

CHAPTER 14 - RED CLIFF TRAFFIC CODE

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CHAPTER 14 -- RED CLIFF TRAFFIC CODE

**14.1**                    **SECTION 1: SCOPE AND PURPOSE**

**14.1.1**            The Tribal Council of the Red Cliff Band of Lake Superior Chippewa Indians finds that the operation of motor vehicles on reservation threatens and has a direct effect on the political integrity, economic security and health and welfare of the tribe and its members. Pursuant to the inherent powers of the Red Cliff Band to exercise civil authority over the conduct of members and non-members operating motor vehicles on reservation, the Tribal Council of the Red Cliff Band has enacted this Red Cliff Traffic Code regulating traffic within the boundaries of the Red Cliff Reservation.

**14.2**                    **SECTION 2: CITATION**

**14.2.1**            When any provision of this Red Cliff Traffic Code incorporates by reference a provision of the Wisconsin Statutes, the Red Cliff Traffic Code section shall be cited as RC followed by the section number of the Wisconsin Statutes, which constitutes the underlying violation. (For example, RC 346.46 is a citation to a violation of the Red Cliff Traffic Code based upon an underlying violation of sec. 346.46 of the Wisconsin Statutes).

**14.3**                    **SECTION 3: DEFINITIONS**

**14.3.1**            The definitions of terms used in this Red Cliff Traffic Code shall be those of Chapter 340 of the Wisconsin Statutes.

**14.4**                    **SECTION 4: INCORPORATION OF WISCONSIN STATUTES**

**14.4.1**            It is a violation of the Red Cliff Traffic Code for any person while within the Red Cliff Reservation to do any act, whether by omission or commission, which would constitute a violation of Chapter 346 or Chapter 347 of the Wisconsin Statutes if committed within the jurisdiction of the State of Wisconsin.

**14.5        SECTION 5:    PARKING**

**14.5.1**     It is a violation of the Red Cliff Traffic Code for any person to:

**14.5.2**     Stop or leave standing any motor vehicle at the entrance of the fire or ambulance building so as to inhibit free passage of emergency vehicles.

**14.5.3**     Park or leave standing any motor vehicle, where a no parking area is designated by a posted sign.

**14.5.4**     Park or leave standing a motor vehicle, whether attended or unattended, and whether temporarily or otherwise, within any Red Cliff housing development unless said vehicle is within the designated areas for parking, which are those areas covered with gravel blacktop or concrete.

**14.5.5**     Leave an inoperable vehicle standing on any portion of any leased premises within any Red Cliff housing development.

**14.5.6**     Park, stop or leave standing any vehicle upon any portion of a street, or public or private parking facility reserved for vehicles which are designated for a physically disabled person.

**14.5.7**     Remove a Red Cliff parking citation from a motor vehicle unless such person is the owner or operator of the vehicle.

**14.5.8**     Unless otherwise specified by the Red Cliff Tribal Council, parking at the pow wow grounds located at        36750 State Hwy 13, shall be strictly prohibited.

**(6-23-15)**

**14.5.9**     Handicap parking at the pow wow grounds shall be restricted to automobiles only and in areas authorized by Tribal Council and designated by sign.

**(6-23-15)**

- 14.5.10** Recreational Vehicles, Camping Trailers and Motor Homes are prohibited from parking on any part of the pow wow grounds. RV's, Campers and Motor Homes shall be restricted to designated areas unless a pre- approval has been issued by the Red Cliff Tribal Council. (6-23-15)
- 14.5.11** Parking shall be prohibited on either side of Blueberry Road from Highway 13 to N Bradum Road between the hours of 10pm and 8am, subject to the exceptions set forth in sections 14.5.12 and 14.5.13 below. (10-26-15)
- 14.5.12** The parking of vehicles on Blueberry road is permitted for family gatherings, social gatherings, weddings, graduations, funerals or cultural events provided all other restrictions in this section 14.5 are followed and all driveway and on-site parking is first occupied. (10-26-15)
- 14.5.13** For the purpose of this section a "family or social gathering" is defined as a special occasion such as birthdays, graduation, holidays, or other special events. It does not include routine gatherings or meetings. (10-26-15)
- 14.5.14** It shall be unlawful to park on any roadway within fifteen (15) feet of a fire hydrant. (10-26-15)
- 14.5.15** This ordinance shall not apply to any vehicle which is disabled to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on Blueberry Road provided said vehicle is parked as far off the roadway as possible and does not impede the flow of traffic. (10-26-15)
- 14.5.16** Disabled vehicles MUST be removed within twelve (12) hours or will be removed by an authorized towing service at the expense of the vehicle owner. (10-26-15)
- 14.5.17** The Red Cliff Police Department is hereby authorized to have immediately removed by an authorized towing

service, any vehicle deemed disabled, abandoned, or otherwise left in a manner obstructing traffic or otherwise creating a safety hazard in accordance with section 14.6 of this ordinance. (10-26-15)

**14.5.18** It is unlawful for any person to park a motor vehicle on the side of Blueberry Road for the principal purpose and intent of displaying the motor vehicle for sale, hire, or rental. This provision does not prohibit a person from parking his or her own motor vehicle or his or her other personal property on any private property which the person owns or leases or on private property which the person does not own or lease, but for which he or she obtains the permission of the owner. (10-26-15)

**14.5.19** Any vehicle found in violation of this ordinance is subject to a civil forfeiture of not less than \$25.00 and no more than \$500.00. (10-26-15)

**14.6**                    **SECTION 6: REMOVAL OF ILLEGALLY PARKED VEHICLES**

**14.6.1** Any vehicle parked, stopped or standing upon any street, highway or parking facility in violation of any of the provisions of this Red Cliff Traffic Code is declared to be hazard to traffic and public safety.

**14.6.2** Such vehicle shall be removed by the operator or owner immediately upon request of any Law Enforcement Officer, to a position where parking is permitted.

**14.6.3** It is a violation of the Red Cliff Traffic Code for an owner or operator to fail to remove an illegally parked vehicle immediately after being requested to do so by a Law Enforcement Officer.

**14.6.4** Any Law Enforcement Officer after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this code is authorized to remove such vehicle to a position where parking is permitted.

14.6.5 The Law Enforcement Officer may order a towing service to remove and store such vehicle.

14.6.6 The owner or operator of such vehicle shall be liable for towing or other fees incurred for the removal of said vehicle.

14.7 **SECTION 7: REGISTRATION RECORD OF VEHICLE AS EVIDENCE**

14.7.1 When a vehicle is found upon a street or highway in violation of any provision of this code regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this code and shall be subject to applicable civil forfeitures plus court costs, penalty assessments, and towing charges.

14.8 **SECTION 8: DISORDERLY CONDUCT WITH A MOTOR VEHICLE**

14.8.1 No person shall operate a motor vehicle so to cause or provoke a disturbance of the peace, including but not limited to unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engines, or blowing of horn.

14.9 **SECTION 9: SPEED LIMIT**

14.9.1 It is a violation of the Red Cliff Traffic Code to:

(a) Operate any motor vehicle in excess of 25 MPH upon Blueberry (Government) Road from the junction of Highway 13 to the north side of Red Cliff Creek.

(b) Operate any motor vehicle in excess of 35 MPH from the north side of Red Cliff Creek to the junction of Emil's Road and Blueberry Road.

**14.9.2** It is a violation of the Red Cliff Traffic Code for the operator of any motor vehicle to operate such vehicle upon the following roadways within the Red Cliff reservation at a speed in excess of 20 miles per hour:

(a) That portion of Butterfield Road, Old Housing Road, Pikes Road, Buffalo Road or any other road within 300 feet of any housing development.

**14.9.3** No person shall drive a vehicle in excess of any speed limit indicated by official traffic signs.

**14.10**     **SECTION 10: LICENSE AND REGISTRATION**

**14.10.1** Except as otherwise provided in this Red Cliff Traffic Code, it is a violation of this Code for a person to do any act, which is a violation of sec. 341.04 or sec. 343.05 of the Wisconsin Statutes.

**14.11**     **SECTION 11: OPERATION OF MOTOR VEHICLES BY THE HANDICAPPED**

**14.11.1** The Tribal Council finds that transportation in an isolated, rural area is especially difficult for residents of the Red Cliff Reservation with physical disabilities who have no access to a bus, van, car or other means of transportation. The lack of adequate transportation for persons unable to walk even short distances on reservation directly affects the economic security and health and welfare of the tribe. Pursuant to its civil authority over members and non-members on reservation, the Tribal Council enacts this section regulating the use of motor vehicles by the handicapped.

**14.11.2** Qualified handicapped individuals may operate motor vehicles on roadways within the Red Cliff

Reservation subject to the restrictions of this section.

**14.11.3** No person shall operate a motor vehicle which is not registered and licensed by the State of Wisconsin on any roadway within the reservation unless such vehicle:

(a) Is equipped with working safety features including headlights, taillights, braking system, fenders; and

(b) Displays a slow-moving vehicle sign mounted on the rear of the vehicle; and

(c) Is registered with the Red Cliff Police Department; and

(d) Is operated by a qualified handicapped driver who has a valid special handicapped driver's license issued by the Red Cliff Police Department.

**14.11.4** No person shall operate a motor vehicle not registered and licensed by the State of Wisconsin, whether or not the operation of the vehicle conforms to the requirements of sec. 14.11.3, if:

(a) The vehicle carries a passenger; or

(b) The operator license or vehicle registration has been suspended or revoked; or

(c) The vehicle is driven along Highway 13, provided that nothing in this paragraph (3) shall be construed to prohibit a licensed handicapped operator from crossing Highway 13 after stopping and yielding the right of way to all vehicles approaching on the highway; or

(d) The operator is intoxicated as defined in Chapter 346 of the Wisconsin Statutes; or



(e) The vehicle is driven in excess of speed limits established in this Red Cliff Traffic Code.

**14.12      SECTION 12: PENALTIES**

**14.12.1**      A violation of the Red Cliff Traffic Code is a civil forfeiture violation punishable by a maximum civil forfeiture of \$5,000.00.

**14.12.2**      The amount of any civil forfeiture imposed by this Code shall be an amount within the range of monetary forfeitures provided in the Wisconsin Statutes for the applicable underlying violation of the Wisconsin Statutes.

**14.12.3**      In the event that no civil forfeiture amount is specified for a violation of this Code, the civil forfeiture imposed shall be at least \$20.00 but not greater than \$250.00, plus court costs and penalty assessments.

**14.12.4**      Court costs of \$10.00 are imposed in addition to any civil forfeiture.

**14.12.5**      A penalty assessment of 15% of the amount of any civil forfeiture imposed for a violation of this Red Cliff Traffic Code is hereby imposed for the Red Cliff Law Enforcement Training and Improvement Fund.

**14.12.6**      Pursuant to 2009 Wisconsin Act 100, any person convicted of a 1<sup>st</sup> offense OWI with an alcohol content of 0.15 or higher, or any person who refused to submit to a chemical test of their breath or blood, the Court shall order a person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device in accordance with sec. 343.301 of the Wisconsin Statutes and shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device for a period of not less than 1

year. If equipping each motor vehicle with an ignition interlock device would cause an undue financial hardship, the court may order that one or more vehicles not be equipped with an ignition interlock device. (12-6-2010H)

**14.13      SECTION 13: CITATION PROCEDURE**

**14.13.1** If a person is cited for a violation of this Red Cliff Traffic Code, the Law Enforcement Officer shall issue a citation and, (a) may release him, and may then cite him for a violation of state law, or (b) shall release him when he:

- (a) Makes a deposit under sec. 14.14; or
- (b) Presents a guaranteed forfeiture bond certificate conforming to the requirements of sec. 345.61, Wisconsin Statutes; or
- (c) Signs a signature bond on a form prescribed by the Tribal Council.

**14.14      SECTION 14: DEPOSIT**

**14.14.1** A person cited for a violation of this Red Cliff Traffic Code may make a deposit prior to a scheduled court appearance, which deposit shall be forfeited to the Red Cliff Tribal Court in the event that the accused fails to appear in court. The deposit shall include the amount of the civil forfeiture, plus court costs and applicable penalty assessments, as provided in the Uniform State Traffic Deposit Schedule of the State of Wisconsin in effect at the time the violation occurred. If the defendant is found not guilty following a trial the deposit shall be returned to the defendant.

**14.15      SECTION 15: FAILURE TO APPEAR**

**14.15.1** If the defendant fails to appear in court at the time fixed in the citation or by subsequent postponement, the citation may serve as the initial pleading and the defendant shall be deemed to have tendered a plea of no contest and

submitted to a forfeiture, plus costs and penalty assessments, not exceeding the amount of the deposit.

**14.16**      **SECTION 16: OTHER REGULATIONS; INTERPRETATION; NOTICES**

**14.16.1**      The savings clause, publication, and all other provisions of Chapter 27 of the Red Cliff Code of Laws shall apply to this Red Cliff Traffic Code.

**14.16.2**      In the event that any provision of this Red Cliff Traffic Code conflicts with the provisions of the Wisconsin Statutes, this Red Cliff Traffic Code shall govern.

**14.16.3**      In the event that any section of the Wisconsin Statutes, which is the underlying basis of a provision of the Red Cliff Traffic Code, requires that a report, notice, or other document be filed with the State Department of Transportation, such report, notice, or other document shall be filed with the Red Cliff Band.

**14.16.4**      The sole punishment imposed for a violation of this Red Cliff Traffic Code is a civil forfeiture imposed by sec. 14.12 of this Code, and no criminal penalty, penal sum, criminal forfeiture, or term of imprisonment shall be imposed on any person for any violation of this code.

**14.16.5**      The operation of Snowmobile and Off-Road Vehicles shall be governed by Chapter 13 of the Red Cliff Code of Laws.

**14.17**      **SECTION 17: MANDATORY LIABILITY INSURANCE**

**14.17.1**      No person may operate a motor vehicle within the boundaries of the Red Cliff reservation unless the owner or operator of the vehicle has in effect a motor vehicle liability policy with respect to the vehicle being operated.

**14.17.2**      No person may operate a motor vehicle within the boundaries of the Red Cliff reservation unless the person, while operating the vehicle, has in

his or her immediate possession proof that he or she has in effect a motor vehicle liability policy with respect to the vehicle being operated. The operator of the motor vehicle shall provide the proof required upon demand from any traffic officer. (12-6-2012H)