

# **VILLAGE OF ARPIN, WISCONSIN**

## **ORDINANCE # 51**

### **AN ORDINANCE REGULATING THE USE OF COMPRESSION BRAKES.**

The Village Board of the Village of Arpin, Wood County, Wisconsin, do ordain as follows:

**SECTION 1: PROHIBITION.** No person shall use motor vehicle brakes within the Village of Arpin, which are in any way activated or operated by the compression of the engine of any motor vehicle or any unit or part thereof.

**SECTION 2: EXCEPTION.** It shall be an affirmative defense to prosecution under this subsection that said compression brakes were necessary for the protection of persons and/or property.

### **SECTION 3: PENALTY PROVISIONS**

- (1) **General Penalty.** Any person who will violate any provision of this section shall upon conviction of such violation, be subject to a penalty, which shall be as follows:

  - (a) **First Offense-Penalty.** Any person who shall violate any provision of this ordinance shall upon conviction thereof, forfeit \$50, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid; but not exceeding 90 days.
  - (b) **Second Offense-Penalty.** Any person found guilty of violating this section who shall previously have been convicted of a violation of the same ordinance shall upon conviction thereof, forfeit \$100 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 6 months.
- (2) **Execution against Defendant's Property.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of this section, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody issue an execution against the property of the defendant for said forfeiture and costs.

### **SECTION 4: SEVERABILITY**


The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village Board would have passed the other provisions, sections, sub sections, paragraphs, clauses or phrases or the ordinance irrespective of whether or not one or more of such parts may be declared invalid. If any provision or part of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstance shall not be affected thereby.

#### SECTION 7: EFFECTIVE DATE


This ordinance shall take effect and be in force after passage and publication as provided by law.

Passed 5

Posted 0

  
John Esser  
Village President

5-8-01  
Date Signed

  
Toni Albrecht  
Clerk/Treasurer

5-8-01  
Date Signed