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February 25, 2008

To: Town Board of Supervisors

From: Carl Broberg

Subject: New Ordinance Chapter 425 (Vehicles and Traffic)

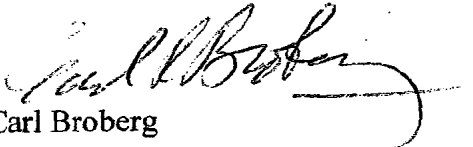
Attachments:

- (1) General Code Draft of LaPointe Chapter 425 (Pages Numbered 119-136)
- (2) General Code Editorial Analysis §23 RE Chapter 425

The draft of Chapter 425 (Vehicles and Traffic) is attached as well as questions pertaining to the present LaPointe Vehicles and Traffic Ordinance. Since the subject is beyond the purview of the Town Planning Commission, the matter is referred to the Town Board for action.

Please review the attached, provide a response to the questions raised in General Codes editorial questions (Attachment 2) and provide any additions or deletions you deem appropriate.

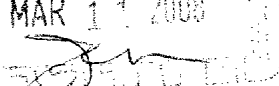
Respectfully,


Carl Broberg

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TOWN OF LA POINTE

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§ 425-48. Definitions.

§ 425-49. Amendments to statutes.

[HISTORY: Adopted by the Town Board of the Town of LaPointe as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Speed Limits
[Adopted 2-9-1988]

§ 425-1. Speed limits established.

In the Town of LaPointe, Ashland County, no person shall drive a vehicle at a speed in excess of the following limits unless different limits are indicated by official traffic signs or unless there is a specific ordinance or law applicable:

A. Ten miles per hour on:

- (1) All roads in Big Bay Town Park.
- (2) The Town dock.
- (3) All roads leading into the airport from Airport Road (County Trunk Highway H).

B. Fifteen miles per hour in all alleys.

C. Twenty miles per hour on Main Street and Penny Lane. [Amended 4-27-1999]

D. Twenty miles per hour on all of Old Fort Road north of the point where Old Fort Road first intersects with Mondamin Trail coming from the north and 25 miles per hour on all portions of Old Fort Road south of that point of intersection with Mondamin Trail including any extensions of Old Fort Road south of its intersections with Mondamin Trail.

E. Twenty-five miles per hour on:

- (1) Each of the following: Sunny Slope Road, Whitefish Street, Herring Street, Roy Street, 7th Street, 14th Street, Colonel Woods Avenue, Bell Street, Rice Street, Mondamin Trail, road to present Town dump, road to old Indian burial grounds (cemetery) from Old Fort Road, on all of South Shore Drive west of its intersection with Old Fort Road, on O'Brien Road, Leona's Road, Wilderness Road and Miller Road [south of Chebormicon Road (County Trunk Highway H)].
- (2) Amundsen Road.
- (3) Kron's Beach Road, also known as Lundstrom Road which runs from the North Shore Road to Kron's Beach.
- (4) The road which runs east-west from North Shore Road in Sections 2 and 3, Township 50 North, Range 2 West sometimes known as Erickson Road.

Chapter 425

VEHICLES AND TRAFFIC

ARTICLE I
Speed Limits

§ 425-1. Speed limits established.

ARTICLE II
Traffic Regulations

§ 425-2. One-way traffic.
§ 425-3. Two-hour parking limit.
§ 425-4. Closing portion of Library Street to motor bus traffic.

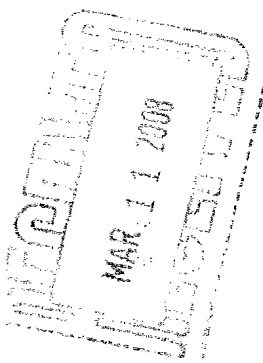
ARTICLE III
Parking Lots

§ 425-5. Designation of individual parking lots.
§ 425-6. Posting and maintaining signs.
§ 425-7. Town Lot A parking restrictions.
§ 425-8. Town Lot D restrictions.
§ 425-9. Town Lot E restrictions.
§ 425-10. Town Lot F restrictions.
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§ 425-14. Town Lot R restrictions.
§ 425-15. Town Lot S restrictions.
§ 425-16. Town Lot T restrictions.
§ 425-17. Town Lot W restrictions.
§ 425-18. Extended parking as per permit in lots R and W.
§ 425-19. Violation of permit terms.
§ 425-20. Parking spaces reserved for disabled persons.

§ 425-21. Individual parking spaces.
§ 425-22. No obstructions.
§ 425-23. Speed limit.
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§ 425-26. Violations and penalties.
§ 425-27. Procedure.
§ 425-28. Deposit box rules.
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§ 425-30. Abandoned vehicles.
§ 425-31. Towing and towing expenses.
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ARTICLE IV
Parking

§ 425-36. Restrictions.
§ 425-37. Designated handicapped parking spaces.
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§ 425-40. Violations and penalties.
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§ 425-47. Presumptions.



- (4) A violation of this Subsection B carries with it a forfeiture of not more than \$50 plus any court costs, applicable costs, assessments, and fees.

§ 425-3. Two-hour parking limit. [Added 7-10-1990]

There shall be a two-hour parking limit from the corner of Big Bay Road to the intersection of Middle Road. This shall be in effect from 8:00 a.m. to 5:00 p.m. from May 15 through October 15. Any person violating this section may be required to forfeit not more than \$50 plus any costs of towing applicable costs, assessments and fees.

§ 425-4. Closing portion of Library Street to motor bus traffic. [Added 6-27-1995]

- A. This section is titled "Town of LaPointe Ordinance Closing a Portion of Library Street to Motor Bus Traffic." The purpose of this section is to close a portion of Library Street to motor bus traffic in order to protect the street and private property from damage caused by the turning of motor buses.
- B. The Town Board of the Town of LaPointe has the specific statutory authority, powers and duties, pursuant to §§ 194.08 and 349.17(1), Wisconsin State Statutes to regulate control, prevent and enforce against in the Town of LaPointe certain uses, activities, businesses and operations of motor buses by persons that may affect the proper preservation or policing of the public street or highway, and designate the type and character of vehicles which may be operated thereon.
- C. The Town Board of the Town of LaPointe establishes by adoption of this section that the portion of Library Street beginning from the intersection of County Highway H, also known as Big Bay Road, up to the intersection of Library Street and Colonel Woods Avenue, shall be closed to motor bus traffic.
- D. A violation of this section carries with it a forfeiture in accordance with but not to exceed the current Uniform State of Wisconsin Traffic Deposit Schedule, plus any applicable costs, assessments and fees.

**ARTICLE III
Parking Lots
[Adopted 6-13-2000]**

§ 425-5. Designation of individual parking lots.

The parcels of land and areas for the parking of vehicles on Madeline Island in the Town of LaPointe, Ashland County, which are described herein are designated and regulated as set forth herein.

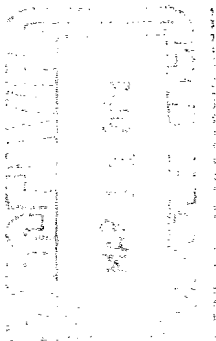
- A. Town Lot "A" (Airport Parking Lot). The parcel of land north of the airstrip at the LaPointe Airport which was designed and is designated for parking, shall be known as Town Lot A. This parcel is in Section 20, Township 50 North, Range 3 West, and is land parcel no. 116-2400.

- (5) Airport Road (County Trunk Highway H) from its intersection with the present entrance to the Town dump west to its intersection with Main Street.
- F. Twenty-five miles per hour on Chebomnicon Road (County Trunk Highway H) from the driveway to the property now owned by Arvid Kron west to the intersection with Main Street at the present Conoco service station. The balance of Chebormicon Road (County Trunk Highway H) is a 55 mile per hour speed limit zone.
- G. Twenty-five miles per hour on all of South Shore Drive west of the intersection with Old Fort Road with all of South Shore Drive east of its intersection with Old Fort Road being a 55 mile per hour speed limit zone.
- H. Forty miles per hour on:
- (1) All of County Trunk Highway H except as otherwise designated or posted.
 - (2) North Shore Road, Hagen Road, South Shore Road, and Benjamin Boulevard except as otherwise designated or posted.

ARTICLE II
Traffic Regulations
[Adopted 8-15-1989]

§ 425-2. One-way traffic.

- A. Colonel Woods Avenue. The portion of Colonel Woods Avenue between County Highway "H" and the Town dock shall be designated for one-way vehicular traffic as marked by road paint and signs, the traffic on the north side to flow toward the dock and on the south side to flow away from the dock. Any person violating this subsection may be required to forfeit not more than \$50 plus applicable costs, assessments and fees.
- B. LeSeuer Street and Bell Street. [Added 6-25-1996]
- (1) The purpose of this Subsection B is twofold: to control the flow of traffic and traffic congestion at the intersection of Middle Road and Main Street and to create parking spaces on the north and south sides of LeSeuer Street from Main Street to Bell Street and parking spaces on the east side of Bell Street from LeSeuer Street to Middle Road.
 - (2) The Town Board of the Town of LaPointe has specific statutory authority, powers, and duties, pursuant to §§ 194.08 and 349.10(1)(a), Wis. Stats., to regulate, control, prevent, and enforce against in the Town of LaPointe certain uses or activities that may affect the proper preservation and policing of a public street or highway.
 - (3) The Town Board of the Town of LaPointe establishes by the adoption of this Subsection B that the portion of LeSeuer Street, from its intersection with Main Street to its intersection with Bell Street shall be one way, and Bell Street, from its intersection with LeSeuer Street to its intersection with Middle Road, shall be one way.



Woods Avenue which was designed and is designated for parking shall be known as Town Lot W. This parcel is in Outlot 26, Section 30, Township 50 North, Range 3 West, and is land parcel no. 470-0300.

§ 425-6. Posting and maintaining signs. [Amended 11-26-2002]

The Town, or its designee, shall post and maintain signs at or near each of the following Town parking lots setting forth the restrictions which apply to that parking lot: Town Lots A, D, E, F, H, L, M, P, R, S, T and W.

§ 425-7. Town Lot A parking restrictions. [Amended 5-23-2001; 10-8-2002]

No person shall park or allow any vehicle to remain present in Lot A for more than 96 consecutive hours between April 1 and October 31. No person shall park or allow any vehicle to remain present in Lot A for more than 14 consecutive days between November 1 and March 31. Only vehicles are permitted to be present in Town Lot A; no trailer or other tangible property is allowed to be present in Town Lot A. Parking permits for longer periods of time may be issued by the airport manager to those who use Town Lot A for aviation-related purposes only. Parking permits for longer periods of time may be issued by the Town Clerk, if approved by the Airport Manager, to those who use Town Lot A for aviation-related purposes only, at a cost of \$60 for the time period of May 1 through October 31 or for an annual cost of \$100 for the time period of May 1 through April 30.

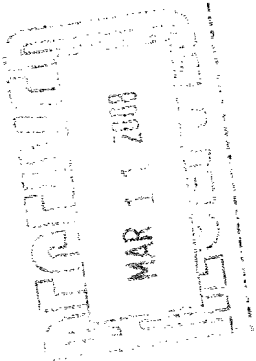
§ 425-8. Town Lot D restrictions.

- A. No person shall park or leave unattended any vehicle, trailer or tangible property on any part of or portion of the LaPointe Town Dock except that the Madeline Ferry Lines, Inc. has three reserved parking spaces at the end of the dock.
- B. No person shall park or leave unattended any vehicle, trailer or tangible property on a finger pier unless that person has, at that time, such space leased to them by the Town of LaPointe.

§ 425-9. Town Lot E restrictions.

- A. No person shall park or leave any vehicle, trailer or tangible property in Town Lot E unless such person is then conducting business at the LaPointe Emergency Services Building or is then maintaining the LaPointe Emergency Services Building or its grounds.
- B. No person shall park or leave any vehicle, trailer or tangible property in any portion or part of Town Lot E which blocks, interferes with or obstructs any vehicle or person from immediately responding from the Emergency Services Building or from immediately returning to the Emergency Services Building.

- B. Town Lot "D" (on the LaPointe Town Dock). The areas on the LaPointe Town Dock which are labeled or designated for parking shall be known as Town Lot D.
- C. Town Lot "E" (Emergency Services Building Parking Lot). The parcel of land adjacent to the Emergency Services Building which was designed and is designated for parking shall be known as Town Lot E. This parcel is in Section 30, Township 50 North, Range 3 West, and is land parcel no. 199-0000.
- D. Town Lot "F" (foot of LaPointe Town Dock Parking Lot). The parcel of land at the foot of the LaPointe Town Dock which was designed and is designated for parking, shall be known as Town Lot F. This parcel is situated between Lot 1 of Block 27 and Lot 6 of Block 26, Village of LaPointe.
- E. Town Lot "H" (Town Hall Parking Lot). The parcel of land adjacent to the LaPointe Town Hall which was designed and is designated for parking shall be known as Town Lot "H". This parcel is in Lots 3, 4, 5 and 6, Block 16, Section 30, Township 50 North, Range 3 West, and is land parcel no. 404-0000.
- F. Town Lot "L" (Library Parking Lot). The parcel of land east of the Library which was designed and is designated for parking shall be known as Town Lot L. This parcel is in Lot 1, Block 38, Section 30, Township 50 North, Range 3 West, and is land parcel no. 439-0100.
- G. Town Lot "M" (Memorial Park Parking Lot). The parcel of land east of Joni's Beach which was designed and is designated for parking shall be known as Town Lot M. This parcel is in Lot 5, Block 45, Section 30, Township 50 North, Range 3 West, and is land parcel no. 450-4000.
- H. Town Lot "P" (Post Office Parking Lot). The parcel of land north of the LaPointe Post Office which was designed and is designated for parking shall be known as Town Lot P. This parcel is situated between Lot 1 of Block 27 and Lot 6 of Block 26, Village of LaPointe.
- I. Town Lot "R" (Recreation Center Parking Lot). The parcel of land south of the LaPointe Recreation Center, which was designed and is designated for parking shall be known as Town Lot R. This parcel is in Lot 5 of Block 45, Section 30, Township 50 North, Range 3 West and is land parcel no. 438-0200.
- J. Sunny Slope Lot "S." The parcel of land south of Sunny Slope Road which was designed and designated for parking shall be known as Town Lot S. This parcel is in Section 30 Township 50 North, Range 3 West, Lot 1 Block 2 and one-half wated alley adjoining. The described parcel shall hereinafter be referred to as Town Lot "S." [Added 11-26-2002]
- K. Winter Transportation Terminal Lot "T." The parcel of land adjacent to the Winter Transportation Terminal Building which was designed and designated for parking shall be known as Town Lot T. This parcel is in Section 30, Township 50 North, Range 3 West, and is land parcel No. 199-0000. [Added 11-26-2002]
- L. Town Lot "W" (parking lot at intersection of Whitefish Street and Colonel Woods Avenue). The parcel of land northeast of the intersection of Whitefish Street and Colonel



§ 425-17. Town Lot W restrictions.

No person shall park or leave any vehicle, trailer or tangible property in any part or portion of Town Lot W for a period of more than four consecutive days between April 1 and October 31, or for a period longer than 14 consecutive days between November 1 and March 31.

§ 425-18. Extended parking as per permit in lots R and W.

Extended parking may be allowed in Town Lots R and W pursuant to a written permit issued by the Town of LaPointe. Any person desiring to receive an extended parking permit for Town Lots R and/or W shall submit a Town-approved written application for an extended parking permit to the Town of LaPointe Town Clerk which has been properly completed, which indicates the applicant's name and address, the number of days requested, the reason for the permit, the vehicle or trailer to be parked, along with the applicable fee. In order for an extended parking permit issued by the Town to be valid, such extended parking permit shall be prominently displayed inside the windshield of the parked vehicle on the driver's side, where the permit can be clearly observed by a parking attendant or law enforcement officer. The fee for an extended parking permit is \$1 per day.

§ 425-19. Violation of permit terms.

Any person who causes, allows, or is responsible for any vehicle, trailer or tangible property which is so situated as to violate a term or provision of a parking permit issued by the Town of LaPointe is in violation of this article and is subject to the applicable penalty set forth herein.

§ 425-20. Parking spaces reserved for disabled persons.

- A. Spaces in Town Lots A, D, E, F, H, L, M, P, R, S, T and W may be reserved, by sign or otherwise, for use only by motor vehicles used by a physically disabled person. A motor vehicle used by a physically disabled person means a motor vehicle displaying special registration plates issued under § 341.14 Wisconsin Statutes, or a special identification card issued under § 343.51 Wisconsin Statutes, or a motor vehicle registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a physically disabled person. [Amended 11-26-2002]
- B. Only motor vehicles specified above, which are then being used by a physically disabled person, are permitted to park in a parking space reserved for use by motor vehicles used by a physically disabled person.

§ 425-21. Individual parking spaces.

- A. If a Town parking lot contains lines designating individual parking spaces within that parking lot, vehicles, trailers, or other personal property which are parked or present in that Town parking lot shall be parked or situated between such lines and within a single parking space, to the extent possible.

§ 425-10. Town Lot F restrictions.

No person shall park or leave any vehicle, trailer or tangible property in any part or portion of Town Lot F between the hours of 2:30 a.m. and 5:30 a.m.

§ 425-11. Town Lot H restrictions.

- A. No person shall park or leave any vehicle, trailer or tangible property in any portion or part of Town Lot H between the hours of 2:30 a.m. and 5:30 a.m. unless such person is then conducting business in the Town Hall or is then maintaining the Town Hall building or its grounds.
- B. No person, other than the person holding the office or position designated on the sign, shall park or leave any vehicle, trailer or tangible property in any portion or area of Town Lot H designated by a sign.

§ 425-12. Town Lots L and M restrictions.

No person shall park or leave any vehicle, trailer or tangible property in any part or portion of Town Lot L or Town Lot M between the hours of 2:30 a.m. and 5:30 a.m.

§ 425-13. Town Lot P restrictions.

- A. No person shall park or leave any vehicle, trailer or tangible property in any part or portion of Town Lot P between the hours of 2:30 a.m. and 5:30 a.m.
- B. No person shall park or leave any vehicle, trailer or tangible property in Town Lot P for more than 15 minutes between the hours 9:00 a.m. and 5:00 p.m. on Monday through Friday, or between the hours of 9:00 a.m. and 2:00 p.m. on Saturdays.

§ 425-14. Town Lot R restrictions.

No person shall park or leave any vehicle, trailer or tangible property on any part or portion of Town Lot R for a period of more than four consecutive days between April 1 and October 31, or for a period of more than 14 consecutive days between November 1 and March 31.

§ 425-15. Town Lot S restrictions. [Added 11-26-2002; amended 3-8-2005]

Parking restrictions in Municipal Lot "S" are as follows: No person shall park or leave any vehicle, trailer, or tangible property for a period longer than four consecutive days in the parking lot known as Town Lot "S."

§ 425-16. Town Lot T restrictions. [Added 11-26-2002]

Parking is restricted to allow those who are physically disabled, operators and maintenance personnel of the Winter Transportation Terminal.

425-23 of this article, or any other section of this article for which a penalty is not specifically set forth, shall be subject to the following penalties: [Amended 11-26-2002]

- (1) A forfeiture of \$10 if the parking violation notice or citation is paid within 10 days from the date of its issuance.
 - (2) A forfeiture of \$20 if the parking violation notice or citation is paid after 10 days from the date of its issuance.
 - (3) If a parking violation notice or citation is not paid within 28 days of the date of its issuance, and the matter goes to court, the violator is also responsible for payment of any court costs, fees, assessments, penalties, surcharges, witness fees, mileage, reasonable attorney fees of the Town and other amounts which are applicable.
- B. Any person or entity violating any term or provision of § 425-9B, 425-20, 425-24, 425-28 or 425-32 of this article shall be subject to the following penalties:
- (1) A forfeiture of \$25 if the parking violation notice or citation is paid within 10 days from the date of its issuance.
 - (2) A forfeiture of \$50 if the parking violation notice or citation is paid after 10 days from the date of its issuance.
 - (3) If a parking violation notice or citation is not paid within 28 days of the date of its issuance and the matter goes to court, the violator is also responsible for payment of any court costs, fees, assessments, penalties, surcharges, witness fees, mileage, reasonable attorney fees of the Town and other amounts which are applicable.

§ 425-27. Procedure.

- A. A person charged with a violation of this article may mail the amount of the forfeiture to the Town Treasurer at the LaPointe Town Hall.
- (1) In the alternative, a person charged with a violation of this article may deposit the amount of the forfeiture in the locked deposit box maintained for this purpose located outside the LaPointe Town Hall.
 - (2) When a person mails the amount of the forfeiture to the Town Treasurer or deposits the amount of the forfeiture in the locked deposit box located outside the LaPointe Town Hall, which is maintained for this purpose, within 28 days of the issuance of the parking violation notice or citation, the parking violation notice or citation will not be filed with or transmitted to court, provided the correct amount of deposit was received by the Town Treasurer by the required date.
- B. If the person appears in court in response to a parking violation notice or citation for a violation of this article, the procedures under §§ 345.34 to 345.47 Wisconsin Statutes apply.
- C. If a person charged with a violation of this article does not pay the forfeiture to the Town Treasurer or deposit the forfeiture in the locked box provided for these deposits located outside the LaPointe Town Hall, within 28 days after the parking violation notice or

citation is issued, the procedures set forth in Subsections 3 through 7, inclusive, of § 345.28 Wisconsin Statutes apply.

- D. The provisions of Chapter 345, Wisconsin Statutes, relating to non-moving traffic violations apply to violations of this article.
- E. Parking violation notice envelopes addressed to the Town Treasurer, at the Town of LaPointe Town Hall, LaPointe, Wisconsin, containing a deposit for a violation of this article shall be deemed received by the Town and paid only when actually physically received by the Town Treasurer or the Town Treasurer's designee on a business day when the Town Hall is open. The risk of non-delivery or untimely delivery of a forfeiture or deposit for a violation of this article is on the sender and not on the Town or its Treasurer.

§ 425-28. Deposit box rules.

No person shall intentionally deposit or place anything in, on, or around the deposit box located outside the LaPointe Town Hall, which the Town maintains for deposits and forfeitures, other than Parking Violation Notice envelope, envelopes containing citations, envelopes containing a deposit or forfeiture, or related correspondence.

§ 425-29. Separate violation.

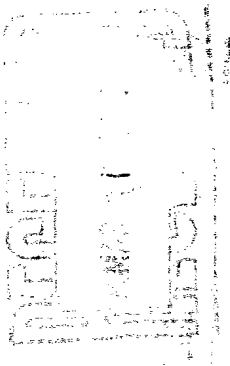
Each individual day a violation of any term or provision of this article occurs shall be a separate and distinct violation for which a separate and distinct penalty may be imposed.

§ 425-30. Abandoned vehicles.

Section 342.40, Wisconsin Statutes, is hereby incorporated herein by reference as though fully set forth herein which applies within the Town of LaPointe.

§ 425-31. Towing and towing expenses.

- A. In addition to the penalty provisions of this article, any vehicle, trailer or personal property which is parked or situated in any Town parking lot in violation of any term or provision of this article is subject to being moved, removed, and/or towed by the Town or at the Town's direction or request.
- B. Property which is so moved, removed, and/or towed, in or from any Town parking lot, is responsible for payment and/or reimbursement for all costs, expenses, and charges associated with such activity, as well as for any storage or disposal costs, expenses, or charges which result.



§ 425-32. Impound lot.

- A. The Town will establish and maintain in the Town of LaPointe a separate area or lot in which vehicles, trailers and other personal property which are in violation of this article are impounded. Such impound lot may also be used for other law enforcement purposes.
- B. When a vehicle, trailer or other item of personal property which was in violation of this article or was in violation of any other law, regulation or ordinance has been placed in the Town's impound lot by or at the request or direction of a parking attendant or law enforcement officer who has a duty or responsibility to enforce this article, such vehicle, trailer or item of personal property may not be removed from the Town's impound lot until all amounts due to the Town of LaPointe have been paid to the Town Treasurer or deposited with the Town Treasurer, including, but not limited to all applicable forfeitures or fines, all towing charges and expenses, all storage charges and expenses, and any other fees, expenses or charges associated with abandoned vehicles or property. Each vehicle, trailer, or other item of personal property which is parked or placed in the Town's impound lot at the request or direction of a parking attendant or law enforcement officer shall pay an impound lot storage fee to the Town of LaPointe of \$15 per day for each day such vehicle, trailer, or personal property is impounded in such impound lot.

§ 425-33. Presumptions.

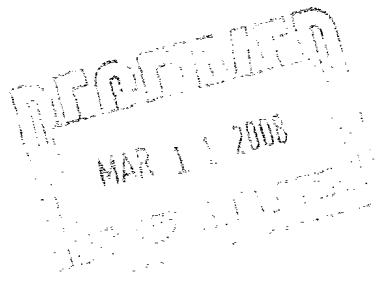
It shall be presumed for the purpose of this article that the registered owner of each registered vehicle or registered trailer is the person responsible for such vehicle or trailer parked in violation of this article. It shall be presumed for the purpose of this article that the person using or possessing any unregistered vehicle, unregistered trailer or other tangible property found situated in a Town parking lot in violation of this article, is the violator of this article.

§ 425-34. Definitions.

The definitions of words and terms set forth in Chapters 340 through 348, inclusive, of Wisconsin Statutes, are incorporated herein by reference.

§ 425-35. Amendments to statutes.

When any section, subsection, or provision of Wisconsin Statutes which is referred to herein is hereafter amended, this article shall be deemed to have been automatically and simultaneously similarly amended so as to remain in conformance with such amended section, subsection or provision of Wisconsin Statutes.



ARTICLE IV
Parking
[Adopted 3-27-2001]

§ 425-36. Restrictions.

Bell Street

No person shall park or leave any vehicle, trailer, or tangible property on any part or portion of Bell Street between 2:30 a.m. and 5:30 a.m.

Colonel Woods Avenue

No person shall park or leave any vehicle, trailer or tangible property on any part or portion of Colonel Woods Avenue from its intersection with Main Street to its intersection with Whitefish Street.

No person shall park or leave any vehicle, trailer or tangible property on the South side of Colonel Woods Avenue from its intersection with Whitefish Street to its intersection with Library Street.

No person shall park or leave any vehicle, trailer or tangible property on any part or portion of Colonel Woods Avenue between 2:30 a.m. and 5:30 a.m.

Griggs Approach Road

No person shall park or leave any vehicle, trailer or tangible property unattended on any part or portion of Griggs Approach Road.

Le Seurer Street

No person shall park or leave any vehicle, trailer or tangible property on any part or portion of Le Seurer Street between 2:30 a.m. and 5:30 a.m.

Library Street

No person shall park or leave any vehicle, trailer or tangible property on any part or portion of Library Street from its intersection with Colonel Woods Avenue to its intersection with Rice Street.

No person shall park or leave any vehicle, trailer or tangible property on the South side of Library Street from its intersection with County Highway H (Big Bay Road) to its intersection with Rice Street.

No person shall park or leave any vehicle, trailer or tangible property on any part or portion of Library Street between 2:30 a.m. and 5:30 a.m.

Main Street

No person shall park or leave any vehicle, trailer or tangible property on any part or portion of Main Street from its intersection with County Highway H (Middle Road) to its intersection with County Highway H (Big Bay Road) between 2:30 a.m. and 5:30 a.m.

No person shall park or leave any vehicle, trailer or tangible property on any part or portion of Main Street between its intersection with the entrance of the LaPointe Town Dock and its intersection with the exit of the LaPointe Town Dock

No person shall park or leave any vehicle, trailer or tangible property on the East side of Main Street from the intersection of County Highway H (Middle Road) for 890 feet South.

No person shall park or leave any vehicle, trailer or tangible property on the West side of Main Street from 890 feet South of the County Highway H (Middle Road) intersection to the South end of Main Street.

No person shall park or leave any vehicle, trailer or tangible property on the West side of Main Street from the Town Dock Entrance to the corner of its intersection with Main Street and Big Bay Road on Sundays and other days as needed from May 25 to October 10. This subsection shall only be in effect and enforced when temporary no parking signs have been placed or installed by a Town of LaPointe law enforcement officer or highway maintenance employee.

O'Brien Court

No person shall park or leave any vehicle, trailer or tangible property unattended on any part or portion of the West end of O'Brien Court which is hereby designated as a closed end turn around cul-de-sac area.

No person shall park or leave any vehicle, trailer or tangible property on the North side of O'Brien Court.

No person shall park or leave any vehicle, trailer or tangible property unattended on any part or portion of O'Brien Court between November 15 and May 15.

Old Fort Road (Grants Point)

No person shall park or leave any vehicle, trailer, or tangible property on any part or portion of Old Fort Road South from the intersection of Capser Road between 12:00 a.m. and 6:00 a.m.

No person shall park or leave any vehicle, trailer, or tangible property on any part or portion of Old Fort Road from its intersection with Main Street to its intersection of Capser Road.

Penny Lane

No person shall park or leave any vehicle, trailer or tangible property on any part or portion of Penny Lane.

Rice Street

No person shall park or leave any vehicle, trailer or tangible property on any part or portion of the East side of Rice Street.

No person shall park or leave any vehicle, trailer or tangible property on any part or portion of Rice Street between 2:30 a.m. and 5:30 a.m.

Sunny Slope Road

No person shall park or leave any vehicle, trailer or tangible property on any part or portion of the East end of Sunny Slope Road which is hereby designated a closed-end turn around cul-de-sac area.

No person shall park or leave any vehicle, trailer or tangible property on any part or portion of Sunny Slope Road between the hours of 2:30 a.m. and 5:30 a.m.

Whitefish Street

No person shall park or leave any vehicle, trailer or tangible property on any part or portion of Whitefish Street between 2:30 a.m. and 5:30 a.m.

No person shall park or leave any vehicle, trailer or tangible property on the East side of Whitefish Street between the hours of 7:30 a.m. and 4:30 p.m. between the intersections of County Highway H (Big Bay Road) and Colonel Woods Avenue.

No person shall park or leave any vehicle, trailer or tangible property on any part or portion of the West side of Whitefish Street.

§ 425-37. Designated handicapped parking spaces.

- A. No person shall park or leave any vehicle, trailer or tangible property on any portion of any Town of LaPointe street or road that has been designated as a reserved parking area for motor vehicles used by a physically disabled person. A motor vehicle used by a physically disabled person means a motor vehicle displaying special registration plates issued under § 341.14 Wisconsin Statutes, or a special identification card issued under § 343.51 Wisconsin Statutes, or a motor vehicle registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a physically disabled person.
- B. Only motor vehicles specified above, which are then being used by a physically disabled person, are permitted to park in a parking space reserved for the use by motor vehicles used by a physically disabled person.

§ 425-38. Winter parking; snow removal; maintenance; closure.

- A. Town of LaPointe Law Enforcement Officers and Highway Maintenance employees are hereby empowered and authorized to direct persons to remove a vehicle, trailer, or item of personal property from a highway, street, road, alley and their right-of-ways for snow removal or maintenance purposes. No person shall fail to obey a directive issued under this provision.
- B. No person shall park or leave any vehicle, trailer or tangible property upon any street, road, alley or highway and their right-of-ways in the Town of LaPointe during a snowstorm.
- C. No person shall park or leave any vehicle, trailer or tangible property upon any street, road, alley or highway and their right-of-ways in the Town of LaPointe, where such vehicle impedes or interferes with snowplowing and snow removal procedure.

§ 425-39. Enforcement.

The provisions of this article shall be enforced by a law enforcement officer of the Town of LaPointe, Ashland County Sheriff's Department, or by any other law enforcement officer having jurisdiction in Ashland County, Wisconsin. Attached hereto labeled Exhibit A, is a copy of a parking violation notice envelope form which is hereby adopted and approved by the Town of LaPointe. Use of this parking violation notice envelope or another parking notice form or envelope which is substantially similar, is hereby authorized, as is the use of the then current Standard Wisconsin Uniform Traffic Citation form.

§ 425-40. Violations and penalties.

- A. Any person or entity violating any term or provision of § 425-36 of this article for which a penalty is not specifically set forth shall be subject to the following penalties:

- (1) A forfeiture of \$10 if the parking violation notice or citation is paid within 10 days from the date of its issuance.
 - (2) A forfeiture of \$20 if the parking violation notice or citation is not paid after 10 days from the date of its issuance.
 - (3) If a parking violation notice or citation is not paid within 28 days of the date of issuance, and the matter goes to court, the violator is also responsible for payment of any court costs, fees, assessments, penalties, surcharges, witness fees, mileage, reasonable attorney fees of the Town and other amounts which are applicable.
- B. Any person or entity violating any term or provision of § 425-37 or 425-38 of this article shall be subject to the following penalties:
- (1) A forfeiture of \$25 if the parking violation notice or citation is paid within 10 days from the date of issuance.
 - (2) A forfeiture of \$50 if the parking violation notice or citation is not paid after 10 days from the date of issuance.
 - (3) If a parking violation notice or citation is not paid within 28 days of the date of its issuance and the matter goes to court, the violator is also responsible for payment of any court costs, fees, assessments, penalties, surcharges, witness fees, mileage, reasonable attorney fees of the Town, and other amounts which are applicable.

§ 425-41. Procedure.

- A. A person charged with a violation of this article may mail the amount of the forfeiture to the Town Treasurer at the LaPointe Town Hall.
- B. In the alternative, a person charged with a violation of this article may deposit the amount of the forfeiture in the locked deposit box maintained for this purpose located outside the LaPointe Town Hall.
- C. When a person mails the amount of the forfeiture to the Town Treasurer or deposits the amount of the forfeiture in the locked deposit box located outside the LaPointe Town Hall, which is maintained for this purpose, within 28 days of the issuance of the parking violation notice or citation, the parking violation notice or citation will not be filed with or transmitted to court, provided the correct amount of deposit was received by the Town Treasurer by the required date.
 - (1) If the person appears in Court in response to a parking violation notice or citation for a violation of this article, the procedures under §§ 345.34 to 345.47 Wisconsin Statutes apply.
 - (2) If a person charged with a violation of this article does not pay the forfeiture to the Town Treasurer or deposit the forfeiture in the locked box provided for these deposits located outside the LaPointe Town Hall, within the 28 days after the parking violation notice or citation is issued, the procedures set forth in Sub-Sections 3 through 7 inclusive, of § 345.28 Wisconsin Statutes apply.

- (3) The provisions of Chapter 345, Wisconsin Statutes, relating to nonmoving traffic violations apply to violations of this article.
- (4) Parking Violation Notice envelopes addressed to the Town Treasurer, at the Town of LaPointe Town Hall, LaPointe, Wisconsin, containing a deposit for a violation of this article shall be deemed received by the Town and paid only when actually physically received by the Town Treasurer or the Town Treasurer's designee on a business day when the Town Hall is open. The risk of non-delivery or untimely delivery of a forfeiture or deposit for a violation of this article is on the sender and not on the Town or its Treasurer.

§ 425-42. Deposit box rules.

No person shall intentionally deposit or place anything in, on, or around the deposit box located outside of the LaPointe Town Hall, which the Town maintains for deposits and forfeitures, other than parking violation notice envelope, envelopes containing citations, envelopes containing a deposit or forfeiture, or related correspondence.

§ 425-43. Separate violation.

Each individual day a violation of any term or provision of this article occurs shall be a separate and distinct violation for which a penalty may be imposed.

§ 425-44. Abandoned vehicles.

Section 342.40, Wisconsin Statutes is hereby incorporated herein by reference as though fully set forth herein which applies within the Town of LaPointe.

§ 425-45. Towing and towing expenses.

- A. In addition to the penalty provisions of this article, any vehicle, trailer or personal property which is parked or situated upon any street, road, alley, or highway and their rights-of-way in the Town of LaPointe, and in violation of any term or provision of this article or any term or provision of Wisconsin Statutes, is subject to being moved, removed, and/or towed by the Town or at the Town's direction or request.
- B. The owner/operator or possessor of any vehicle or other property which is so moved, removed and/or towed is responsible for payment and/or reimbursement for all costs, expenses, and charges associated with such activity, as well as for any storage or disposal costs, expenses, or charges which result.

§ 425-46. Impound lot.

- A. The Town may establish and maintain in the Town of LaPointe or elsewhere a separate area or lot in which vehicles, trailers and other personal property which are in violation of this article are impounded. Such impound lot may also be used for other law enforcement purposes.

- B. When a vehicle, trailer or other item of personal property which was in violation of this article or was in violation of any other law, regulation or ordinance, has been placed in the Town's impound lot by or at the request or direction of a parking attendant or law enforcement officer who has a duty or responsibility to enforce this article, such vehicle, trailer or item of personal property may not be removed from the Town's impound lot until all amounts due to the Town of LaPointe have been paid to the Town Treasurer or deposited with the Town Treasurer, including, but not limited to all applicable forfeitures, all towing charges and expenses, all storage charges and expenses, and any other fees, expenses or charges associated with such vehicles or property. Each vehicle, trailer, or other item of personal property which is parked or placed in the Town's impound lot at the request or direction of a parking attendant or law enforcement officer shall pay an impound lot storage fee to the Town of LaPointe of \$15 per day for each day such vehicle, trailer, or personal property is impounded in such impound lot.

§ 425-47. Presumptions.

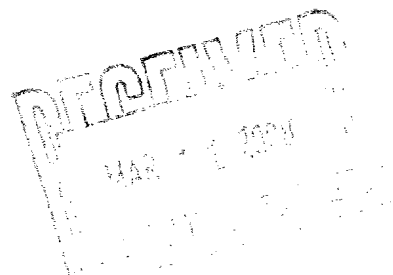
It shall be presumed for the purpose of this article that the registered owner of each registered vehicle or registered trailer is the person responsible for such vehicle or trailer parked in violation of this article. It shall be presumed for the purpose of this article that the person using or possessing any unregistered vehicle, unregistered trailer or other tangible property found parked upon any street, road, alley or highway and their rights-of-way in the Town of LaPointe, in violation of this article, is the violator of this article.

§ 425-48. Definitions.

The definitions of words and terms set forth in Chapters 340 through 349, inclusive, of Wisconsin Statutes, are incorporated herein by reference.

§ 425-49. Amendments to statutes.

When any section, subsection, or provision of Wisconsin Statutes which is referred to herein is hereafter amended, this article shall be deemed to have been automatically and simultaneously similarly amended.



§23. Vehicles and Traffic. (Ch. 425)

Article I, Speed Limits.

The town may want to have this article reviewed to ensure it reflects current signage in the town. Should a penalty section be added?

Decision:

- Add the following penalty:
- Make no change

Article II, Traffic Regulations.

We have included in this article ordinances adopted in 1989 and 1996 establishing one-way streets (see § 425-2); an ordinance adopted in 1990 establishing a two-hour parking limit (see § 425-3); and an ordinance adopted in 1996 closing a portion of Library Street to bus traffic (see § 425-4). The town may want to review these provisions as to whether they are still in effect and whether the forfeitures provided are current and adequate. In particular we were unsure whether the two-hour parking limit (§ 425-3) was meant to be superseded by the parking ordinance adopted by the town in 2001 (see Article IV of this chapter).

Decision:

- See revisions on attached copy
- No changes needed

Article III, Parking Lots.

A. Please clarify whether the parking lot letters should be cited with or without quotation marks, as they appear both ways; that is, which of the following citations is correct: Town Lot "A" or Town Lot A?

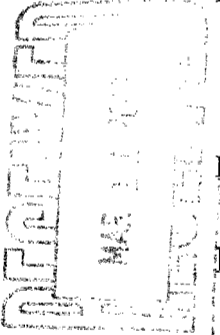
Decision:

- Do not use quotation marks (Town Lot A)
- Use quotation marks (Town Lot "A")

B. Sections 425-7 and 425-18 establish parking permit fees for Lot A and Lots R and W, respectively. Is any change needed in these fees?

Decision:

- Omit fees and provide that fees are set by the Town Board
- Revise as follows:
- Make no change



- C. Section 425-25 refers to a parking violation notice attached as Exhibit A but no such exhibit is actually included. Perhaps the following revision could be made: "The Town Board of the Town of LaPointe hereby adopts and approves a parking violation notice form for use in enforcement of this article, a copy of which is on file at the Town Clerk's office." [If this change is made we will also revise § 425-39, which contains similar wording, accordingly.]

Decision:

- Revise wording as suggested
 Include form; see copy attached
 Other:

- D. The forfeiture amounts in § 425-26 should be reviewed to ensure they are still satisfactory.

Decision:

- See revisions on attached copy
 Make no change

- E. Section 425-31B currently reads "Property... is responsible for payment and/or reimbursement for all costs" which wording does not make sense. We recommend the following revision based on similar wording in § 425-45B:

The owner/operator or possessor of any vehicle or other property which is so moved, removed, and/or towed, in or from any Town parking lot, is responsible for payment and/or reimbursement for all costs, expenses, and charges associated with such activity, as well as for any storage or disposal costs, expenses, or charges which result.

Decision:

- Revise wording as suggested
 Revise as follows:

- F. Section 425-32B establishes an impound lot storage fee of \$15 per day. Is this amount up-to-date? Note that this fee is also stated in § 425-46B.

Decision:

- Omit fees and provide that fees are set by the Town Board
 Revise as follows:
 Make no change

RECEIVED
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TOWN OF LAPOINTE

Article IV, Parking.

This article appears generally satisfactory. Please note that we have reorganized the restrictions in § 425-36 so that the streets are listed in alphabetical order. The forfeiture amounts in § 425-40 should be reviewed to ensure they are still satisfactory.

Decision:

- See revisions on attached copy
- Make no change

~~**§24. Vessels, Nonmotorized. (Ch. 432)**~~

~~Section 432-5E currently provides as follows "For the period of July 1, 2006 to June 30, 2007, the fee for a NMV sticker is \$30. The fee for NMV stickers may be amended by the Town Fee Schedule." The town may want to remove the specific fee so that this section does not need to be amended when the fee is changed. The revised wording could read as follows: "The fee for an NMV sticker shall be as provided by the Town Fee Schedule." A similar change could be made in § 432-7A, which provides for a rental permit fee of \$200. The town would just need to ensure that the adopted Fee Schedule includes these fees.~~

~~**Decision:**~~

- ~~Remove specific fees and revise wording as suggested~~
- ~~Make no change~~

~~**§25. Zoning. (Ch. 450)**~~

~~We received an as-amended version of the Town Zoning Ordinance and have confirmed the inclusion of amendments adopted on 5-10-2005, 10-11-2005, 11-8-2005, 11-14-2005, 11-22-2005, 12-30-2005, 1-26-2006 and 6-27-2006.~~

~~A. Article I, Introduction.~~

- ~~(1) Section 450-1A begins with an ordaining clause, which is not usually included within the text of an ordinance, followed by an incomplete sentence. We recommend revising this wording to read as follows: "For the purposes listed in §§ 60.62, 61.35, 62.23(7) and 87.30, Wis. Stats., the Town Board of the Town of LaPointe adopts the following ordinance to regulate and restrict the location,~~
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