

MUNICIPAL CODE OF THE VILLAGE OF LUXEMBURG

CHAPTER 4

TRAFFIC CODE

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4.01 STATE TRAFFIC LAWS ADOPTED. (Rep. and recr. 09-16-82, Am. 06/08/21)

(1.) Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stat. §340 to §348, as well as the provisions of the Wis. Admin. Code, Trans 305; Standards for Vehicle Equipment, describing and defining regulations describing and defining regulations with respect to vehicles and traffic, inclusive of any provisions therein relating to penalties to be imposed but exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, 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 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 of traffic on the highways, streets and alleys of the State.

(2) PENALTY. (Rep. & recr. MSC '90; Am. MSC '91, 06/08/21)

(a) Any forfeiture for a violation for the State Statutes adopted by reference in this section 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 or increases for subsequent offenses, which schedule is adopted by reference.

(b) Any violation of this section not included in the uniform deposit and misdemeanor bail schedule of the Wisconsin Judicial Conference shall have a cash deposit of seventy-five dollars (\$75.00) plus court costs and one-hundred fifty dollars (\$150.00) plus court costs for a second violation of this Ordinance within a 12-month period.

4.02 SPEED LIMITS.

Pursuant to §349.11(3)(c), Wis. Stats., the speed limits set forth in §346.57 through 346.58, Wis. Stats., are hereinafter set forth upon the following streets or portions of streets:

(1) On STH 54/Center Dr from the east boundary of the Village to a point 855 feet west of Fourth St - 35 mph. (Am. 06/08/21)

(2) On STH 54/Center Dr from a point 855 feet west of Fourth St to the west boundary of the Village - 45 mph. (Am. 06/08/21)

(3) On CTH AB/Main St. from STH 54/Center Dr, south to Robin Ln. - 30 mph. (Am. 9-2-03, Am. 06/08/21)

(4) On CTH AB/Main St. from Robin Ln. to south boundary of the village - 35 mph. (Am. 06/08/21)

(5) On CTH AB/Main St from STH 54/Center Dr to a point 390 feet north of Heritage Rd - 35 mph. (Am. 4-14-81, Am 06/08/21)

(6) On CTH AB/Main St from a point 390 feet north of Heritage Rd to the north limits of the Village - 45 mph. (Am. 4-14-81, Am 06/08/21)

(7) Northbrook Rd. from the east boundary of the Village to the west boundary of the Village - 35 mph. (Am. 06/08/21)

(8) Church Rd. from the east boundary of the Village to the west boundary of the Village - 35 mph. (Am. 06/08/21)

(9) On all other Village streets - 25 mph, with the following exceptions:

15 mph - in any marked school zone while children are present. (Am 06/08/21)

15 mph - Elm St. from Main St. to Second St., Oak St. from First St. to Third St., Maple St. from First St. to Third St. (Am. 8-6-85, Am. 06/08/21)

15 mph during ball games - Third St. from a point 215 feet north of Maple St. to a point 325 feet south of Ralph St., Second St. from a point 215 feet north of Maple St. to St. John St. (Am. 06/08/21)

4.03 ARTERIAL STREETS.

The following streets are designated as arterial streets and all traffic about to enter upon such streets from any alley, driveway or intersecting streets shall come to a full and complete stop before proceeding in or upon such streets:

Maple, Willow, Cedar, Elm and Oak Streets. A stop sign shall also be erected at the intersection of Church and First Streets. and at the railroad crossing on Second St. A yield sign shall be located at the intersection of Cedar St. and Second St. All traffic will come to a full and complete stop on Church St. prior to entering First St. at this intersection. (Am. 8/6/85)

A yield sign to be erected at intersection of First and Walnut Streets. Stop signs to be erected at intersection of Second and W. Crestview and intersection of Second and Ash Streets. Remove stop signs at railroad tracks. Erect stop sign to replace yield sign at intersection of Second and Cedar Streets. Erect stop signs to replace yield signs at Willow and Second, Third and Oak, Third and Maple, First and Maple, First and Oak, Third and Ralph, First and Ash Streets. Erect 4-way stop signs at intersections of Colle and Ralph Streets. (Cr. 10/2/90)

Four-way stop signs shall be erected at the intersection of First and St. John Streets. (Cr. 3/5/91)

4.04 PARKING RESTRICTIONS.

(1) PARALLEL PARKING. All parking of automobiles, trucks or similar motor vehicles on Main St. shall be parallel with the curb. The "No Parking" areas on Main St. are specifically marked by yellow paint.

(2) OVERNIGHT PARKING PROHIBITED. (Am. 2-4-97) No person shall park any vehicle, except emergency vehicles, on any village street between the hours of 2:00 a.m. and 6:00 a.m. from November 1 to April 1 of each year.

(3) OTHER VEHICLES PROHIBITED: No attached or detached semi-tractor, semi-trailer, boat, boat trailer, or Any type of camper, camping trailer, recreational vehicle, construction equipment, inoperable vehicle, or abandoned vehicle shall be allowed to be parked on any village street for a period of more than 12 hours. (Am. 9-2-03, Am 06/08/21)

(4) EXCEPTIONS: Visitors with recreational vehicles or campers may be granted permission to overnight park by calling the Luxemburg Police Department and giving the address at which, they are parking, along with the make and license number of their vehicle. Permission may be granted on a daily basis.

Permission shall also be given in those circumstances where an emergency exists, making it impossible for the vehicle or trailer to be parked on the owner's property due to construction or other good cause, as may be determined by the Chief of Police. Any permit to so park on public streets, however, shall in no case extend beyond the duration of the emergency necessitating the parking. (Cr. 06/08/21)

Any exceptions DO NOT APPLY during snow emergencies. Vehicles will be ticketed and possibly towed. Vehicle owner(s) will be responsible for all costs of such actions.

(5) NO PARKING ZONES.

(a) STH "54". Parking is prohibited along STH 54/Center Dr. within the Village limits.

(b) Maple St. Parking is prohibited on the south side of the 500 block of Maple St. from Main St. easterly to driveway of property owner located on the corner of Main St. and Maple St. (Cr. 8-6-85)

(c) Parking on the north side of Maple St between Main St and Colle St is restricted to FIREFIGHTERS

ONLY between posted signs. (Cr. 06/08/21)

(d) School St. No parking on either side of School St. (Cr. 4-2-97. Am. 06/08/21)

(e) Spartan Dr between Second St. and N. Main St. during school hours. (Cr. 06/08/21)

(f) Any posted school zone restrictions, including child drop-off or pick-up restrictions. (Cr. 06/08/21)

(g) Any other no parking zone with approved signage. (Cr. 06/08/21)

(h) Any temporary zone with approved signage authorized by the Street Superintendent or Chief of Police. (Cr. 06/08/21)

(6) PARKING WITHIN EIGHT (8) FEET OF A MAILBOX PROHIBITED. (Cr.06/08/21) Between the hours of 8:00 a.m. and 3:00 p.m. on Monday through Saturday, but excluding postal service holidays, no person shall stop, stand or park a vehicle within eight (8) feet on either side of a mailbox which is placed and equipped for the purpose of depositing mail from postal carrier vehicles on the roadway, except:

(a) Temporarily stopped for the purpose of and while actually engaged in loading or unloading or receiving or discharging passengers and while attended by a licensed operator so that it may be moved in case of an emergency or to allow for the delivery of mail;

(b) When a person is stopping, standing or parking a vehicle within eight (8) feet of their own mailbox, provided that while doing so, the person is not within eight (8) feet of another person's mailbox.

(c) Temporarily stopped for the purpose and while actually engaged in the delivery of mail or newspapers.

(7) ENFORCEMENT. (Cr.06/08/21) The Non-Traffic Citation (NTC) may be used for parking violations under this section.

(8) PENALTY. (Am. 9-1-87; 9-2-03; 06/08/21) The penalty for illegal parking violations shall be a forfeiture of \$25 and if not paid within seven (7) days, a late fee of \$15 will be assessed.

#### 4.05 WEIGHT LIMITATIONS.

(1) CLASS "B" HIGHWAYS DESIGNATED. All streets and alleys within the Village, except the following enumerated streets and alleys are hereby designated Class "B" highways and shall be subject to the weight limitations imposed by §348.16, Wis. Stats.:

(a) Main St. from the north to south limit of the Village.

(b) All of Willow and Cedar Sts., unless otherwise designated by the County Board.

(2) (OPTIONAL) HEAVY TRAFFIC ROUTES.

(a) Designated. The following streets and parts of streets within the Village are hereby designated heavy traffic routes:

1. One block of Colle St. from STH "54" to Ralph St.
2. One block of Ralph St. from Colle to Main.
3. One block of Maple St. from the first alley east of Main to the first alley west of Main.
4. One block of Oak St. from the first alley east to the first alley west of Main.
5. One block of Elm from the first alley east to the first alley west of Main.
6. One block of Ash from Main to First St.

(b) Restrictions on Use of Other Streets by Heavy Traffic. No vehicle, except a motor bus, which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 6,000 lbs. shall be operated or moved on any street or alley not part of the heavy traffic route designated in par. (a) in the Village, except for the purpose of obtaining orders for moving or delivering supplies or commodities to or from a place of business or residence facing thereon, provided that in no event shall the weight of the vehicle and load on such other street exceed the limitations of §§348.15 or 348.16(3), Wis. Stats., or the ordinances of the Village pertaining to Class "A" highways or deliveries on Class "B" highways.

4.06 ERECTION OF SIGNS AND SIGNALS. The Director of Public Works is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the Manual of Uniform Traffic Control Devices issued by the State Department of Transportation, giving such notice of the provisions of this chapter as required by State law. Signs shall also be erected in such locations and manner as authorized by the Village Board as to give adequate warning to users of the street, alley or highway in question.

4.07 ENFORCEMENT.

(1) ENFORCEMENT PROCEDURE. (Am. MSC '90) This chapter shall be enforced according to §23.33, 66.12, 345.11 to 345.61, 350.17 and Ch. 799, Wis. Stats.

(2) DEPOSIT.

(a) Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the Police Department or 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 notify the arrested person, orally or in writing, that:

1. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation and the person will be deemed to have tendered a plea of no contest and submitted to a forfeiture and penalty assessment if required by §165.87, Wis. Stats., a jail assessment if required by §53.46(1), Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats., not to exceed the amount of the deposit that the court may accept as provided in §345.37, Wis. Stats. (Am. MSC '91)
2. If the person fails to make a deposit for a violation of a traffic regulation or appear in court at the time fixed in the citation, the court may enter a default judgment finding the person guilty of the offense or issue a warrant for his arrest.

(b) The amount of the deposit shall be determined in accordance with the State of Wisconsin Revised Uniform State Traffic Deposit Schedule established by the Wisconsin Judicial Conference and shall include the penalty assessment established under §165.87, Wis. Stats., a jail assessment if required by §53.46(1), Wis. Stats., and court costs. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit the forfeiture established by the Sheriff, which shall include the penalty assessment established under §165.87, Wis. Stats. Deposits for moving violations shall not include the penalty assessment. (Am. MSC '91)

(c) The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefor as required by §345.26(3)(b), Wis. Stats.

(3) PETITION TO REOPEN JUDGMENT. Whenever a person has been convicted in this State on the basis of a forfeiture of deposit or a plea of guilty or no contest and the person was not informed as required under §345.27(1) and (2), Wis. Stats., the person may within 60 days after being notified of the revocation or suspension of the operating privilege, petition the court to reopen the judgment and grant him an opportunity to defend on merits. If the court finds that the petitioner was not informed as required under §345.27(1) and (2), the court shall order the judgment reopened. The court order reopening the judgment automatically reinstates the revoked or suspended operating privilege.

4.08 SNOWMOBILES. (Am. MSC 90; Am. #11-6-96, Am. 06/08/21)

(1) STATE SNOWMOBILE LAWS ADOPTED.

(a) Except as otherwise specifically provided in this Code, the statutory provisions in Chapter 350, Wisconsin Statutes, describing and defining regulations with respect to snowmobiles are adopted and by reference made a part of this Code 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 Code. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of snowmobiles.

(2) INTENT. The intent of this ordinance is to provide a means for persons to travel from a residence within the limits of the Village of Luxemburg, Kewaunee County, Wisconsin for the shortest distance that is necessary for a person to operate a snowmobile to the snowmobile route or trail that is closest to that residence.

(3) STATUTORY AUTHORITY. This ordinance is adopted as authorized under s.350.18(3) (a).

(4) DESIGNATED ROADWAYS AND/OR HIGHWAYS. (Am. 06/08/21)

(a) Except as provided in §§350.02 and 350.045, Wis. Stats., or for snowmobile events authorized in accordance with 350.04 Wis. Stats., no person shall operate a snowmobile upon any public property in the Village except upon the following designated roadways:

Enter on Mill St; follow Mill St. north to Cedar St.; follow Cedar St. east to Second St., follow Second St. north to Elm St.; follow Elm St. west to Third St.; follow Third St. north to Ralph St.; follow Ralph St. east to Rockledge Rd.

Willow St. east from Second St. across Main St. to parking lot.

Elm St. from east from Second St. across Main St. to parking lot.

Ronald St. east from Charles Dr. to east end of Ronald St.

Robin Ln east from the west village limits to Main St.

Charles Dr north from Robin Ln. to the east end of Ronald St.

(5) CONDITIONS. (Am. 06/08/21) This ordinance designates the roadways and/or shoulders of specific highways for snowmobile travel by persons residing within the limits of the Village of Luxemburg, Kewaunee County, Wisconsin to travel for the shortest distance that is necessary to reach the snowmobile trail or routes that is closest to that residence subject to the following conditions:

(a) Snowmobiles shall be operated on the extreme right side of the roadway and travel with flow of traffic.

(b) Snowmobiles are to be operated in single file.

(c) Headlights should be on at all times.

(d) Snowmobile operators shall yield the right-of-way to other vehicular traffic and pedestrians.

(e) Snowmobiles violating any of the above conditions will be subject to the underlying violation of operating on the roadway.

(6) SPEED. A snowmobile operated on a portion of the roadway or shoulder of a highway pursuant to this

ordinance shall observe a speed limit of 10 mph.

(7) ENFORCEMENT. (Am. 06/08/21)

(a) The uniform traffic citation promulgated under 345.11, Wis. Stats., shall be used for violations of this section relating to highway use, except as herein provided.

(b) Other Violations. All violations of this section not described in par. (a) or (b) shall be enforced in accordance with 4.07 of this Chapter.

(8) PENALTY. (Rep. & recr. MSC '90; Am. MSC '91, 06/08/21)

(a) Any forfeiture for a violation for the State Statutes adopted by reference in this section 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 or increases for subsequent offenses, which schedule is adopted by reference.

(b) Any violation of this section not included in the uniform deposit and misdemeanor bail schedule of the Wisconsin Judicial Conference shall have a cash deposit of seventy-five dollars (\$75.00) plus court costs and one-hundred fifty dollars (\$150.00) plus court costs for a second violation of this Ordinance within a 12-month period.

4.09 RESERVED. Editor's note-Section 4.09 pertaining to Penalties incorporated within the ordinance in other sections and was repealed on 06/08/21.

4.10 RESERVED. Editor's note-Section 4.10 pertaining to traffic enforcement on Luxemburg Casco Elementary and Senior High School grounds was repealed on 06/08/21.

4.11 RESERVED. Editor's note-Section 4.11 pertaining to school bus stop arms and warning lights was previously covered under Section 4.01 Traffic Laws Adopted and was repealed on 06/08/21.

4.12 SKATEBOARDS. (Cr. 3/13/91)

(1) RESTRICTED. No person shall operate or ride a skateboard, roller skates, roller skis or play vehicles as defined in §346.78, Wis. Stats., in any of the following places:

All Village streets.

All sidewalks in business areas.

All private property, unless permission has been granted.

Public property where signs are posted.

Parking lots.

Residential areas, unless permission is granted.

No exiting skateboard ramp onto Village streets.

(2) PENALTY.

(a) First Offense. The item will be confiscated by the police and returned only after a conference between the Police Department, child and child's parents, if a juvenile. If an adult, the penalty shall be the same as for a second offense.

(b) Second Offense. The item will be confiscated by the police and returned only after a conference between the Police Department, the child and the child's parents, plus a \$25 penalty and court costs.

(c) Third Offense. The item will be confiscated by the Police Department and returned only after a

conference between the Police Department, the child and the child's parents, plus a \$50 penalty and court costs.

4.13 ALL-TERRAIN VEHICLES. (Cr. 12/7/93, Am. 06/08/21)

(1) **AUTHORITY.** The Village of Luxemburg Boards adopts the provisions of this section pursuant to the authority of Wis. Stats. §23.33(11).

(2) **REGULATION OF ALL-TERRAIN VEHICLES.** (Cr. 06/08/21) Except as otherwise specifically provided in this section, the statutory provisions of Wis. Stat. §23.33 and Wis. Admin. Code NR §64 describing and defining regulations with respect to all-terrain vehicles are adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute or administrative code incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this section in order to secure uniform statewide regulation of all-terrain vehicles.

(3) **INTENT.** (Cr. 06/08/21) The intent of the local ATV Route Plan is to provide:

(a) A means for persons to travel to, through or from the Village on an ATV.

(b) Travel from a residence within the limits of the Village on the shortest distance that is necessary for a person to reach the ATV route that is closest to that residence.

(4) **ROUTE PLAN.** (Cr. 06/08/21) An ATV Route Plan must be in place and approved by the Village Board, prior to enactment of this ordinance. The Village of Luxemburg reserves the right to close or modify routes at any time.

(5) **OPERATION OF ATV's AND UTV's ON ATV ROUTES.** (Cr. 06/08/21) The operation of an ATV or UTV on a roadway that is an approved ATV Route and signed in accordance with the Village of Luxemburg is subject to the following provisions:

(a) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions and rules, including Wis. Stats. §23.33 and Wisconsin Administrative Code NR §64.

(b) Operators shall observe a speed limit of 35 miles per hour or the posted speed limit, whichever is less.

(c) Operators shall operate on the paved surface on the extreme right side of the roadway.

(d) Operators shall ride in single file.

(e) Operators who were born on or after January 1, 1988 must have completed an ATV safety certification course.

(f) Operators must be at least 16 years of age and possess a valid driver's license.

(g) No person may operate an ATV or UTV on an ATV Route at any time before or after the Operating Hours. Operating Hours are 60 minutes before sunrise to 60 minutes after sunset.

(h) Every ATV/UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise. No person shall drive an ATV/UTV on an ATV Route unless such ATV/UTV is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass, or similar device on any ATV/UTV upon an ATV Route. No person shall modify or change the exhaust muffler, the intake muffler, or



any other noise-abatement device of an ATV/UTV in a manner such that the noise emitted by the TV/UTV increases above that emitted by the ATV/UTV as originally manufactured.

- (i) All operators shall have a liability insurance policy in force on any ATV or UTV operated on an ATV Route with the following minimum coverages:
  - 1. \$10,000 for property damage
  - 2. \$25,000 for the injury or death of one person
  - 3. \$50,000 for the injury or death of more than one person
- (j) Operators shall travel to and from a residence within the limits of the Village on the shortest distance that is necessary to reach the ATV route that is closest to that residence.

(6) PENALTY. (Cr. 06/08/21)

- (a) Any forfeiture for a violation for the State Statutes adopted by reference in this section 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 or increases for subsequent offenses, which schedule is adopted by reference.
- (b) Any violation of this section not included in the uniform deposit and misdemeanor bail schedule of the Wisconsin Judicial Conference shall have a cash deposit of seventy-five dollars (\$75.00) plus court costs and one-hundred fifty dollars (\$150.00) plus court costs for a second violation of this Ordinance within a 12-month period.

4.14 COMPRESSION BRAKING. (Cr. 11/8/06)

(1) GENERAL PROVISIONS. Compression braking is prohibited on all streets within the corporate limits of the Village of Luxemburg, except in emergency situations.

(2) VIOLATION. Violations of this section may be prosecuted by the use of a citation form which complies with the requirements of §66.119(1)(b), Wis. Stats.

(3) PENALTY. Any violation of the terms of this section shall be punishable by a forfeiture of not less than \$20 and not more than \$200, together with the costs of the action.

4.15 JAYWALKING. (Cr. 10/2/07)

(1) PROHIBITION. Violation of any of the following regulations shall constitute jaywalking:

- (a) Pedestrians shall not cross North Main Street from Marcks Lane south to Center Drive/STH 54 unless within a marked crosswalk.
- (b) Pedestrians shall not initiate a crossing at a controlled intersection at any time other than when facing a green or "walk" indication or when so instructed by a traffic officer.
- (c) Pedestrians shall yield the right-of-way to all vehicles upon the roadway when crossing a roadway at any point other than within a marked or unmarked crosswalk.

(2) CONTROLLED INTERSECTION DEFINED. A controlled intersection is any intersection at which electric stop and go vehicular or pedestrian control signals have been installed.

(3) PENALTY. The penalty for violation of any provision of this section shall be punishable by a forfeiture of \$10, together with costs and assessments.

4.16 NEIGHBORHOOD ELECTRIC VEHICLES. (Cr. 7/8/08)

(1) DEFINITION. "Neighborhood electric vehicle" is defined as any self-propelled electrically-powered motor

vehicle, excluding golf carts, that has a maximum speed of 20 to 25 miles per hour, and that has successfully completed the Neighborhood Electric Vehicle America Test Program conducted by the Federal Department of Energy, and that conforms to the definition and requirements for low-speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for Low-Speed Vehicles under 49 CFR 571.3(b) and 571.500.

(2) LIMITATIONS. Neighborhood electric vehicles, authorized pursuant to §349.26, Wis. Stats., shall be allowed to operate on the public roads within the Village of Luxemburg subject to the following restrictions:

(a) Neighborhood electric vehicles shall not operate on any public road within the Village of Luxemburg where the speed limit exceeds 35 miles per hour.

(b) Absent Department of Transportation approval, neighborhood electric vehicles shall not operate on or cross intersections of State trunk highways within the Village of Luxemburg.

(3) STATE DRIVER'S LICENSE AND REGISTRATION REQUIRED.

(a) Any person who operates a neighborhood electric vehicle on any Village street must hold a valid State of Wisconsin driver's license.

(b) Any person who operates a neighborhood electric vehicle on any Village street must register the neighborhood electric vehicle with the State of Wisconsin as required by State law.

(3) VIOLATION. Violations of this section may be prosecuted by the use of a citation form which complies with the requirements of §66.119(1)(b), Wis. Stats.

(4) PENALTY. Any violation of the terms of this section shall be punishable by a forfeiture of not less than \$20 and not more than \$200, together with the costs of the action.