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Sussex, Wisconsin 53089
Phone (262) 246-5200
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Email: info@villagesussex.org
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AGENDA
PUBLIC WORKS COMMITTEE
VILLAGE OF SUSSEX
6:00 P.M. TUESDAY, SEPTEMBER 6, 2016
SUSSEX VILLAGE HALL – LOWER LEVEL

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Village of Sussex Public Works Committee, at which a quorum of the Village Board may attend in order to gather information about a subject which they have decision making responsibility. The meeting will be held at the above noted date, time and location. Notice of Village Board Quorum, (Chairperson to announce the following if a quorum of the Village Board is in attendance at the meeting: Please let the minutes reflect that a quorum of the Village Board is present and that the Village Board members may be making comments under the Public Comments section of the agenda, during any Public Hearing(s) or if the rules are suspended to allow them to do so.)

1. Roll call.
2. Consideration and possible action on minutes of the regular Public Works meeting on August 2, 2016.
3. Comments from citizens present and correspondence/communications received from citizens.
4. Consideration and possible action on bills for payment.
5. Consideration and possible action on Utility Items:
6. Consideration and possible action on Sidewalk and Street Items:
 - A. Snowblower purchase for loader
 - B. Resolution to Remove a Portion of Main Street from the County Trunk Highway System.
 - C. Ordinance to Repeal and Recreate Section 7.02, 7.14(2), 7.13(3), and to Create Section 7.17(3) of the Village of Sussex Municipal Code related to the Official Traffic Map, Regulation of Heavy Traffic, and Related Penalties.
 - D. Ordinance to Repeal And Recreate Certain Penalty Provisions Within The Village Of Sussex Village Code.
7. Consideration and possible action on Other Public Works Items:
 - A. Designation and Sale of Surplus Equipment
 - B. Survey and Engineering services contract for Village Park Master Plan Phase 1

8. Staff report, update and issues, and possible action regarding subdivision, developments, and projects:
 - A. Engineer's Report
 - B. Request from Brandon Oaks Homeowners Association
9. Other discussion for future agenda topics
10. Adjournment.

Tim Dietrich
Chairperson

Jeremy Smith
Village Administrator

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Jeremy Smith at 246-5200.

VILLAGE OF SUSSEX
SUSSEX, WISCONSIN

Minutes of the Public Works Committee meeting held on August 2, 2016.

Tim Dietrich called the meeting to order at 6:00 p.m.

Members present: Trustees Tim Dietrich, Bob Zarzynski, President Greg Goetz and Rick Vodicka

Members excused: Trustee Lee Uecker

Staff present: Administrator Jeremy Smith, Asst. Administrator Melissa Weiss and Administrative Services Director Casen Griffiths

Others present: Trustee Pat Tetzlaff and Bill Wiesneski

A quorum of the Village Board was present at the meeting.

A motion by Vodicka seconded by Zarzynski, to approve the minutes of the July 12, 2016 Public Works Committee meeting, as presented. Motion carried.

Comments from citizens present and correspondence/communications received from citizens:

There was no one present who wished to be heard.

Consideration and possible action on bills for payment:

A motion by Vodicka, seconded by Goetz, to recommend that the Village Board approve the Public Works bills for payment in the amount of \$2,870,201.03 as presented. Motion carried.

Consideration and possible action on Utility Items:

A motion by Zarzynski, seconded by Vodicka to recommend that the Village Board accept the bid from JT Rams for roof repair at the Wastewater Treatment Facility in the amount of \$12,684 with a \$1,000 contingency. Motion carried.

Consideration and possible action Sidewalk and Street Items:

None

Other Public Works Items:

None

Engineer's Report.

Ms. Weiss presented the engineer's report. Work on Main Street continues with the first concrete pour occurring for the retaining wall and WE Energies has begun electrical line replacements. Design work on Phase Two of Main Street is ongoing. There are several development that are currently in process. Woodside Ridge's roads and utilities are complete. Sussex Preserve has road construction underway. Johannsen Farms road and utility plans have been approved, with grading to be done next month. Marchese/Duchow phase one is complete, with phase two plans being reviewed. Sussex IM's water main and path extension have been approved.

Mr. Smith noted that the Villas of Brandon Oaks will likely be coming to next month's meeting to discuss utilities and maintenance issues.

Other discussion for future agenda topics:

None

A motion by Goetz, seconded by Zarzynski to adjourn the Public Works Committee meeting at 6:11 p.m.

Motion carried.

Respectfully submitted,

Casen J. Griffiths
Administrative Services Director

VILLAGE OF SUSSEX
PUBLIC WORKS COMMITTEE
BILLS FOR PAYMENT

9/6/2016

VENDOR	AMOUNT		%COMPLETED	NOTES
ADVANTAGE PURCHASING, LLC	\$ 410,689.98	VOS CIVIC CENTER - MATERIALS	84%	
ADVANTAGE PURCHASING, LLC	\$ 56,565.11	VOS CIVIC CENTER - MATERIALS	86%	
KAHLER SLATER	\$ 1,250.00	ARCHITECTURAL DESIGN SERVICES FOR SOS REV EQUIPMENT	100%	
KAHLER SLATER	\$ 13,089.09	VOS CIVIC CENTER	96%	
MIRON CONSTRUCTION CO., INC.	\$ 465,428.91	VOS CIVIC CENTER	79%	
R.A. SMITH NATIONAL	\$ 2,026.00	SUSSEX PRESERVE - PROF. SERV. 6/1-30/2016	100%	BILL TO DEVELOPER - ART SAWALL
RUEKERT-MIELKE	\$ 5,950.00	HIGH STRENGTH SURCHARGE CORRECTION	70%	
RUEKERT-MIELKE	\$ 11,049.36	MAIN STREET RECON. PHASE II - PROF. SERV. 6/10-7/8/2016	7%	
VINTON	\$ 516,171.27	MAIN STREET RECON. PHASE I	49%	
TOTAL	\$ 1,482,219.72			



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MEMORANDUM

To: Public Works Committee
From: Scott Ascher PW Foreman & Dennis Wolf Assistant PW Director
Date: 08/31/16
Re: Snow Blower

As discussed during Main St. design, the new downtown requires a higher level of snow removal, including hauling snow off site. We need a new piece of equipment to exclusively complete this work. A front-end loader mounted snow blower will be a valuable asset to the Village for effectively and efficiently removing snow from our new downtown terrace areas and the civic campus. Once the snow is pushed off the terrace onto the road the snow blower will then blow the snow into waiting dump trucks. With the front-end loader mounted snow blower we will be able to load a dump truck in under one minute.

Our specifications for the snow blower are that it must have wireless control capabilities and it must fit our current front-end loader.

Three qualifying bids were received and are as follows:

Teamco M7000MD \$86,350.00: Single stage blower, low HP unit, mechanically driven, 84" width & 42" high mouth, helical feeding system, newer to the industry and not proven, manufactured in South Dakota, will not fit a larger front end loader.

SnoGO WK-800 \$125,930: Dual stage blower, all hydraulically driven, no sheer pins, clutch or angle drives, 102" width & 52" high mouth, will also fit a larger loader, proven reliability over 50 years, manufactured in New Berlin, parts readily available for repair.

Larue D40 \$133,260.00: Dual stage blower, mechanically driven with clutch, sheer pins and angle drives, 108" (overall) width & 53" high mouth, from Canada, parts for repair much slower.

Staff recommends approving the purchase of the SnoGO WK-800 for \$125,930.00. This model is a 2 stage blower that has less moving parts, less maintenance, large mouth, and it has proven itself to be a quality product. It will also fit on a larger loader which we lean towards for replacement of the existing at the end of its life. In my opinion this blower should last 25-30 years pending use.

Purchase funds will come from cash capitol. The replacement/depreciation funds are accounted for in the 2017 budget.

RESOLUTION NO. _____

A RESOLUTION TO REMOVE A PORTION OF MAIN STREET
FROM THE COUNTY TRUNK HIGHWAY SYSTEM

WHEREAS, on or about October 1, 1982, the Waukesha County Board of Supervisors, by Resolution No. 132-10/82 approved accepting jurisdiction over a section of highway, that was then known as State Trunk Highway 74, between State Trunk Highway 83 to the intersection of County Trunk Highway VV, which was a distance of 9.3 miles, and this included a section of Main Street in the Village of Sussex between Locust Street to Silver Spring Drive; and

WHEREAS, at approximately that same period of time Waukesha County entered a Jurisdictional Transfer Agreement with the State of Wisconsin whereby Waukesha County assumed control of such highway; and

WHEREAS, from 1982 to date, the Village of Sussex has assumed responsibility for that portion of Main Street that is located between Locust Street and the intersection of Silver Spring Drive, and the Village's acceptance of this responsibility was noted in the foregoing Jurisdictional Transfer Agreement; and

WHEREAS, on or about July 27, 2016, Waukesha County Circuit Court Judge Aprahamian determined that the portion of Main Street located between Locust Street and Silver Spring Drive is not a Village road, but is a part of Waukesha County Trunk Highway VV; and

WHEREAS, Wisconsin Statutes Section 83.025(1)(c) empowers the governing body of a city or a village to remove a street or highway from the County Trunk Highway system, and the Village Board hereby intends to formalize this removal, consistent with the intentions of the State of Wisconsin, Waukesha County, and the Village of Sussex in 1982, and consistent with the authority that has been exercised over this stretch of road from that date to the present date; and

WHEREAS, in addition, the Village Board of the Village of Sussex intends to similarly remove that part of Silver Spring Drive, between Main Street and Hickory Drive from the County Trunk Highway system, and further the Village hereby intends to clarify that the portion of Main Street between Silver Spring Drive and CTH F is not part of the County Trunk Highway system.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Village Board of the Village of Sussex, Waukesha County, Wisconsin, that the portion of Main Street located between Locust Street and Silver Spring Drive is removed from the Waukesha County Trunk Highway system.

BE IT FURTHER RESOLVED, that the portion of Silver Spring Drive between Main Street and Hickory Drive is removed from the Waukesha County Trunk Highway system.

BE IT FURTHER RESOLVED, that the portion of Main Street between Silver Springs Drive and CTH F is not part of the Waukesha County Trunk Highway system, and to the extent there is any doubt it is hereby removed.

Dated this ____ day of _____, 2016.

VILLAGE OF SUSSEX

Gregory L. Goetz, Village President

ATTEST:

Casey Griffiths, Village Clerk/Treasurer

B:\MyFiles\JPM\Sussex\Weight Limits\Main Street Removal from STH.Resolution.VSX.08-26-16

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE SECTION 7.02, 7.14(2), 7.14(3), AND TO CREATE SECTION 7.17(3) OF THE VILLAGE OF SUSSEX MUNICIPAL CODE RELATED TO THE OFFICIAL TRAFFIC MAP, REGULATION OF HEAVY TRAFFIC AND RELATED PENALTIES

WHEREAS, the Village Board intends to update its regulation of heavy traffic in the Village of Sussex, to clarify that not all heavy traffic signage will necessarily be shown on the Official Traffic Map, to clarify that the heavy traffic route is established specifically as authorized by Section 349.17(1), Wisconsin Statutes, and to clarify that the penalties for violating the heavy traffic route are specifically as authorized by Wisconsin Statutes Section 348.21.

NOW, THEREFORE, the Village Board of the Village of Sussex, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 7 of the Village of Sussex Municipal Code entitled "Traffic, Streets and Sidewalks," Section 7.02 entitled "Erection of Official Traffic Signs and Signals," is hereby repealed and recreated as follows:

7.02 ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(1) OFFICIAL TRAFFIC MAP.

(A) Official Traffic Map Established. There is hereby established an Official Traffic Map for the Village of Sussex which may indicate some of the no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, and other restrictions or limitations contained in this code, as from time to time amended or modified by the Village Board when the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations.

(B) Violations Prohibited. When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this section a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this code. Nothing herein shall be interpreted to require that all signs be shown on the Official Traffic Map, or to exempt compliance with applicable laws in the event the actual signage is not reflected in the Official Traffic Map.

(C) Map to be Maintained. A copy of the Official Traffic Map shall be maintained and displayed in the office of the Village Clerk.

- (D) Additions to Map. The Village Board may from time to time make additions to or deletions from the Official Traffic Map by resolution and the Village Engineer or designated representative shall keep such Official Traffic Map current.
- (E) The Village Administrator or designee shall procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Department of transportation giving notice of the provisions of s. 346.57, 346.58, and 346.59, Wis. Stats., and s. 7.04 of this chapter. Nothing herein shall be interpreted to restrict the locations where signs may be placed to only those places depicted on the Official Traffic Map. Signs shall be erected in such locations and manner as to give adequate warning to users of the street, alley or highway in question.
- (2) HEAVY TRAFFIC SIGNAGE.

The heavy traffic route shall be as set forth in Section 7.14.

SECTION 2: Chapter 7 of the Village of Sussex Municipal Code entitled “Traffic, Streets and Sidewalks,” Section 7.14 entitled “Regulation of Heavy Traffic,” is hereby repealed and recreated as follows:

7.14 REGULATION OF HEAVY TRAFFIC.

- (1) All vehicles not operating completely on pneumatic tires and all vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than 12,000 [b1]pounds are prohibited from traveling on any highway in the Village of Sussex, except as authorized by Section 349.17(1), Wis. Stats. The exemptions allowed by Wisconsin Statutes Section 349.17(1) only apply to the extent necessary for such non-traffic route travel, which is defined as the shortest roadway distance between the heavy traffic route and the applicable place of business or residence which has an entrance within the restricted weight zone.
- (2) HEAVY TRAFFIC ROUTES.

A. Main Heavy Traffic Routes. Heavy traffic may travel on these routes in any direction or combination of described highways.: South Corporate Circle, North Corporate Circle, Executive Drive, Hi-Tech Drive, Miller Way, Freiheit Court, Prospect Circle, Sussex Road, Village Drive, and Clover Drive from CTH F to the Sussex Regional Wastewater Treatment Plant Driveway only. ~~Heavy traffic may travel on these routes in any direction or combination of described highways.~~

~~(A)B. HEAVY TRAFFIC RELIEF ROUTE~~Heavy Traffic Relief Route. Heavy traffic may travel on these relief routes only in the direction as specified. ~~Existing~~In the event ~~existing~~ State or County Highway limits ~~may~~ result in heavy traffic ~~lawfully reaching a location where heavy traffic is prohibited~~ ~~becoming located~~ with no relief point, ~~so~~ the following heavy traffic relief routes are available for heavy traffic to return to a County or State Highway:

1. East bound heavy traffic on Main Street ~~e~~East of STH 164 may continue ~~e~~East on Main Street past Locust Street, but must turn ~~s~~South ~~on to at~~ Maple Avenue ~~and may continue south on Maple Avenue~~ to CTH K via southbound Maple Avenue.

2. ~~W~~Northwest bound heavy traffic on Silver Spring Drive ~~w~~West of CTH F may continue ~~w~~West past Hickory Drive, but must turn ~~e~~East ~~on to at~~ Main Street ~~and may continue East on Main Street~~ to CTH F ~~via eastbound Main Street~~.

~~A.(3) Policy in Prosecuting Weight Violations. It is declared to be the public policy of the Village that prosecutions for heavy traffic route violations shall be instituted against the person or entity on whose behalf the vehicle is traveling in the Village, as follows. In instances where a combination of tractor and trailer or semitrailer is used, the person standing in the relationship of the principal or employer to the driver of the tractor portion of the vehicle combination is liable along with the owner. It is a violation of this ordinance for the owner or any other person employing or otherwise directing the operator of the vehicle to require or permit the operation of such vehicle upon a highway contrary to this Section 7.14. This section shall not apply to individuals, partnerships, limited liability companies or corporations whose principal business is leasing, for compensation, vehicles including trailers and semitrailers, but such prosecution shall be instituted against the Lessee of the vehicle. If a violation of this section is committed by a driver who is working for a corporate entity at the time of the offense, the corporate entity shall be deemed to have committed the offense along with the driver, and either the driver or the corporate entity, or both, may be prosecuted for the violation. For purposes of this subsection, a corporate entity includes any firm, association, partnership, trust, company, LLC, or corporation of any kind.~~ [b2]

SECTION 3: Chapter 7 of the Village of Sussex Municipal Code entitled “Traffic, Streets and Sidewalks,” Section 7.17 entitled “Penalties,” subsection (3) is hereby created as follows:

- (3) PENALTIES FOR VIOLATING SECTION 7.14 (HEAVY TRAFFIC ROUTE). The penalty for violating Section 7.14 (Heavy Traffic Route) shall be determined as follows:
1. If the weight exceeds by 1,000 pounds or less, the maximum set forth in this section, a forfeiture of not less than \$50.00 nor more than \$100.00 upon the first conviction and, upon the second and each subsequent conviction within a 12 month period, a forfeiture of not less than \$100.00 nor more than \$200.00.

2. If the weight exceeds by more than 1,000 pounds the maximum set forth in this section, the forfeiture shall be computed according to the following schedule:
 - a. For the first conviction, a forfeiture of ~~not less than \$50 nor more than \$200~~ \$100, plus an amount equal to whichever of the following applies:
 - i. One cent for each pound of total excess load when the total excess is not over 2,000 pounds.
 - ii. Three cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
 - iii. Five cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.
 - iv. Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
 - v. Fifteen cents for each pound of total excess load if the excess is over 5,000 pounds.
 - b. For the 2nd and each subsequent conviction within a 12-month period, a forfeiture of ~~not less than \$100 nor more than \$300~~ \$200, plus an amount equal to whichever of the following applies:
 - i. Two cents for each pound of total excess load when the total excess is not over 2,000 pounds.
 - ii. Five cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
 - iii. Eight cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds.
 - iv. Twelve cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
 - v. Eighteen cents for each pound of total excess load if the excess is over 5,000 pounds.

SECTION 4. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections, or portions

thereof the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

SECTION 5. This ordinance shall take effect immediately upon passage and posting or publication as provided by the law.

Dated this ____ day of _____, 2016.

VILLAGE OF SUSSEX

Gregory L. Goetz, Village President

ATTEST:

Casey Griffiths, Village Clerk/Treasurer

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ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE SECTION 7.02, 7.14(2), 7.14(3), AND TO CREATE SECTION 7.17(3) OF THE VILLAGE OF SUSSEX MUNICIPAL CODE RELATED TO THE OFFICIAL TRAFFIC MAP, REGULATION OF HEAVY TRAFFIC AND RELATED PENALTIES

WHEREAS, the Village Board intends to update its regulation of heavy traffic in the Village of Sussex, to clarify that not all heavy traffic signage will necessarily be shown on the Official Traffic Map, to clarify that the heavy traffic route is established specifically as authorized by Section 349.17(1), Wisconsin Statutes, and to clarify that the penalties for violating the heavy traffic route are specifically as authorized by Wisconsin Statutes Section 348.21.

NOW, THEREFORE, the Village Board of the Village of Sussex, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 7 of the Village of Sussex Municipal Code entitled "Traffic, Streets and Sidewalks," Section 7.02 entitled "Erection of Official Traffic Signs and Signals," is hereby repealed and recreated as follows:

7.02 ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(1) OFFICIAL TRAFFIC MAP.

(A) Official Traffic Map Established. There is hereby established an Official Traffic Map for the Village of Sussex which may indicate some of the no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, and other restrictions or limitations contained in this code, as from time to time amended or modified by the Village Board when the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations.

(B) Violations Prohibited. When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this section a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this code. Nothing herein shall be interpreted to require that all signs be shown on the Official Traffic Map, or to exempt compliance with applicable laws in the event the actual signage is not reflected in the Official Traffic Map.

(C) Map to be Maintained. A copy of the Official Traffic Map shall be maintained and displayed in the office of the Village Clerk.

- (D) Additions to Map. The Village Board may from time to time make additions to or deletions from the Official Traffic Map by resolution and the Village Engineer or designated representative shall keep such Official Traffic Map current.

- (E) The Village Administrator or designee shall procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Department of transportation giving notice of the provisions of s. 346.57, 346.58, and 346.59, Wis. Stats., and s. 7.04 of this chapter. Nothing herein shall be interpreted to restrict the locations where signs may be placed to only those places depicted on the Official Traffic Map. Signs shall be erected in such locations and manner as to give adequate warning to users of the street, alley or highway in question.

(2) HEAVY TRAFFIC SIGNAGE.

The heavy traffic route shall be as set forth in Section 7.14.

SECTION 2: Chapter 7 of the Village of Sussex Municipal Code entitled “Traffic, Streets and Sidewalks,” Section 7.14 entitled “Regulation of Heavy Traffic,” is hereby repealed and recreated as follows:

7.14 REGULATION OF HEAVY TRAFFIC.

- (1) All vehicles not operating completely on pneumatic tires and all vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than 12,000 pounds are prohibited from traveling on any highway in the Village of Sussex, except as authorized by Section 349.17(1), Wis. Stats. The exemptions allowed by Wisconsin Statutes Section 349.17(1) only apply to the extent necessary for such non-traffic route travel, which is defined as the shortest roadway distance between the heavy traffic route and the applicable place of business or residence which has an entrance within the restricted weight zone.

(2) HEAVY TRAFFIC ROUTES.

A. Main Heavy Traffic Routes. Heavy traffic may travel on these routes in any direction or combination of described highways: South Corporate Circle, North Corporate Circle, Executive Drive, Hi-Tech Drive, Miller Way, Freiheit Court, Prospect Circle, Sussex Road, Village Drive, and Clover Drive from CTH F to the Sussex Regional Wastewater Treatment Plant Driveway only.

B. Heavy Traffic Relief Route. Heavy traffic may travel on these relief routes only in the direction as specified. In the event existing State or County Highway limits

result in heavy traffic lawfully reaching a location where heavy traffic is prohibited with no relief point, the following heavy traffic relief routes are available for heavy traffic to return to a County or State Highway:

1. East bound heavy traffic on Main Street East of STH 164 may continue East on Main Street past Locust Street, but must turn South at Maple Avenue and may continue south on Maple Avenue to CTH K via southbound Maple Avenue.

2. Northwest bound heavy traffic on Silver Spring Drive West of CTH F may continue West past Hickory Drive, but must turn East at Main Street and may continue East on Main Street to CTH F.

- (3) Policy in Prosecuting Weight Violations. It is declared to be the public policy of the Village that prosecutions for heavy traffic route violations shall be instituted against the person or entity on whose behalf the vehicle is traveling in the Village, as follows. In instances where a combination of tractor and trailer or semitrailer is used, the person standing in the relationship of the principal or employer to the driver of the tractor portion of the vehicle combination is liable along with the owner. It is a violation of this ordinance for the owner or any other person employing or otherwise directing the operator of the vehicle to require or permit the operation of such vehicle upon a highway contrary to this Section 7.14. This section shall not apply to individuals, partnerships, limited liability companies or corporations whose principal business is leasing, for compensation, vehicles including trailers and semitrailers, but such prosecution shall be instituted against the Lessee of the vehicle.

SECTION 3: Chapter 7 of the Village of Sussex Municipal Code entitled "Traffic, Streets and Sidewalks," Section 7.17 entitled "Penalties," subsection (3) is hereby created as follows:

- (3) PENALTIES FOR VIOLATING SECTION 7.14 (HEAVY TRAFFIC ROUTE). The penalty for violating Section 7.14 (Heavy Traffic Route) shall be determined as follows:
1. If the weight exceeds by 1,000 pounds or less, the maximum set forth in this section, a forfeiture of not less than \$50.00 nor more than \$100.00 upon the first conviction and, upon the second and each subsequent conviction within a 12 month period, a forfeiture of not less than \$100.00 nor more than \$200.00.
 2. If the weight exceeds by more than 1,000 pounds the maximum set forth in this section, the forfeiture shall be computed according to the following schedule:
 - a. For the first conviction, a forfeiture of \$100 plus an amount equal to whichever of the following applies:
 - i. One cent for each pound of total excess load when the total excess is not over 2,000 pounds.

- ii. Three cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
 - iii. Five cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000 pounds.
 - iv. Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
 - v. Fifteen cents for each pound of total excess load if the excess is over 5,000 pounds.
- b. For the 2nd and each subsequent conviction within a 12-month period, a forfeiture of \$200, plus an amount equal to whichever of the following applies:
- i. Two cents for each pound of total excess load when the total excess is not over 2,000 pounds.
 - ii. Five cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.
 - iii. Eight cents for each pound of total excess load if the excess is over 3,000 and not over 4,000 pounds.
 - iv. Twelve cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.
 - v. Eighteen cents for each pound of total excess load if the excess is over 5,000 pounds.

SECTION 4. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections, or portions thereof the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

SECTION 5. This ordinance shall take effect immediately upon passage and posting or publication as provided by the law.

Dated this ____ day of _____, 2016.

VILLAGE OF SUSSEX

Gregory L. Goetz, Village President

ATTEST:

Casey Griffiths, Village Clerk/Treasurer

B:\MyFiles\JPM\Sussex\Weight Limits\Heavy Traffic Route and Penalties.Ordinance.VSX.revised.redlined.jpm.08-31-16

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE CERTAIN PENALTY PROVISIONS
WITHIN THE VILLAGE OF SUSSEX VILLAGE CODE

WHEREAS, it has come to the attention of the Village Administrator that the Village Code contains certain internal inconsistencies with regard to penalties and enforcement; and

WHEREAS, the Village Board hereby intends to clarify and simplify the penalty and enforcement terms of Chapter 7 and Section 25.04 of the Village of Sussex Municipal Code.

NOW, THEREFORE, the Village Board of the Village of Sussex, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 7 of the Village of Sussex Municipal Code entitled "Traffic, Streets and Sidewalks," Section 7.08 entitled "Bicycles," subsection (3) entitled "Registration," subsection (C) is hereby repealed and recreated as follows:

(C) Identification Tag Requirement – Penalty for Non-Registration. Immediately upon registration of the bicycle, the owner shall affix to the bicycle an identification tag sequentially numbered to correspond with the registration. No person shall operate upon the streets of the Village a bicycle without having the identification tag affixed thereto in a plainly visible position. ~~The penalty for not registering a bicycle shall be as set forth in Subsection 7.07(4) PENALTIES of this Municipal Code.~~

SECTION 2: Chapter 7 of the Village of Sussex Municipal Code entitled "Traffic, Streets and Sidewalks," Section 7.08 entitled "Bicycles," subsection (3) entitled "Registration," subsection (E) is hereby repealed and recreated as follows:

- (E) Change of Ownership – Registration ~~—Penalty~~
 1. Within 10 days after any bicycle registered hereunder shall have changed ownership or been dismantled and taken out of operation, the registered owner shall contact the Village by phone or in person and report the change.
 2. Within 10 days after any bicycle registered hereunder changes ownership, the new owner, except bicycle distributors, must register the bicycle with the Village.
 - ~~3. The penalty for the new owner for failing to notify the Village of the change in ownership will be stated in Subsection 25.04 of this Municipal Code.~~

SECTION 3: Chapter 7 of the Village of Sussex Municipal Code entitled “Traffic, Streets and Sidewalks,” Section 7.08 entitled “Bicycles,” subsection (3) entitled “Registration,” subsection (F) is hereby repealed and recreated as follows:

(F) Removal of Identification Tag – Penalty. No person shall remove any identification tag which is registered with the Village. ~~The penalty for removing an identification tag will be as stated in Subsection 7.07(4) PENALTIES of this Municipal Code.~~

SECTION 4: Chapter 7 of the Village of Sussex Municipal Code entitled “Traffic, Streets and Sidewalks,” Section 7.08 entitled “Bicycles,” subsection (4) entitled “Penalties,” is hereby repealed and recreated as follows:

(4) PENALTIES. The Village Board determines that responsibility for compliance with all provisions of this section shall ultimately be the responsibility of the parents and guardians of children, age 16 or younger, who violate the provisions of this section. If such a child violates the terms of this section, his parents and guardians shall be responsible for the same, and persons 17 years old or older shall be personally responsible. ~~and the penalties provided in ss25.04 of the Code or subsection shall apply.~~ Any person responsible for violating the provisions of this section shall upon conviction be subject to a forfeiture not to exceed \$25.00 plus costs of prosecution; or the court may prohibit such person-violator from riding the bicycle for not more than 6 months and may order such person's-violator's registration tag confiscated.

SECTION 5: Chapter 7 of the Village of Sussex Municipal Code entitled “Traffic, Streets and Sidewalks,” Section 7.15 entitled “Enforcement,” is hereby repealed.

~~7.15 ENFORCEMENT.~~

~~(1) — ENFORCEMENT PROCEDURE. The statutory provisions of Section 66.115, 66.119, 66.12, 345.20 to 345.53 and Chapter 199, Wis. Stats. are adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future additions, amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this chapter in order to secure uniform statewide regulation and enforcement of traffic and municipal ordinance violations. Further, the Village of Sussex specifically elects to use the citation method of enforcement.~~

~~(A) — The uniform traffic citation shall be used for violations of this ordinance relating to highway use or provisions hereof in conformity with the State Statutes, Chapter 350, when committed on the highway, but no points shall be assessed against the driver or the operator of a snowmobile.~~

~~(2) — DEPOSIT. Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the police station or at the office of the Clerk of Court or by mailing the deposit to such places. The arresting officer or the person receiving the deposit shall comply with ss.345.26, Wis. Stats. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:~~

~~(A) — If they fails to appear in court at the time fixed in the citation, they will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit; or~~

~~(B) — If they fail to appear in court at the time fixed in the citation, and if the court does not accept the deposit as a forfeiture, they will be summoned into court to answer the complaint.~~

~~The amount of the deposit shall be determined in accordance with the deposit schedule established by the Wisconsin Judicial Conference, per Wisconsin Statutes Section 345.26(2), except as to municipal ordinance violations for which a deposit schedule is established per Wisconsin Statutes Section 800.03(3) and Section 25.04 of the Municipal Code of the Village of Sussex.~~

~~The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefor as required by ss.345.26(3)(b).~~

~~(C) — If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit not less than the maximum forfeiture permitted under this chapter.~~

~~(3) — STIPULATION OF NO CONTEST. Any person charged with a violation of this chapter except ss.7.346.62(1) and 7.346.63(1) may make a stipulation of no contest pursuant to ss.345.27, Wis. Stats., which must be received at the office of the police department or Clerk of Court within 10 days of the date of the alleged violation. Such person shall at the time of entering into the stipulation make the deposit required under sub. (2), if they have not already done so. A person who has mailed or filed a stipulation under this subsection may, however, appear in court on the appearance date and may be relieved from the stipulation for cause shown as required in §345.37, Wis. Stats. [b1]~~

SECTION 6: Chapter 7 of the Village of Sussex Municipal Code entitled “Traffic, Streets and Sidewalks,” Section 7.17 entitled “Penalties,” is hereby repealed.

~~7.17 PENALTIES. The penalty for violation of any provision of this chapter shall be a forfeiture as hereinafter provided, together with costs under Section 345.27, Wis. Stats.~~

~~(1) — STATE TRAFFIC LAWS. Any forfeiture for violation of the state statutes adopted by reference in this chapter shall conform to the forfeiture permitted to be imposed for violation of such statutes as set forth in the uniform deposit and misdemeanor bail schedule of the Wisconsin Judicial Conference, including any variations of increases for subsequent offenses, which schedule is adopted by reference.~~

~~(2) LOCAL TRAFFIC LAWS AND MUNICIPAL ORDINANCE VIOLATION. Except as otherwise provided in this chapter, the penalty for violation of all local traffic laws and municipal ordinance violations of this chapter shall be as provided in Subsection 25.04 of this Municipal Code.~~^[b2]

SECTION 7: Chapter 7 of the Village of Sussex Municipal Code entitled "Traffic, Streets and Sidewalks," Section 7.60 entitled "Penalty," is hereby repealed and recreated as follows:

7.60 PENALTY. ~~Except where specific penalties are provided herein, any~~ Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to ~~a penalty~~ the penalties and remedies as provided in Sec. 25.04 of this Municipal Code. The enforcement procedures of Sec. 25.04(4) shall apply to violation of this chapter or any order, rule or regulations made hereunder, in addition to such other enforcement options as may be specified herein or otherwise available to the Village.

SECTION 8: Chapter 25 of the Village of Sussex Municipal Code entitled "Construction and Effect of Ordinances," Section 25.04 entitled "Penalty," subsection (1) entitled "General Penalty," is hereby repealed and recreated as follows:

(1) GENERAL PENALTY. Except where a specific penalty is provided elsewhere in this Municipal Code, any person who shall violate the provisions of this code or any order, rule or regulation made hereunder shall, upon conviction of such violation, be subject to the penalties and remedies described herein. The terms "adult" and "juvenile" as used herein shall be as defined in Section 938.02, Wisconsin Statutes.

(A) ~~State Traffic Laws And All Other Violations As Set Forth In This Code. Any forfeiture for violation of the State Statutes adopted by reference in this Code shall conform to the forfeiture permitted to be imposed for violation of such statutes as set forth in the Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin Judicial Conference, including any variations of increases for subsequent offenses, which schedule is adopted by reference.~~ Statutory Violations. Upon conviction of a violation of State statutes that are incorporated into this Municipal Code by reference, the forfeiture amount shall be within the range of forfeitures provided by State statutes for violation of such section, along with such other penalties and remedies as may apply by law, and in default of payment of such forfeiture and applicable costs shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

(B) Local Ordinance Violations As Set Forth In This Section.

1. First violation. Any adult violating the provisions of this Ordinance shall be subject to a forfeiture of not less than \$10.00 nor more than \$500.00 plus costs per each offense. Failure to pay any forfeiture hereunder shall subject any violator over the

- age of seventeen (17) years to be sentenced to the County Jail until said forfeiture is paid but not to exceed ninety (90) days.
2. Second and subsequent violations. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one (1) year shall upon conviction thereof, forfeit not less than \$10.00 nor more than \$1,000.00 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

(C) Youth Penalties.

1. For any person adjudged to have violated an ordinance relating to truancy or school dropout, the court is authorized to impose any of the dispositions listed in SS 938.342, Wis. Stats., in accordance with the provisions of those statutes, and said statutes are hereby adopted and incorporated herein. Any future amendments, revisions or modifications of the current or future statutes incorporated herein, are intended to be made part of this Ordinance in order to secure uniform state-wide regulations of peace and good order of the State.
2. For any juvenile adjudged to have violated any ordinance other than truancy or school dropout, the court is authorized to impose any of the dispositions listed in SS 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes, and said statutes are hereby adopted and incorporated herein, are intended to be made part of this Ordinance in order to secure uniform state-wide regulation of peach and good order of the State.
3. For any juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court imposed under SS 938.343 or 938.344, Wis. Stats., the court is authorized to impose any of the sanctions listed in SS 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes, and said statutes are hereby adopted and incorporated herein. Any future amendments, revisions or modifications of the current or future statues incorporated herein, are intended to be made part of this Ordinance in order to secure uniform state-wide regulation of peace and good order of the State.
4. Any other juvenile shall be referred to the proper authorities as provided in the applicable Wisconsin statutes.

SECTION 9: Chapter 25 of the Village of Sussex Municipal Code entitled “Construction and Effect of Ordinances,” Section 25.04 entitled “Penalty,” subsection (4) entitled “Enforcement,” subsection (C) entitled “Deposit,” subsection (2) is hereby repealed and recreated as follows:

2. The amount of the deposit shall be in accordance with the deposit schedule established by the Wisconsin Judicial Conference, per Wisconsin Statutes Section 345.26(2), except as to municipal ordinance violations for which a deposit schedule is established per Wisconsin Statutes Section ~~800.03(3)~~800.037 and as set forth in this Code or in a resolution adopted by the Village Board and shall include the penalty assessment established under SS 757.05, Wisconsin Statutes, and costs. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit not less than the maximum forfeiture permitted under this Chapter.

SECTION 10: Chapter 25 of the Village of Sussex Municipal Code entitled “Construction and Effect of Ordinances,” Section 25.04 entitled “Penalty,” subsection (4) entitled “Enforcement,” subsection (E) entitled “Stipulation of No Contest,” is hereby repealed and recreated as follows:

- (E) Stipulation of no contest. Any person charged with a violation of this Chapter except SS 346.62(1) and 346.63(1) may make a stipulation of no contest pursuant to SS ~~345.27~~345.37, Wisconsin Statutes, which shall be received at the Village Hall Office or the office of the Clerk of Court within ten (10) days of the date of the alleged violation. Such person shall, at the time of entering into the stipulation, make the deposit required under Sub. (4)(C) if he has not already done so. A person who has mailed or filed a stipulation under this Section may, however, appear in court on the appearance date and may be relieved from the stipulation for cause shown as required in SS 345.37, Wisconsin Statutes.

SECTION 11: Chapter 25 of the Village of Sussex Municipal Code entitled “Construction and Effect of Ordinances,” Section 25.04 entitled “Penalty,” subsection (5) entitled “State Forfeiture Statutes,” is hereby repealed and recreated as follows:

- (5) ~~STATE FORFEITURE STATUTES~~DEPOSIT SCHEDULE. The Village hereby adopts the document titled "Revised Uniform State Traffic Deposit Schedule and Juvenile Drinking Violation Deposit Schedule and Uniform Misdemeanor Bail Schedule" adopted by Wisconsin Judicial Conference or any future amendments thereto as the deposit schedule for the sections of the Municipal Code affected by the Schedule except as otherwise provided in the Municipal Code. The deposit for offenses not included within such Uniform Deposit Schedule shall be as established within the Village’s Deposit Schedule adopted from time to time by separate Resolution of the Village Board.

SECTION 12. SEVERABILITY. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion

thereof directly specified in the decision, and not affect the validity of all other provisions, sections, or portions thereof the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

SECTION 13. EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by the law.

Dated this ____ day of _____, 2016.

VILLAGE OF SUSSEX

Gregory L. Goetz, Village President

ATTEST:

Casey Griffiths, Village Clerk/Treasurer

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ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE CERTAIN PENALTY PROVISIONS
WITHIN THE VILLAGE OF SUSSEX VILLAGE CODE

WHEREAS, it has come to the attention of the Village Administrator that the Village Code contains certain internal inconsistencies with regard to penalties and enforcement; and

WHEREAS, the Village Board hereby intends to clarify and simplify the penalty and enforcement terms of Chapter 7 and Section 25.04 of the Village of Sussex Municipal Code.

NOW, THEREFORE, the Village Board of the Village of Sussex, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 7 of the Village of Sussex Municipal Code entitled "Traffic, Streets and Sidewalks," Section 7.08 entitled "Bicycles," subsection (3) entitled "Registration," subsection (C) is hereby repealed and recreated as follows:

- (C) Identification Tag Requirement – Penalty for Non-Registration. Immediately upon registration of the bicycle, the owner shall affix to the bicycle an identification tag sequentially numbered to correspond with the registration. No person shall operate upon the streets of the Village a bicycle without having the identification tag affixed thereto in a plainly visible position.

SECTION 2: Chapter 7 of the Village of Sussex Municipal Code entitled "Traffic, Streets and Sidewalks," Section 7.08 entitled "Bicycles," subsection (3) entitled "Registration," subsection (E) is hereby repealed and recreated as follows:

- (E) Change of Ownership – Registration
 1. Within 10 days after any bicycle registered hereunder shall have changed ownership or been dismantled and taken out of operation, the registered owner shall contact the Village by phone or in person and report the change.
 2. Within 10 days after any bicycle registered hereunder changes ownership, the new owner, except bicycle distributors, must register the bicycle with the Village.

SECTION 3: Chapter 7 of the Village of Sussex Municipal Code entitled "Traffic, Streets and Sidewalks," Section 7.08 entitled "Bicycles," subsection (3) entitled "Registration," subsection (F) is hereby repealed and recreated as follows:

(F) Removal of Identification Tag – Penalty. No person shall remove any identification tag which is registered with the Village.

SECTION 4: Chapter 7 of the Village of Sussex Municipal Code entitled “Traffic, Streets and Sidewalks,” Section 7.08 entitled “Bicycles,” subsection (4) entitled “Penalties,” is hereby repealed and recreated as follows:

(4) PENALTIES. The Village Board determines that responsibility for compliance with all provisions of this section shall ultimately be the responsibility of the parents and guardians of children, age 16 or younger, who violate the provisions of this section. If such a child violates the terms of this section, his parents and guardians shall be responsible for the same, and persons 17 years old or older shall be personally responsible. Any person responsible for violating the provisions of this section shall upon conviction be subject to a forfeiture not to exceed \$25.00 plus costs of prosecution; or the court may prohibit such violator from riding the bicycle for not more than 6 months and may order such violator’s registration tag confiscated.

SECTION 5: Chapter 7 of the Village of Sussex Municipal Code entitled “Traffic, Streets and Sidewalks,” Section 7.15 entitled “Enforcement,” is hereby repealed.

SECTION 6: Chapter 7 of the Village of Sussex Municipal Code entitled “Traffic, Streets and Sidewalks,” Section 7.17 entitled “Penalties,” is hereby repealed.

SECTION 7: Chapter 7 of the Village of Sussex Municipal Code entitled “Traffic, Streets and Sidewalks,” Section 7.60 entitled “Penalty,” is hereby repealed and recreated as follows:

7.60 PENALTY. Except where specific penalties are provided herein, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to the penalties and remedies as provided in Sec. 25.04 of this Municipal Code. The enforcement procedures of Sec. 25.04(4) shall apply to violation of this chapter or any order, rule or regulations made hereunder, in addition to such other enforcement options as may be specified herein or otherwise available to the Village.

SECTION 8: Chapter 25 of the Village of Sussex Municipal Code entitled “Construction and Effect of Ordinances,” Section 25.04 entitled “Penalty,” subsection (1) entitled “General Penalty,” is hereby repealed and recreated as follows:

(1) GENERAL PENALTY. Except where a specific penalty is provided elsewhere in this Municipal Code, any person who shall violate the provisions of this code or any order, rule or regulation made hereunder shall, upon conviction of such violation, be subject to the penalties and remedies described herein. The terms “adult” and “juvenile” as used herein shall be as defined in Section 938.02, Wisconsin Statutes.

(A) Statutory Violations. Upon conviction of a violation of State statutes that are incorporated into this Municipal Code by reference, the forfeiture amount shall be within the range of forfeitures provided by State statutes for violation of such section, along with such other penalties and remedies as may apply by law, and in default of payment of such forfeiture and applicable costs shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

(B) Local Ordinance Violations As Set Forth In This Section.

1. First violation. Any adult violating the provisions of this Ordinance shall be subject to a forfeiture of not less than \$10.00 nor more than \$500.00 plus costs per each offense. Failure to pay any forfeiture hereunder shall subject any violator over the age of seventeen (17) years to be sentenced to the County Jail until said forfeiture is paid but not to exceed ninety (90) days.
2. Second and subsequent violations. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one (1) year shall upon conviction thereof, forfeit not less than \$10.00 nor more than \$1,000.00 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

(C) Youth Penalties.

1. For any person adjudged to have violated an ordinance relating to truancy or school dropout, the court is authorized to impose any of the dispositions listed in SS 938.342, Wis. Stats., in accordance with the provisions of those statutes, and said statutes are hereby adopted and incorporated herein. Any future amendments, revisions or modifications of the current or future statutes incorporated herein, are intended to be made part of this Ordinance in order to secure uniform state-wide regulations of peace and good order of the State.
2. For any juvenile adjudged to have violated any ordinance other than truancy or school dropout, the court is authorized to impose any of the dispositions listed in SS 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes, and said statutes are hereby adopted and incorporated herein, are intended to be made part of this Ordinance in order to

- secure uniform state-wide regulation of peace and good order of the State.
3. For any juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court imposed under SS 938.343 or 938.344, Wis. Stats., the court is authorized to impose any of the sanctions listed in SS 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes, and said statutes are hereby adopted and incorporated herein. Any future amendments, revisions or modifications of the current or future statutes incorporated herein, are intended to be made part of this Ordinance in order to secure uniform state-wide regulation of peace and good order of the State.
 4. Any other juvenile shall be referred to the proper authorities as provided in the applicable Wisconsin statutes.

SECTION 9: Chapter 25 of the Village of Sussex Municipal Code entitled “Construction and Effect of Ordinances,” Section 25.04 entitled “Penalty,” subsection (4) entitled “Enforcement,” subsection (C) entitled “Deposit,” subsection (2) is hereby repealed and recreated as follows:

2. The amount of the deposit shall be in accordance with the deposit schedule established by the Wisconsin Judicial Conference, per Wisconsin Statutes Section 345.26(2), except as to municipal ordinance violations for which a deposit schedule is established per Wisconsin Statutes Section 800.037 and as set forth in this Code or in a resolution adopted by the Village Board and shall include the penalty assessment established under SS 757.05, Wisconsin Statutes, and costs. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit not less than the maximum forfeiture permitted under this Chapter.

SECTION 10: Chapter 25 of the Village of Sussex Municipal Code entitled “Construction and Effect of Ordinances,” Section 25.04 entitled “Penalty,” subsection (4) entitled “Enforcement,” subsection (E) entitled “Stipulation of No Contest,” is hereby repealed and recreated as follows:

- (E) Stipulation of no contest. Any person charged with a violation of this Chapter except SS 346.62(1) and 346.63(1) may make a stipulation of no contest pursuant to SS 345.37, Wisconsin Statutes, which shall be received at the Village Hall Office or the office of the Clerk of Court within ten (10) days of the date of the alleged violation. Such person shall, at the time of entering into the stipulation, make the deposit required under Sub. (4)(C) if he has not already done so. A person who has mailed or filed a stipulation under this Section may, however, appear in court on the appearance date and may be relieved from the stipulation for cause shown as required in SS 345.37, Wisconsin Statutes.

SECTION 11: Chapter 25 of the Village of Sussex Municipal Code entitled "Construction and Effect of Ordinances," Section 25.04 entitled "Penalty," subsection (5) entitled "State Forfeiture Statutes," is hereby repealed and recreated as follows:

(5) DEPOSIT SCHEDULE. The Village hereby adopts the document titled "Revised Uniform State Traffic Deposit Schedule and Juvenile Drinking Violation Deposit Schedule and Uniform Misdemeanor Bail Schedule" adopted by Wisconsin Judicial Conference or any future amendments thereto as the deposit schedule for the sections of the Municipal Code affected by the Schedule except as otherwise provided in the Municipal Code. The deposit for offenses not included within such Uniform Deposit Schedule shall be as established within the Village's Deposit Schedule adopted from time to time by separate Resolution of the Village Board.

SECTION 12. SEVERABILITY. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections, or portions thereof the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

SECTION 13. EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by the law.

Dated this ____ day of _____, 2016.

VILLAGE OF SUSSEX

Gregory L. Goetz, Village President

ATTEST:

Casey Griffiths, Village Clerk/Treasurer

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N64W23760 Main Street
Sussex, Wisconsin 53089
Phone (262) 246-5200
FAX (262) 246-5222
Email: info@villagesussex.org
Website: www.villagesussex.org

MEMORANDUM

To: Public Works Committee
From: Dennis Wolf, Assistant Public Works Director Operations
Date: 8/23/2016
Re: Surplus Equipment

The Village of Sussex Public Works Department owns a 1974 Sullair Sulliscrew 150 trailer mounted air compressor. It was used in the past to power a jack hammer to break up asphalt and concrete when repairing manholes and catch basins. It is currently in storage, and the last time it was used was in 2001. When doing those types of repairs now, we use our backhoe/loader to break up the pavement, and load the debris into a truck. This current process saves time and labor.

Staff would like to have the air compressor designated as surplus equipment, and to sell it on the on-line auction site that we have used in the past. Funds received would be put into cash capital for future equipment replacement.



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MEMORANDUM

To: Public Works Committee
From: Judith A. Neu, Village Engineer
Date: September 1, 2016
Re: Village Park Quad-Plex Survey & Drafting Services Proposals

Proposals for Surveying and Drafting for the Village Park Quad-Plex were received and opened on August 31, 2016. The intent is that the Consultant would survey the property and create base plans. Village Staff would design the complex and the Consultant would draft the plan set for construction. Staff will handle the contract and specification preparation and bidding the project.

Proposals had been requested from six (6) consultants. Three of the consultants declined due to existing workload. Staff recommends that the Village enter into contract with Short Elliot Hendrickson, Inc. (S.E.H.) to perform the services for the project.

Consultant	Lump Sum Cost
S.E.H., Inc.	\$21,199.80
Ruekert Mielke	\$28,826
RA Smith National	\$31,400

All 3 firms understand the Village's needs and have work for or with the Village in the past. They are all capable of doing the work described in the proposal request document. S.E.H. has recently designed similar ballfields in neighboring communities so their staff has a working knowledge of how these complexes are typically built and has standard details that can easily be worked into the plan set.

This is a Lump Sum, not to exceed, project. The schedule was set such that the surveying and base plans would be completed by late October, staff could design the complex in November and December, and we would have the plans done in January. The surveying may have to be delayed by a few weeks as the property is currently planted in corn and we cannot survey until the crop has been harvested.

Staff requests that \$25,000 be allocated for these services to account for scope changes that may occur as we work on the design details and as we negotiate with the property owner for property acquisition.

End.



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Website: www.villagesussex.org

MEMORANDUM

To: Melissa Weiss, Assistant Village Administrator / Public Works Director
From: Judith A. Neu, Village Engineer
Date: September 1, 2016
Re: Engineering Monthly Report – August 2016

Main Street Reconstruction – Phase 1:

- Stage 2 was opened to traffic on September 1, 2016.
- Work for the next month will consist of :
 - Stage 3 (new and existing Silver Spring Drive) and Stage 5 (Main Street in front of new Civic Campus building and Library) utility and road work. Silver Spring and Main Street will be closed on September 12th and opened to traffic again in October.
 - Civic Campus entrance road and parking lot completion, and front plaza construction, including front fence, parking lot plantings and lighting will begin.
 - Sidewalk, street lighting and traffic signal work in Stage 2.
 - Street lighting in Stage 1.
- Work continues on the We Energies electric line replacement work north of Main Street.

Main Street Reconstruction – Phase 2:

- Design work is progressing on Phase 2.

Developments:

- Woodside Ridge (Butler Farm): Road and utilities are complete. Some punch list items remain.
- Sussex Preserve: Road and utility work is complete. Some punch list items remain.
- Johannsen Farms: Grading has started. Utility work will begin in October. Due to long lead time on Lift Station, construction will not be complete till 2017.
- Marchese / Duchow: Phase 2 plans for the extension of Freiheit Court, the water main loop, and sanitary sewer extension, has been approved. Approvals for Main Street work and STH 164 work are still pending.
- Sussex IM: Grading / blasting has started. Water main and Path Extension will begin in a couple of weeks.
- Mammoth Spring South: Grading has started. Utility construction will start soon.

END.

**Villas Of Brandon Oakes
Homeowners Association
Board Of Directors**



August 15, 2016

Jeremy Smith
Village Administrator
Village of Sussex

Dear Jeremy,

On behalf of the Board of Directors for the Villas of Brandon Oakes Homeowners Association (The Villas), I would like to request members of our board being on the agenda of the Village Public Works Committee to discuss the maintenance of the village sewer and water segments located within The Villas.

Villas at Brandon Oakes poses a unique situation within the village. The sewer and water infrastructure serving our subdivision are integral segments within the overall village system, yet are considered privately owned by the village administration. This situation poses some potential ongoing issues.

Administratively, The Villas board of directors consists of five volunteers elected on a rotating two year term basis. Financial record keeping and some contracts administration is performed by a management company that serves many area condominium associations.

The resulting administrative structure provides no consistent expertise within the board or the management firm regarding maintenance of sewer or water infrastructure. This presents an issue with identifying the need to perform proper maintenance of the system.

Secondly, when concerns arise about sewer or water maintenance, it is frequently unclear to members of the board at that time as to who is responsible for needed maintenance. The board has to review easement documents, adopted at differing points in times during development of the subdivision, in an attempt to determine if The Villas or the village should be responsible to rectify a possible problem. These easement documents can be confusing and seemingly contradictory.

With the above situation, there is a danger that needed maintenance may or may not be performed due to lack of guidelines or experienced staff. If The Villas is unaware of needed maintenance it poses a risk to both the association and the village infrastructure. Likewise, if The Villas does attempt maintenance with an outside firm, it may not be performed to village standards.

Since some maintenance is already performed by the village, such as routine hydrant flushing by the village water department, it might be beneficial to discuss options for having the village manage needed maintenance of sewer and water equipment. At the

same time it would be beneficial to prepare a clarifying agreement of infrastructure responsibilities for future reference .

Please advise me of a possible time to meet with the committee.

Roger Johnson

Roger Johnson

Association Secretary

000784 OCT 26 2005

3324461

REGISTER'S OFFICE
WAUKESHA COUNTY, WI
RECORDED ON

10-06-2005 11:46 AM

MICHAEL J. HASSLINGER
REGISTER OF DEEDS

REC. FEE: 22.00
REC. FEE-CD: 5.00
REC. FEE-ST: 2.00
TRAN. FEE:
TRAN. FEE-STATE:
PAGES: 10



WC3324461-010

**WATER MAIN EASEMENT
AGREEMENT**

Document Title

This Water Main Easement Agreement ("Agreement") is made as of the 27th day of September 2005 by and between Brandon Oaks Condominiums Owners Association, Inc. ("Association") and Bielinski Holdings, LLC ("Bielinski") for the benefit of Bielinski and the Village of Sussex ("Village").

Recording Area

RECITALS

Name and Return Address:

A. Pursuant to a Declaration of Condominium of Villas at Brandon Oaks Condominium recorded with the Register of Deeds for Waukesha County, Wisconsin as Document No. 2664787, the Association is the entity which controls certain real estate known as the general common elements of the Villas at Brandon Oaks Condominium located in the Village of Sussex, Waukesha County, Wisconsin which are described on Exhibit A attached hereto and incorporated herein ("Association Property").

Timothy J. Voeller, Esq.
Bielinski Homes, Inc.
PO Box 1615
Waukesha, WI 53187

Handwritten initials: J. Voeller

PIN:

B. Bielinski will be developing certain real property which is adjacent to the Association Property in the Village of Sussex, Waukesha County, Wisconsin described on Exhibit B attached hereto and incorporated herein ("Bielinski Property"). As part of Bielinski's development of the Bielinski Property, Bielinski will be installing a water main under a portion of the Association Property and under a portion of the Bielinski Property.

C. The Association and Bielinski desire to grant the Village a permanent easement for the utilization and maintenance of the water main on the Association Property and the Bielinski Property and Bielinski desires to obtain a temporary construction easement for the construction of said water main and to restore any areas of the Association Property disturbed by such construction. The Association and Bielinski are willing to grant such easements to Village and Bielinski on the terms and conditions contained herein.

AGREEMENT

NOW, THEREFORE, in consideration of the above recitals, Ten and no/100 Dollars (\$10.00) paid by Bielinski to Association, and other valuable consideration, the receipt and adequacy of which are mutually acknowledged, Association and Bielinski agree as follows:

1. Easements. (a) The Association and Bielinski hereby grant to Village a perpetual non-exclusive easement to reconstruct, maintain, repair, replace, operate, supplement and/or remove a water main and appurtenances, equipment and fixtures related thereto, together with a

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right of ingress and egress over, under and across the portion(s) of the Association Property and Bielinski Property as are described on Exhibit C attached hereto and incorporated herein by this reference ("Easement Area") for the benefit of the Village and its respective contractors, agents and employees.

(b) The Association grants to Bielinski and its respective contractors, agents and employees a "Temporary Construction Easement" over, under and across the Easement Area that is within the Association Property according to the following terms and provisions:

(i) The purpose of this Temporary Construction Easement shall be to permit the ingress and egress of construction vehicles and personnel for the construction of a water main within the Easement Area by Bielinski, at Bielinski's sole cost and expense.

(ii) The duration of this Temporary Construction Easement shall be from the date of this Agreement until completion by Bielinski of the installation of the water main and any restoration required thereby.

(iii) All work to be performed by Bielinski under this Agreement shall be of a good and substantial manner consistent with the highest industry standards. Following such construction Bielinski shall restore the surface disturbed by any by the replacement and grading of all pavement or topsoil removed and the installation of grass so the condition of the Easement Area that is within the Association Property is as good or better than the condition that existed prior to such disturbance. All natural grass removed shall be replaced by seeding or sodding.

2. Use of Easement. The Easement Area shall be used only by the Village and Bielinski, their agents, employees and contractors. The use of the Easement Area shall be in full compliance with all laws, ordinances, rules and regulations of all public and other authorities having jurisdiction. The Village and Bielinski, their agents, employees and/or contractors shall not commit any act which might create a hazardous condition in or adjacent to the Easement Area.

3. Village's Use. The Association and Bielinski agree that they shall not do anything to unreasonably interfere with the use of the easement(s) granted hereunder to the Village and Village's agents, employees and contractors.

4. Covenants Running with the Land. All the terms of this Agreement, including the benefits and burdens, shall run with the Association Property and Bielinski Property respectively, and shall be binding upon and inure to the benefit of and be enforceable by the Association, Bielinski and the Village and their respective heirs, personal representatives, successors and assigns.

5. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Wisconsin.

