

Chapter 340

VEHICLES AND TRAFFIC

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[HISTORY: Adopted by the Village Board of the Village of Black Creek as Title 8, Ch. 1, of the 1987 Village Code. Amendments noted where applicable.]

**ARTICLE I
General Provisions**

§ 340-1. State traffic laws adopted.

- A. Statutes adopted. Excepted as otherwise specifically provided in this Code, the statutory provisions in Chs. 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are hereby 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 regulation incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutory regulations in Chs. 340 to 348 incorporated herein are intended to be made part of this chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicles traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall within the Village of Black Creek, Wisconsin, violate any provisions of any statute incorporated herein by reference shall be deemed guilty of an offense under this section.
- B. Other state laws adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this subsection shall be as provided in Chs. 340 through 348, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this chapter:
- 941.01 Negligent operation of vehicle off highway
941.30 Recklessly endangering safety¹
- C. General references. General references in this chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

§ 340-2. State administrative standards adopted.

- A. Administrative regulations adopted. The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this

1. Editor's Note: The following original material which immediately followed this entry was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II): In this listing, the reference to § 947.045, Drinking in Motor Vehicle on Highway, which was renumbered but is already covered by the adoption of Ch. 346, Wis. Stats., in Subsection A; and original Sec. 8-1-1(c) of the 1987 Village Code, Statutes specifically incorporated by reference.

chapter as if fully set forth herein. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Ch. Trans 146, Vehicle registration and fuel trip permits (penalties of § 341.04, Wis. Stats., apply)

Ch. Trans 305, Standards for vehicle equipment

Ch. Trans 326, Motor carrier safety requirements for transportation of hazardous materials

Ch. Trans 300, Transportation of schoolchildren

Ch. Trans 304, Slow-moving vehicle emblem

- B. Noncompliance prohibited. No person shall operate or allow to be operated on any highway, street or alley within the Village a vehicle that is not in conformity with the requirements of Subsection A or the provisions of § 110.075 and Ch. 347, Wis. Stats., incorporated by reference in § 340-1 of this chapter.
- C. Owner's liability. Any owner of a vehicle not equipped as required by this section who knowingly causes or permits such vehicle to be operated on a highway in violation of this section is guilty of the violation the same as if he had operated the vehicle. The provisions of § 347.04, Wis. Stats., relating to nonapplicability of demerit points, shall apply to owners convicted of violation of this section.
- D. Safety checks.
 - (1) Operators to submit to inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this section, or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
 - (2) Authority of officer. Any law enforcement officer of the Village is hereby empowered, whenever he shall have reason to believe that any provision of this section is being violated, to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
 - (3) Vehicle to be removed from highway. Whenever, after inspection as provided by this section, a law enforcement officer determines that a vehicle is unsafe for operation, he may order it removed from the highway and not operated, except for purposes of removal and repair, until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the Secretary of the Department of Transportation under § 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.
- E. Penalty. Penalty for violation of any provision of this section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as

provided in Subsection C of this section, together with the costs of prosecution and applicable penalty assessment.

§ 340-3. Traffic control devices; prohibited signs, signals and markers.

- A. Duty of superintendent of streets to erect and install uniform traffic control devices. Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference in § 340-1, require the erection of traffic control devices for enforcement, the Director of Public Works, with the cooperation of the Police Department, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever state law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Director of Public Works or his designee, will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the Village of Black Creek.
- B. Prohibited signs and markers in highways. No person, other than an officer authorized by this chapter to erect and maintain official traffic control devices or his or her designee, shall place within the limits of any street or highway maintained by the Village any sign, signal, marker, mark or monument unless permission is first obtained from the Director of Public Works or, where applicable, the State Department of Transportation. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in Subsection C. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- C. Removal of unofficial signs, markers, signals and traffic control devices. The Director of Public Works or his designee may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Director of Public Works or his designee to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

§ 340-4. Registration record of vehicle as evidence.

When any vehicle is found upon a street or highway in violation of any provision of this chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this chapter and specifically § 340-1 and shall be subject to the applicable forfeiture penalty, provided the defenses defined and described in § 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

§ 340-5. Accident reports. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The operator of every vehicle involved in an accident shall within five days after such accident file with the Police Department a copy of the report required by § 346.70, Wis. Stats., if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this section. Such reports shall be subject to the provisions and limitations of §§ 346.70(4)(f) and 346.73, Wis. Stats.

§ 340-6. School bus warning lights.

Notwithstanding the provisions of § 346.48(2)(b)2., Wis. Stats., adopted by reference in § 340-1 to the contrary, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

§ 340-7. Blue warning lights on police vehicles.

- A. Pursuant to §§ 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under § 340.01(3)(a), Wis. Stats., may be equipped with a blue light and a red light which flash, oscillate or rotate.
- B. If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under § 346.03, Wis. Stats. The blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of 500 feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.
- C. The Village shall give notice of its intent to equip its police vehicles with flashing, oscillating or rotating blue lights as a Class 2 notice under Ch. 985, Wis. Stats., at least 90 days before so equipping the first police vehicle.

ARTICLE II

Controlled Intersections; Street Traffic Regulations

§ 340-8. Operators to obey traffic control devices.

Every operator of a vehicle approaching an intersection at which an official traffic control device is erected in accordance with this chapter shall obey the direction of such official traffic control device as required by the Wisconsin Statutes incorporated by reference in § 340-1 of this chapter. Operators of vehicles approaching a stop sign shall stop before

entering a highway as required by § 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by § 346.18(6), Wis. Stats.

§ 340-9. Speed limits.

The provisions of §§ 346.57, 346.58, and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles, are hereby adopted as part of this section as if fully set forth herein, except as specified by this section pursuant to § 349.11(3)(c), Wis. Stats., where the Village Board has determined that the statutory speed limits are unreasonable, unsafe and imprudent and has modified such limits.

§ 340-10. Through streets designated.

In the interest of public safety and pursuant to § 349.07, Wis. Stats., the streets or portions thereof set forth in this section are declared to be through highways, and traffic signs or signals giving notice thereof shall be erected by the Director of Public Works in accordance with § 340-3.

- A. State Highway 54.
- B. State Highway 47.

§ 340-11. Heavy traffic routes.

- A. Definition. For purposes of this section:

HEAVY TRAFFIC — Shall be defined as:

- (1) All vehicles not operating completely on pneumatic tires; and
 - (2) 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 15,000 pounds.
- B. Prohibited routes. Heavy traffic is prohibited from using any Village street or highway not designated as a heavy traffic route. This section shall not act to prohibit heavy traffic from using a Village street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway. Furthermore, this section will not act to prohibit heavy traffic from using any Village streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this section.
- C. Administration. The Director of Public Works in cooperation with the Police Department shall administer this section. Administration shall include:

- (1) Posting of signs. Appropriate signs shall be posted giving notice of this section and of the heavy traffic routes established herein. Yellow signposts may also be used to designate heavy traffic routes.
- (2) Maps. Maps of the Village showing heavy traffic routes shall be prepared and shall be available upon request by heavy traffic operators and owners.
- (3) Construction equipment.
 - (a) The Director of Public Works may grant temporary permits to allow heavy construction equipment to use Village streets or highways not designated as heavy traffic routes. These permits may be granted only when use of a nondesignated route is necessary for the equipment to reach a construction site. No permit may be issued unless the person or corporation owning the equipment agrees to reimburse and hold the Village harmless for any damage done to the Village street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.
 - (b) Village-owned or -operated equipment is specifically excluded from the provisions of this section.
- D. Liability. Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Village streets or highways in violating this section shall be liable and required to pay the Village the cost of repair or replacement of the damaged street or highway.
- E. Streets designated class "B" highways. All highways within the Village are hereby designated class "B" highways, subject to the weight limitations imposed on class "B" highways by the Wisconsin Statutes adopted by reference in § 340-1, except the highways or parts of highways designated as heavy traffic routes in Subsection F below.
- F. Heavy traffic routes designated. The following highways or parts thereof within the jurisdiction of the Village are hereby designated heavy traffic routes:
 - (1) State Highway 54.
 - (2) State Highway 47.

ARTICLE III

Parking Regulations

§ 340-12. Restrictions on parking; posted limitations.

- A. Forty-eight hour limitation. No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the Village for a period of 48 or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this section, he is authorized to move such a vehicle or to require the

operator in charge thereof to move such vehicle to a position permitted under this chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area within the Village where storage space is available, and in such case, the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he may recover the possession thereof.

B. Posted limitations.

- (1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of § 349.13, Wis. Stats.
- (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
- (3) The Chief of Police is hereby granted the authority, within the reasonable exercise of police power, to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Ch. 346, Wis. Stats., and shall also have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
- (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.
- (5) After the parking limitations on any given street have expired, any change of location of not more than one stall following expiration of the parking period allowed shall be and constitute a violation of this chapter.

§ 340-13. Parking restrictions during temporary snow removal or street maintenance.

- A. Parking during snow removal. No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one hour from the time such area has been designated and marked with signs or barriers by the Police Department and/or the Director of Public Works of the Village indicating no parking due to snow removal.
- B. Street maintenance. Whenever it is necessary to clear or repair a Village roadway or any part thereof, the Director of Public Works and/or Police Department shall post such highways or parts thereof with signs bearing the words "No Parking — Street

Maintenance Work." Such signs shall be erected at least two hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

§ 340-14. Stopping or parking prohibited in certain specified places.

- A. Parking prohibited at all times. Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:
- (1) Within an intersection.
 - (2) On a crosswalk.²
 - (3) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
 - (4) On the roadway side of any parked vehicle, unless double parking is clearly indicated by official traffic signs or markers.
 - (5) Within 20 feet of the driveway entrance to a fire station.
 - (6) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
 - (7) In any place or manner so as to obstruct, block or impede traffic.
 - (8) Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - (9) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - (10) Upon any bridge.
 - (11) Upon any street or highway within the Village limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
 - (12) Upon any terrace or sidewalk in the Village at any time.
 - (13) In a loading zoning.
 - (14) Within four feet of the entrance to an alley, private road or driveway.

2. Editor's Note: Original Sec. 8-1-22(3) of the 1987 Village Code, regarding exceptions to parking on a sidewalk, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See Subsection A(12).

- B. Parking in driveways. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- C. Parking vehicle for repair or to display for sale prohibited. No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the Village for the purpose of repairing said vehicle or to display such vehicle for sale.

§ 340-15. Parking reserved for vehicles of disabled.

When official traffic signs indicating such restriction have been erected in accordance with § 340-3 of this chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

§ 340-16. Leaving keys in vehicle prohibited; parking vehicles with motor running.

- A. Leaving keys in vehicle. No person shall permit any motor vehicle in his custody to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle.
- B. Parking vehicles with motor running. No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than five minutes within 300 feet of any residence within the Village between the hours of 10:00 p.m. and 7:00 a.m.

§ 340-17. Unattended motorized machinery.

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth, and which is owned or controlled by him, to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

§ 340-18. Angle parking.

Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village except in the places where vehicle parking markers indicate that the same is permissible. All vehicles shall park parallel to, and within one foot of, the curb except where streets and parking lots are so marked for angle parking.

§ 340-19. Parking prohibited during certain periods.

When signs or parking meters are erected in any block giving notice thereof, no person shall park or leave standing any vehicle for longer than the period specified upon any of the following highways, streets or parts thereof except temporarily for the purpose of and while actually engaged in receiving or discharging passengers:

- A. All night parking on any street or highway between the hours of 2:00 a.m. and 6:00 a.m.
- B. In designated areas within school zones during the times specified on school days.
- C. For longer than two hours between the hours of 6:00 a.m. and 6:00 p.m. on Main Street from the intersection of State Street on the north to the intersection of Burdick Street on the south.

§ 340-20. Parking of certain vehicles restricted.

- A. No person owning or having control of any truck, trailer, truck power unit, tractor, semi-trailer, bus or any other vehicle or combination of vehicles weighing in excess of 10,000 pounds gross weight, or over 16 feet in length, or having an enclosed area of a height of more than eight feet from the roadway, shall park same upon any street, avenue or public way in the Village except upon those streets within a business district as defined by § 340.01, Wis. Stats., between the hours of 6:00 p.m. and 7:00 a.m. One-hour parking will be allowed between 7:00 a.m. and 6:00 p.m. The provisions of this subsection shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or public way in the Village for the actual loading or unloading of goods, wares or merchandise, providing, however, the loading and unloading, as used in this section, shall be limited to the actual time consumed in such operation. The Village Board may, however, designate specific truck parking zones. The above-described vehicles may be parked on a yard or in a driveway with the permission of the owner or lessee of the property and provided they are parked in accordance with other provisions of this Code of Ordinances.
- B. Any vehicle unlawfully parked under Subsection A above may be removed from the street by order of the Chief of Police, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereinafter prescribed.

§ 340-21. Traffic and parking regulations on school district grounds.

Pursuant to the provisions of § 118.105, Wis. Stats., the following regulations shall apply to the grounds of the school district located within the Village:

- A. **Parking.** All parking on any grounds of the school district from 7:30 a.m. to 4:30 p.m. shall be restricted to areas designated for parking by the School Board. When signs are erected by the School Board giving notice of such restrictions, all persons shall park only in areas designated and signed for visitor parking. There shall be no parking on said grounds between 11:00 p.m. and 6:00 a.m., except when school functions extend

past 11:00 p.m.; on such nights, there shall be no parking one hour after the function has concluded.

- B. Speed limits. No person shall at any time operate a motor vehicle upon any school district grounds at a speed in excess of 10 miles per hour.
- C. Vehicles prohibited at specified times. No person shall at any time operate a motor vehicle, other than a school bus and emergency vehicle, in or upon any drive designated for buses only by sign during the hours of 7:30 a.m. to 9:00 a.m. and during the hours of 3:00 p.m. to 4:30 p.m. on any weekday during the months school is in session.

§ 340-22. Unlawful removal of parking citations.

No person other than the owner or operator thereof shall remove a Village parking ticket from a motor vehicle.

§ 340-23. Operation of motor vehicles in public parking lots and ramps.

- A. Unlicensed operators prohibited. No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- B. Traffic regulations applicable. All provisions of § 340-1 of this chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use of the general public for parking or vehicular travel.

§ 340-24. Removal of illegally parked vehicles.

- A. Hazard to public safety. Any vehicle parked, stopped or standing upon a highway in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety.
- B. Removal by operator. Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.
- C. Removal by traffic officer. Any traffic officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is permitted.
- D. Removal by private service. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- E. Towing and storage charges. In addition to other penalties provided in this chapter, the owner or operator of a vehicle so removed shall pay reasonable cost of moving, towing

and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

§ 340-25. Inoperable, wrecked or discarded vehicles.

- A. Storage prohibited. No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public highway, parking lot or ramp longer than 24 hours after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this section and the date of the notice. Any vehicle so tagged which is not removed within 24 hours after notice is declared to be a public nuisance and may be removed as provided in § 340-24.
- B. Exemptions. This section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village.

ARTICLE IV

Miscellaneous Provisions

§ 340-26. Railroad regulations.

- A. Obstruction of railroad crossings. No person shall leave standing or stop or permit or allow to stand or stop any railroad train, engine or car upon any street, alley or highway crossing within the Village so as to obstruct public travel for a greater period of time than 10 minutes without opening said street, alley, or crossing for at least 10 minutes. Any conductor, engineer, fireman or brakeman on any train or locomotive so obstructing any street, alley or railroad crossing or any yardmaster, flagman, switchman or section hand who shall allow and be responsible for such obstruction shall be subject to a penalty as provided in § 340-31 of this chapter. The corporation running or operating such train, engine or cars so obstructing any street or railroad crossing shall be subject to a forfeiture of not more than \$500. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- B. Crossing warning by trains. No person shall operate or permit to be operated a locomotive, railway train, engine or railway car over any graded street or highway crossing within the limits of the Village unless a whistle or horn shall be blown 80 rods from said crossing and a bell rung continuously until the crossing shall be reached. The blowing of a whistle or horn and the ringing of a bell shall not be necessary where gates are operated automatically or a flagman is stationed at such traveled grade crossing.

§ 340-27. Pedestrian regulations.**A. Pedestrian obedience to traffic control devices and regulations.**

- (1) Obedience to traffic control devices. No person shall fail to obey the instructions of any uniform traffic control device when traveling as a pedestrian on any highway within the Village unless otherwise directed by a law enforcement officer.
- (2) Crossing at crosswalks. No pedestrian shall cross at a crosswalk except on the right half thereof whenever practicable. Where sidewalks are provided, no pedestrian shall walk along and upon an adjacent roadway except when the sidewalk is visibly unsafe, obstructed, or closed to public travel.

B. Prohibited pedestrian crossings. No pedestrian shall cross between adjacent intersections, unless such crossing is permitted by official traffic control devices.**§ 340-28. Motor vehicles on pedestrianways and overpasses.**

No person shall operate or park any motor vehicle on any pedestrianway or pedestrian overpass within the Village except municipal or county maintenance vehicles.

§ 340-29. Unauthorized operation on public or private property.**A. Purpose.**

- (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands, including damage or destruction of vegetation, animal life, and improvement to the lands; and
- (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
- (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
- (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

B. Definitions. For purposes of this section, the terms below shall be defined as follows:

MOTOR VEHICLE — Any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies, and tractors. "Motor vehicle" shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this ordinance shall not be so defined while:

- (1) It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites,

provided such operation is by persons having legitimate business on such land or sites;

- (2) It is being operated by or at the direction of public employees or utility company employees as part of their employment duties;
- (3) It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

OFF-ROAD — Any location which:

- (1) Is not a paved or maintained public street or alley; or
- (2) Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
- (3) Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creek bed, riverbed or lake; provided, however, that this subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.

OPERATION — The physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

UNAUTHORIZED — Without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.

C. Unauthorized off-road operation prohibited.

- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
- (2) It shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks parking lots, or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the consent of the owner before operation of such craft or vehicle on private lands.

D. Operation of snowmobiles, motorcycles, mopeds, minibikes or all-terrain vehicles within any parks is prohibited. No person shall operate a snowmobile, motorcycle, moped, minibike or all-terrain vehicle (ATV) within any parks or athletic fields within the Village except in designated areas.

E. Prohibited use of snowmobile trails. Except as provided in the definition of motor vehicle in Subsection B above, no person shall operate any motor vehicle other than a snowmobile on a snowmobile trail.

§ 340-30. Driving over curbing prohibited.

It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the Village.

ARTICLE V

Enforcement and Penalties

§ 340-31. Violations and penalties.

- A. Forfeiture penalty. The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by §§ 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by §§ 757.05 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than 60 days. Any person 18 years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.
- B. Other sanctions. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
- C. Forfeitures for violation of uniform traffic regulations. Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in § 340-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this chapter for any offense described in Chs. 341 to 348, Wis. Stats, for which an imprisonment penalty or fine may be imposed upon the defendant.
- D. Forfeitures for parking violations.
- (1) Forfeitures for uniform statewide parking, stopping and standing offenses. Minimum and maximum forfeitures for violation of nonmoving traffic violations adopted by reference in § 340-1, as described in Chs. 341 to 348, Wis. Stats., shall be as follows: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

Wis. Stats.	Offense	Forfeiture
§ 346.51(1)	Improper parking on/off roadway	\$10
§ 346.52(1)	Stopping/standing in prohibited areas	\$10
	2nd conviction within 1 year	\$10
§ 346.52(2)	Stopping/standing on highway by grade school	\$10
	2nd conviction within 1 year	\$10

Wis. Stats.	Offense	Forfeiture
§ 346.53	Parking/standing where prohibited	\$10
	2nd conviction within 1 year	\$10
§ 346.54	Improper parking/standing of vehicle	\$10
	2nd conviction within 1 year	\$10
§ 346.55(1)	Parking on left side of highway	\$10
§ 346.55(2)	Parking vehicle for sale on highway	\$10
§ 346.55(3)	Parking on posted private property	\$10
	2nd conviction within 1 year	\$10

- (2) Penalty for other parking violations. The penalty for all other parking violations not included under Subsection D(1) above shall be a forfeiture of \$30 if paid within 30 days and a forfeiture of \$40 if the forfeiture is paid after 30 days or the violator does not appear in court.

E. Other violations. Any person who shall violate any provision of this chapter for which a penalty is not otherwise established by this section shall be subject to a forfeiture as provided in § 1-4, General penalty, of Chapter 1, General Provisions. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

§ 340-32. Enforcement.

A. Enforcement procedures. How enforced. This chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this section.

B. Citations.

- (1) Uniform citation and complaint. The Wisconsin uniform traffic citation and complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this chapter except those provisions which describe or define nonmoving traffic violations and violations of §§ 346.71 through 346.73, Wis. Stats. Violations of §§ 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney, and the Wisconsin uniform traffic citation shall not be used in such cases except upon written request of the District Attorney.
- (2) Parking citations. The Chief of Police shall recommend a citation for use in enforcing the nonmoving traffic offenses in this chapter. When approved by the Village Board, such citation shall be used for enforcement of nonmoving traffic regulations created or adopted by this chapter, including violations of nonmoving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in § 340-1, and all provisions regarding nonmoving traffic violations in this chapter. The citation for nonmoving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a nonmoving

traffic regulation and penalty thereof by complying with Subsection C(2) of this section. Nonmoving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

C. Deposits and stipulations.

(1) Uniform traffic offenses.

- (a) Who may make. Persons arrested or cited for violation of moving traffic offenses created by this chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by person arrested for violations of this chapter in accordance with § 66.0114(1)(b), Wis. Stats., whenever the provisions of § 345.27, Wis. Stats., are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under § 345.11, Wis. Stats., and may be accepted within five days of the date of the alleged violation. Stipulations may be accepted by the Police Department.
- (b) Delivery or mailing of deposit and stipulation. Any person stipulating guilt or no contest under the preceding subsection must make the deposit required under § 345.26, Wis. Stats., or, if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the Village Board. Deposits may be brought or mailed within five days of the issuance of the citation in lieu of court appearance to the Police Department.
- (c) Receipt required. Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of §§ 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under § 345.11, Wis. Stats. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation, and a copy of the receipt, within seven days to the County Clerk of Courts. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

(2) Nonmoving traffic offenses.

- (a) Direct payment of penalty permitted. Persons cited (summons not issued) for violation of nonmoving traffic offenses as defined in this chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five days of the issuance of the citation to the Police Department the minimum forfeiture specified for the violation. If not forwarded, the penalty may be discharged by forwarding within 15 days of the date of citation to the above-named office in the amount of \$20. When payment is made as provided in this paragraph, no court costs shall be charged.

- (b) Court prosecution. If the alleged violator does not deliver or mail a deposit as provided in Subsection C(2)(a), the Chief of Police shall forward a copy of the citation to the Village Attorney.
 - (c) Registration suspension. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified on the citation, within 28 days after the citation is issued, the Village may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of § 345.28(4), Wis. Stats., and Subsection C(4) below.
 - (d) Deposits returned to municipal judge or his designee. Officers receiving deposits for nonmoving traffic violations under this subsection shall pay over such deposits to the Village Clerk-Treasurer within seven days of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.
 - (e) Bond. Any officer authorized to accept deposits under § 345.26, Wis. Stats., or this section shall qualify by taking the oath prescribed by § 19.01, Wis. Stats.
- (3) Notice of demerit points and receipt. Every officer accepting a forfeited penalty or money deposit under this section shall receipt therefor in triplicate as provided in § 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this section shall comply with the provisions of §§ 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under § 345.11, Wis. Stats. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- (4) Registration suspension program.
- (a) The Village shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in § 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.
 - (b) The Police Department is hereby designated as a delegated authority for purposes of §§ 85.13 and 345.28, Wis. Stats., and Ch. Trans 128, Wis. Adm. Code. The Police Department is authorized to perform, on behalf of the Village, all functions required of a local authority under said statutes and code, including, but not limited to:
 - [1] Preparing and completing all forms and notices and notifying the Wisconsin Department of Transportation of unpaid citations for nonmoving traffic violations;
 - [2] Specifying whether the registration of vehicles involved in unpaid citations for nonmoving traffic violations should be suspended and/or

whether registration should be refused for any vehicle owned by persons with unpaid citations for nonmoving traffic violations;

- [3] Determining the method by which the Village will pay the Wisconsin Department of Transportation for administration of the program and establishing the effective date for participation;
 - [4] And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- (c) In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by § 345.28(4)(d), Wis. Stats. The Police Department may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- (d) This subsection shall not be interpreted as requiring that all unpaid citations for nonmoving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Village's participation in such program shall be in addition to any and all other means legally available to enforce such citations.