determine by resolution any new no parking zones.

1.11. Permit Required Parking. No vehicle may be parked on or along any street or adjacent parking area that has been designated as a "Permit Parking Only" area by the Town Board of Gibraltar unless that vehicle displays a current, valid Parking Permit issued by the Town of Gibraltar, affixed to its windshield.

The following areas are designated as a Permit Parking Only area:

1. The parking area adjacent to and serving the Town Dock, from May 15 to October 15 of each year.

Parking permits may be issued hereunder based upon qualifications developed from time to time by the Town Board, and such permits shall be issued by the Town from time to time by the Town Police Officer and any member of the Door County Sheriff's Department, or such other persons as the Town Board may designate from time to time.

- 1.13. Inoperable Vehicles on Streets. No owner or other person having charge or control of a vehicle of any type, including but not limited to motor vehicles, which is not in good and safe operating condition, or which may otherwise not be permitted by law to be operated or used upon the public highway, shall authorize, allow or permit the parking or storage of the vehicle on any street, or public property of, in, or within the Town of Gibraltar, except as may be permitted by Section 346.50, Wisconsin Statutes.
- 1.14. Motor Vehicles on Public Land. No person shall operate any motor driven vehicle, and no person who owns or is in possession of any motor driven vehicle, shall allow or permit the operation of such vehicle in any park, within the boundaries of any parkway, on any public school ground, or upon any other public lands within the Town of Gibraltar, except in areas and upon such ways as are specifically designated and posted by the Town Board for use by such a vehicle.
- 1.15. Parking Violations, Presumption. In the event that a vehicle is found in violation of any provision of this chapter relating to parking of vehicles, under circumstances wherein the person who parked the vehicle is unknown, it shall be presumed that the owner of the vehicle authorized, allowed or permitted the vehicle to be so parked.
- 1.16. Weight Limits and Heavy Traffic Routes.
 - A. Special and Season Weight Limitations. The Town of Gibraltar Board 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 Town of Gibraltar, 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 Section 349.16, Wisconsin Statutes.
 - B. Restrictions on Use of Other Streets by Heavy Traffic. No vehicle, except a motor bus, which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 16,000 pounds shall be operated or moved on any street or alley not part of the heavy traffic route designated by the Town of Gibraltar, except for the purpose of obtaining an order for, moving or delivering supplies or commodities to or from a place of business or residence facing thereon, provided that in no event shall the weight of vehicle and load on such other street exceed the limitations of ss. 348.15 or 348.16 (3), Wisconsin Statutes, pertaining to Class "A" highways or deliveries on Class "B" highways.

1.17. Official Traffic Signs and Signals.

- A. Administrator Authorized to Procure and Erect Signs and Signals. The Town Clerk is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Highway Division, giving such notice of the provisions of this ordinance as required by state law. Signs shall be erected in such locations and manner as the Town Board shall determine will best effect the purposes of this ordinance and give adequate warning to users of the street or highway.
- B. Removal of Unofficial Signs and Signals. The Town Clerk shall have the authority granted by s. 348.09, Wisconsin Statutes, and is hereby directed to order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this ordinance or s. 348.41, Wisconsin Statutes. Any charge imposed on a premise for removal of such an illegal sign, signal or device shall be reported to the Town Board at its next regular meeting for review and certification.

1.18. Bail Forfeiture. The provisions of Section 348.16 of the Wisconsin Statutes shall apply to convictions under this chapter.

1.19. School Bus Warning Lights. The operator of a school bus in a residential or business district of the Town of Gibraltar shall activate the flashing red warning lights when pupils or other authorized passengers are to be loaded at a location at which there are no traffic signals, and such persons must cross the street or highway before being loaded or after being unloaded. Said lights shall not be extinguished until loading or unloading is completed and the persons who must cross the highway are safely across.

1.20. School Crossing Guards. The operator of a motor vehicle shall obey the signal of a school crossing guard to stop in order to allow children to cross a street at an intersection or marked crosswalk. The operator shall remain stopped until the children reach the other side of the street, or the crossing guard indicates that he or she may proceed ahead in safety.

1.21. Disorderly Conduct With a Motor Vehicle.

- A. Conduct Prohibited. No person within the Town of Gibraltar, through the use of any motor vehicle, including but not limited to an automobile, truck, motorcycle, minibike or snowmobile or all terrain vehicle, shall cause or provoke disorderly conduct with a motor vehicle.
- B. Definition. Disorderly conduct with a motor vehicle shall mean, while operating or in control of a motor vehicle, to engage in conduct or activities which are violent, unreasonably loud, dangerous to persons or property, or otherwise against the public peace, welfare and safety, including but not limited to unnecessary, deliberate or intentional spinning of the wheels, squealing of the tires, revving or racing of the engine, blowing of the horn, causing the engine to backfire, or causing the vehicle while commencing to move or while in motion to raise one or more wheels off the ground.

- 1.22. Left Turns Prohibited. No person while operating a motor vehicle shall turn left upon entering the following streets:
- 1.23. Turning Lanes Designated. The lanes at the intersections described in Schedule G are hereby designated right turn only, and left turn only, as indicated. When right turn only, or/and left turn only, signs are erected in accordance with such schedule, the operator of a vehicle traveling in a lane marked with any such sign shall turn only in the direction indicated by the sign.
- 1.24. Police Speedometer Calibration. The speedometer on each motor vehicle owned by the Town for police and traffic control purposes, shall be calibrated no less often than once each 60 days by the Door County Sheriff-Traffic Department, and the records of such calibrations shall be official records of the Town and may be retained in the custody of either the Door County Sheriff-Traffic Department or the Town Clerk, or both.
- 1.25. Avoiding Intersection or Traffic Control Device. No person while operating a motor vehicle shall drive across or upon a sidewalk, driveway, parking lot or private property, or otherwise drive off a roadway, in order to avoid an intersection or traffic control device.
- 1.26. Snow Removal. The Public Works Director is hereby authorized and directed to prohibit traffic and/or parking on streets in certain areas to facilitate snow removal, at any times during a calendar day from November 1 to Marcy 31 of the following year, and to tow away or otherwise cause removal of any vehicles parked in the prohibited area during the emergency period. In such case, the Public Works Director shall designate the days and times during which traffic or parking shall be prohibited, and shall designate the streets and/or area of the streets affected, and shall give notice of the same either by publication in a local newspaper, by announcement over a local commercial radio station, by placement of signs in the areas designated, or by other appropriate or convenient means notifying the public that traffic and/or parking of vehicles in the designated area is prohibited during the emergency.
- 1.27. In-Line Skating Regulations. This section of the ordinance hereby incorporates all portions of the Wisconsin Statutes found in Chapter 340 through and including 349, as they relate to the use of in-line skates.
 - A. In Line Skating prohibition. No person riding upon in-line skates may go upon any Town road in the Town of Gibraltar, except while crossing a roadway at a crosswalk.
 - B. Area included. The provisions of this ordinance include those Town roads located within the boundaries of Peninsula State Park.
- 1.28. Scope of Laws Adopted. The provisions of the Wisconsin Statutes adopted and made a part hereof by reference under Section 1.1 and 1.2 hereof, include those statutes now in existence and as they may be amended from time to time hereafter, and those statutes hereafter created and/or amended as a part of Chapters 340 to 348, inclusive, Wisconsin Statutes, as of their respective effective statutory dates.
- 1.29. Penalty. The penalty for violation of any provision of this ordinance shall be forfeiture as hereinafter provided, together with the costs of prosecution imposed, as provided in ss. 345.20 to 345.53, Wisconsin Statutes.

A. Uniform Offenses. Forfeitures for violation of any provisions of Chapters 341 to 348, 941 and 947, adopted by reference in Sections 1.1 and 1.2 of this ordinance, shall conform to forfeitures for violation of the comparable state offense, including any variations or increases for second offense.

B. Special Local Regulations. The forfeiture for a violation of Section 1.27 of this ordinance shall be fined \$10.00 for the first offense and \$25.00 for the second or subsequent conviction within one (1) year.
The forfeiture for a violation of any of the provisions of Sections 1.3 through 1.6 inclusive Section 1.8, Section 1.9, and Section 1.14 of this ordinance shall be not less than \$20.00 nor more than \$200.00 for the first offense, and not less than \$50.00 nor more than \$500.00 for the second and each subsequent offense committed within a period of two (2) years from the date of committing the preceding offense. The forfeiture for a violation of Section 1.7 shall be not less than \$250.00 nor more than \$500.00.

C. School Bus Zone. The Forfeiture for violation of any provision of s. 1.10 of this ordinance shall be not less than \$25.00 nor more than \$200.00 for the first offense, and not less than \$50.00 nor more than \$200.00 for the second or subsequent offense within two years

D. Parking.

(1) The Forfeiture for a violation of any provision of Sections 1.11 A. and B. shall be \$10.00 if paid within 72 hours of the issuance of the citation for such violation; \$25.00 if not paid within 72 hours but if paid within 30 days of the issuance of the citation; and if not paid within said 30 days, \$45.00 plus costs of collection, as provided in Section 340.10 G. of this Code.

(2) The forfeiture of a violation of Section 1.11 C. shall be \$200.00.

E. Miscellaneous. Each act of violation and every day upon which a violation occurs or continues constitutes a separate offense. In default of the immediate payment of any forfeiture and the costs of prosecution or payment within such period of time as specified by the court, any person convicted of a violation of this chapter shall be committed to the Door County Jail until such forfeiture and costs are paid. Every commitment shall limit the duration of such confinement to a definite term not exceeding 90 days.

F. Safety Schools. In addition to, or in lieu of, other penalties provided by this section for violation of Chapters 346 to 348, Wisconsin Statutes, adopted by reference in s. 1.1 of this Code, the Municipal Court may order the convicted person to attend for a certain number of school days, a traffic safety school whose course and mode of instruction is approved by the Administrator of the Division of Motor Vehicles, and which is conducted by the Police Department of the municipality, the Sheriff's Office of the county or any regularly established safety organization.

G. Nonmoving Violation and Registration Program. Pursuant to the provisions of Section 345.28 (4), Wis. Stats., the Town Board hereby authorizes participation in the nonmoving traffic violation and registration program of the Wisconsin Department of Transportation and the payment of costs established by the Department under Wis. Stat.

Sec. 85.13; and further orders that such costs shall, in turn, be assessed against persons charged with nonmoving traffic violations. The Town Attorney shall be responsible for complying with the requirements set forth in Wis. Stat. Sec. 345.28 (4).

H. The forfeiture for violation of the provisions of any section of Chapter 340 not otherwise provided for shall be not less than \$35.00 nor more than \$200.00.

I. Snow Removal. The forfeiture to be imposed upon an operator permitting his/her vehicle to travel within a prohibited area, and upon an owner and operator of a vehicle parking his/her vehicle, or allowing or permitting his/her vehicle to be parked within a prohibited area during a snow removal emergency, shall be as provided by Wisconsin State Statute 340.10, E. In addition, upon conviction said owner and operator shall pay all costs of towing and removal of a vehicle parked in a prohibited area as designated under the provisions of Wisconsin Statutes Section 340.0030, and shall be subject to all other penalties herein provided as may be ordered by the Municipal Court.

1.30. Enforcement. This ordinance shall be enforced in accordance with the provisions of Sections 345.20 to 345.53, Chapter 299, and Section 66.12, Wisconsin Statutes.

A. Stipulation of Guilt or No Contest. Stipulations of guilt or no contest may be made by persons arrested for violations of this ordinance in accordance with S. 66.12 (1) (b), Wisconsin Statutes, whenever the provisions of s. 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained on the Uniform Traffic Citation and Complaint under S. 345.11, Wisconsin Statutes, and may be accepted within 5 days of the date of the alleged violation. Stipulations may be accepted by the Clerk of the Circuit Court For Door County, Wisconsin.

B. Deposits. Any person stipulating guilt or no contest under subsection A of this section must make the deposit required under s. 345.26, Wisconsin Statutes, or if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the Circuit Court and approved by the Town Board. Deposits may be brought or mailed to the office of the Clerk of Court for Door County, Wisconsin as directed by the arresting officer. Deposits for parking or nonmoving violations shall be mailed or brought to the Town Clerk.

C. Notice of Demerit Points and Receipt. Every officer accepting a forfeited penalty or money deposit under this ordinance shall provide a receipt for payment in triplicate as provided in s. 345.26 (3) (b), Wisconsin Statutes. Every officer accepting a stipulation under the provisions of this ordinance shall comply with the provisions of ss. 343.27, 343.28, 345.26 (1) (a) and 345.27 (2), Wisconsin Statutes, and shall require the alleged violator to sign a statement of notice in substantially the form contained on the Uniform Traffic Citation and Complaint promulgated under s. 345.11, Wisconsin Statutes.

D. Forfeitures in Treasury; Officer to Post Bond, Qualify. Any officer accepting deposits or forfeited penalties under this ordinance shall deliver them to the Town Clerk within 20 days after receipt. Any officer authorized to accept deposits under s. 345.26, Wisconsin Statutes, or this ordinance shall qualify by taking the oath prescribed by s. 19.01, Wisconsin Statutes, and filing an official bond in the sum of \$1,000.00 as described by s. 10.01, Wisconsin Statutes.

E. Reopening Judgments. Any person, firm or corporation who or which has been found guilty by the Circuit Court of a violation of any Town ordinance as a result of a plea of guilty or no contest, or by reason of a default, may petition the Court to vacate the judgment so that the matter may be tried or otherwise disposed of. No particular form for the petition is required, but it must contain: the name of the defendant, the address of the defendant on the date of the incident and on the date of the petition (if different), the citation number, the date of the incident, the violation charged, and the date of the entry of the judgment. The petition shall be filed with the Door County Clerk of Courts within six (6) months of the date of the judgment, and if not so filed within such period of time, shall be denied. The petition shall be granted only by the Circuit Judge and only if the Judge finds good cause, or that it is equitable that the judgment be vacated, or that there are other good reasons that justify vacating the judgment and reopening the case. The Court Clerk shall not file the petition unless the petitioner also pays the fee set forth at Section 8.21 of this Code.

Chapter 2: MISCELLANEOUS MUNICIPAL ORDINANCES

2.1 Snowmobile Access.

A. Intent. The intent of this ordinance is to provide a means for persons to travel from a residence within the limits of the Town of Gibraltar, Door County, Wisconsin for the shortest distance that is necessary for a person to operate a snowmobile to the snowmobile route or trail that is closest to that residence and to provide a means for persons to travel from a residence and lodging establishment within the limits of the Town of Gibraltar, Door County, Wisconsin for the shortest distance that is necessary for a person to operate a snowmobile to the snowmobile route or trail that is closest to that residence and lodging establishment.

B. Statutory Authority. This section of the ordinance is adopted as authorized under s.350.18 (3) (a) of the Wisconsin Statutes.

C. Designated Roadways and/or Highways. No person shall operate a snowmobile on a roadway or shoulder of a highway not designated as a snowmobile route other than the following:

Accesses:

- Spring Road – Intersection Hwy. F to Wandering Road (Ordinance 1997-01)
- Cottage Row – Existing Route to Ula Street (Ordinance 1997-01)
- Hwy. F – Intersection Spring Road to Snowmobile Trail (Ordinance 1997-01)
- Evergreen Road
- The intersection of Hwy 42 and Shore Road to the Snowmobile Trail in Peninsula State Park. (New)

Routes:

- It shall be lawful to operate a snowmobile at a speed not to exceed 25 miles per hour on the route designated as commencing on the southerly beginning of Cottage Row Road by Highway 42 to Cottage Row Court on the Northerly end. (Ordinance 1996-03 and 1996-02)

- It shall be lawful to operate a snowmobile at a speed not to exceed 35 m.p.h. on the route designated as commencing at the intersection of Spring Road and Wandering Road and continuing .75 miles in an easterly direction along Wandering Road in the area designated for snowmobile travel. (Ordinance 1996-01 and 1996-02)
- It shall be lawful to operate a snowmobile at a speed not to exceed 10 miles per hour on the route designated as commencing on Hill Street in Fish Creek at the southernmost point of Hill Street; thence northerly to State Highway 42. (Ordinance 1996-01 and 1990-01).
- It shall be lawful to operate a snowmobile at a speed not to exceed 35 miles per hour on the route designated as commencing at the intersection of Sugarbush Road and Maple Grove Road easterly to the end of Sugarbush Road at the easterly most point. (Ord. 1995-02, 1992-01and 1988-01).
- It shall be lawful to operate a snowmobile at a speed not to exceed 35 m.p.h. on the route designated as commencing at the intersection of Sugarbush Road and Maple Grove Road, northerly on Maple Grove Road to the intersection with Gibraltar Road. Westerly on Gibraltar Road to the snowmobile trail.
This snowmobile route will only be a one year route with permission to be extended only by an amendment to this ordinance.
- It shall be lawful to operate a snowmobile at a speed not to exceed 35 m.p.h. on the route designated as commencing on Wandering Road- from the present route on Wandering Road south to the corner then easterly to the existing snowmobile trail.

D. Conditions. This ordinance designates the roadways and/or shoulders of specific highways for snowmobile travel by persons residing in or staying at a lodging establishment subject to the following conditions:

E. Speed. A snowmobile operated on a portion of the roadway or shoulder of a highway pursuant to this ordinance shall observe roadway speed limits.

F. Enforcement. This ordinance shall be enforced by any law enforcement officer of the Town of Gibraltar and of Door County, Wisconsin.

G. Penalties. Wisconsin state snowmobile penalties as found in s. 350.11 (1)(a), Wis. Stats., are adopted by reference.

2.2 Boat Trailer Parking.

A. Statutory Authority. This section of the ordinance is enacted pursuant to Chapters 66, 340, 345, 346 and 349 and this ordinance incorporates all portions of the Wisconsin Statutes found in said chapters, including Chapter 340 through and including 349, as they relate to parking, together with all the rules relating to both criminal and civil liability. The definitions contained in the statutes referred to above are hereby adopted and made a part of this ordinance by reference.

B. Establishment of Boat Trailer Parking. The Town Board does hereby establish a designated lot for the parking of boat trailers vehicles with attached boat trailer, on Town property located in Fish Creek, southerly of State Trunk Highway 42. The designated property shall be cleared marked as a boat trailer parking lot. No vehicles may be parked or left standing in said lot without an attached boat trailer. No person shall park, stop or leave within said lot any boat trailer or vehicle with attached boat trailer for a period of more than 96 hours except in designated long term parking areas of said lot. (Amended March 3, 1999).

C. Parking on Roads Within Town. No person shall park, stop or leave standing any boat trailer, whether attended or unattended, and whether or not such trailer is attached to a vehicle, on or along any road in the Town of Gibraltar, from May 15 to October 15 of each year.

D. Towing. Any vehicle or trailer found parking in violation of this ordinance may be towed at the expense of the owner and, in order to recover the vehicle, the owner shall be responsible for any charges for removal, moving or towing and storage of said vehicle or trailer.

E. Penalties. In addition, any person or persons violating any provisions of this ordinance shall be fined \$25.00 for the first offense, and \$50.00 for the second or subsequent offense within one year of a previous offense, together with the costs and other penalties as provided under chapter 345 of the Wisconsin Statutes and Section 349.13 of the Wisconsin Statutes, and attorney fees and costs to the limit allowable by law.

E. Issuance of Citations. The police officer for the Town of Gibraltar, if any, and all deputy sheriffs for the County of Door, and such other persons as the Town Board may authorize by further resolution, may issue a citation to the owners or operators of illegally parked vehicles and trailers, which citation shall conform to Uniform Traffic Citation provisions set forth in Chapter 345 of the Wisconsin Statutes. The citation shall further provide the procedure for paying the penalty prescribed herein.

G. Exceptions. The exceptions set forth in Section 346.50 are adopted by reference.

H. Separate offenses. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

2.3. Chambers Island All-Terrain Vehicle Routes.

A. Authority. The Town Board of the Town of Gibraltar, pursuant to Sec. 23.33(8), Wis. Stats., may by ordinance designate highways as all-terrain vehicle routes. The Town Board may regulate by ordinance the use of all-terrain vehicles on all-terrain vehicle routes, pursuant to Sec. 23.33(11), Wis. Stats. "All-terrain vehicle" has the meaning specified under Sec. 340.01(2g), Wis. Stats.

B. Designation of routes. The Town Board of the Town of Gibraltar hereby designates all town roads located on Chambers Island as all-terrain vehicle routes. Owners and operators of all-terrain vehicles shall comply with all applicable statutes, rules and regulations, including, without limitation, the provisions of Sec. 23.33, Wis. Stats.

2.4 Street Hawking and peddling prohibited.

A. Prohibition. No person shall engage in the business of a hawker or peddler on State Highway 42, or any of the roads or lanes in the unincorporated Village of Fish Creek, or on any of the parking spaces or sidewalks adjacent thereto.

B. Definition. This section of the ordinance includes, but is not limited to, all hawkers and peddlers of popcorn, hot-dogs, balloons, ice creams, and similar wares, who operate from pushcarts, hand carts, or similar vehicles, or an individual moving about the village on foot, carrying his merchandise.

C. Penalty. Any person or persons violating any of the provisions of this ordinance shall be fined not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

2.5. Control of Dogs.

A. Dog Running at Large. It shall be unlawful for any person owning or harboring any dog, to permit such dog to run at large in the Town of Gibraltar. A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

B. Enforcement. It shall be the duty of the pound officer and the Town of Gibraltar Constable to attempt to seize and impound any dog found running at large in the Town of Gibraltar.

C. Attempt to Notify Owner. The pound officer to whom the dog is delivered shall make a reasonable effort to determine ownership. If ownership can be determined, said individual shall be notified in person or by mail as to where the dog is detained. If the owner is unknown or does not claim the dog within 7 days after the dog is delivered to the pound, the pound officer shall dispose of the dog in a proper and humane manner, or may release the dog as provided in section 174.046 (7) (8) (9) of the Wisconsin Statutes.

D. Licensing. It shall be unlawful to own or harbor a dog more than 5 months of age without a proper license. A late fee of \$5.00 shall also be assessed from every owner of a dog 5 months of age or over, if the owner fails to obtain a license prior to April 1 of each year.

E. Boarding Fee and Release From Pound. A boarding fee of \$5.00 per dog shall be paid to the pound officer. No dog shall be released from the pound without evidence of proper license, payment of boarding fees, and payment of any other penalties for violation of this ordinance.

F. Penalty for dog running at large. Any person violating this provision shall forfeit \$25.00 for the first offense and \$50.00 for subsequent offenses.

G. State Ordinance Law Adopted. The statutory provisions describing and defining regulations with respect to dogs in the following enumerated sections of the Wisconsin Statutes, and any of all amendments thereof which may from time to time be passed, inclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and by reference made a part of this section of the ordinance:

- 174.001 Definition
- 174.01 Retraining actions against dogs
- 174.02 Owner's liability
- 174.25 Injury to animal by dog
- 174.03 Double damages
- 174.04 Treble damages
- 174.042 Dogs running at large
- 174.046 Impoundment
- 174.05 Dog license tax
- 174.07 Dog license and collar tax
- 174.11 Claims for damage by dogs
- 174.12 Actions against owners
- 174.13 Humane use of dogs for diagnosis and treatment

2.6. Drinking on Public Property.

A. Drinking on Public Property prohibited. No person shall carry or expose to view any open can, bottle, glass or other container containing fermented malt beverage or intoxicating liquor, or drink from the same, on any public street, walk, or alley or any public way in the Town of Gibraltar without a permit from the Town Board.

B. Drinking on Public Street. No person shall consume any intoxicating liquor or fermented malt beverage while in or upon any public street, walk or alley or any public way in the Town of Gibraltar.

C. Open Containers prohibited. No person shall consume any intoxicating liquor or fermented malt beverage which was purchased in an open container from a properly licensed premises except upon such premises; such intoxicating liquor or fermented malt beverage must be consumed on the premises where it was purchased and severed and shall not be removed to public streets, walks, alleys or public ways in the Town of Gibraltar.

D. No littering. No person shall throw, place or deposit any beer cans, bottles, paper or other trash, debris, waste matter or foreign matter, upon the streets, walks, alleys, parks, private lawns or property, or in any body of water within the limits of the Town of Gibraltar.

E. Penalty. Violation of this ordinance shall require the seizure of any such intoxicating liquor or fermented malt beverage and shall be further punished by a fine of not more than Fifty Dollars (\$50.00) plus costs.

Enforcement. The duly authorized police officer for the Town of Gibraltar, if any, and any and all deputy sheriffs for the County of Door, and any and all rangers in Peninsula State Park shall be authorized to issue citations to persons violating any of the sections and provisions of this ordinance.

THE FOREGOING ORDINANCE is hereby adopted and shall become effective upon passage and publication.

Dated this 2nd day of January, 2008.

Published and effective this 12th day of January 2008.

TOWN BOARD OF THE TOWN OF GIBRALTAR, by:

Merrell P. Runquist, Chairman

Myrvin Somerhalder, Supervisor

Richard A. Skare, Supervisor

Steve Sohns, Supervisor

Brian Merkel, Supervisor

Sharon L. Kellner, Clerk