

Title 10 ► Chapter 4

Railroad Crossings

10-4-1	Title
10-4-2	Authority
10-4-3	Trains Obstructing Highways Enforcement
10-4-4	Enforcement
10-4-5	Separability
10-4-6	Effective Date

Sec. 10-4-1 Title.

This Ordinance is entitled the "Town of Friendship Railroad Crossing Ordinance." The purpose of this Ordinance is to preserve, protect and enhance the safety, health and convenience of Town residents and of persons traveling on Town highways, and to promote the free, safe and expeditious travel of emergency vehicles on Town highways.

Sec. 10-4-2 Authority.

This Ordinance is adopted pursuant to the Town's police powers and pursuant to the Town's Village powers under sec. 60.10 of the Wisconsin Statutes.

Sec. 10-4-3 Trains Obstructing Roads.

- (a) No railroad company shall operate or permit the operation of any railroad train, locomotive, or car upon or across any highway crossing within the Town, or leave a railroad train, locomotive, or car standing upon any highway crossing and/or town road so that the crossing is obstructed to users of the highway for more than ten (10) consecutive minutes, except where the obstruction is caused by circumstances beyond the control of the person in charge of the train or the railroad company.
- (b) For purposes of this Ordinance, railroad or train traffic back-ups in the railroad company's station or yards are not be deemed to be beyond the control of the person in charge of the train or the railroad company.
- (c) When circumstances are found to be beyond the control of persons in charge of trains or the railroad company and those circumstances continue for a period of 90 days or more, the Town shall serve notice to the railroad company requiring that the circumstances be brought under control within 90 days from the date of the notice. Circumstances continuing beyond 90 days from the date of the notice shall not be considered to be beyond the control of the railroad company.

Sec. 10-4-4 Enforcement.

- (a) Any person who violates a provision of this ordinance may be issued a citation by the authorized officer, employee or representative of the Town designated by the Town to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (b) Penalties for violating this ordinance may be assessed as follows: any person or railroad company that violates the provisions of this Ordinance will be required to forfeit not less than \$150.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.
- (c) Each day of a violation, and each violation in a single day, shall constitute a separate offense. In addition to the forfeitures set forth above, any person or railroad company convicted of a violation of any provision of this ordinance shall pay the costs of prosecution, including reasonable attorneys' fees.

Sec. 10-4-5 Separability.

Should any section or provision of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Sec. 10-4-6 Effective Date.

This Ordinance shall be in force from and after its passage, approval and publication according to law.