

TITLE 10

Motor Vehicles and Traffic

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Chapter 2	Bicycles
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Title 10 ♦ Chapter 1

Traffic and Parking

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Article A: General Provisions

Sec. 10-1-1 State Traffic Laws Adopted.

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110, 194, and 340 through 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code by adding the prefix "10-1-" to each statute section number. 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 Chapters 340 through 349 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Village of Merrilan, 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 Chapter shall be as provided in Chapters 340 through 349, 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
 - 941.03 Highway Obstruction
 - 943.11 Entry into Locked Vehicle
 - 943.23 Operating Motor Vehicles Without Owners Consent
 - 947.045 Drinking in Motor Vehicle on Highway
- (c) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1997-98 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (d) **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.

Sec. 10-1-2 State Administrative Code Provisions 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 Chapter as if fully set forth herein.

Wis. Adm. Code — TRANS 5	Standards for Motor Vehicle Equipment
Wis. Adm. Code — TRANS 6	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code — TRANS 12	Leasing of Vehicles by Private Carriers
Wis. Adm. Code — TRANS 18	Protective Headgear Standards and Specifications
Wis. Adm. Code — TRANS 22	Standards and Specifications - Design and Mounting SMV Emblem

- (b) **Non-Compliance 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 Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter.
- (c) **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 or she 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 or she 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 Sec. 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.
- (d) **Penalty.**
- (1) 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 Section 10-1-50, together with the costs of prosecution and applicable penalty assessment.

- (2) The Administrative Code sections adopted by reference in Subsection (a) above shall be designated as part of this Code by adding the prefix "10-1-" to each statute or Administrative Code section number.

Sec. 10-1-3 Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers.

- (a) **Duty of Maintenance Superintendent 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 Section 10-1-1, require the erection of traffic control devices for enforcement, the Maintenance Superintendent with the cooperation of the Chief of Police, 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 Maintenance Superintendent, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Village of Merrillan.
- (b) **Code Numbers to be Affixed to Official Traffic control Devices.** The Maintenance Superintendent shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (a), a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- (c) **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 Maintenance Superintendent or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (d).
- (d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Maintenance Superintendent 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 Maintenance Superintendent 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.

State Law Reference: Sections 346.41 and 349.09, Wis. Stats.

Sec. 10-1-4 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 Section 10-1-1 and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Sec. 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

Sec. 10-1-5 School Bus Warning Lights.

- (a) (1) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10-1-1 to the contrary and except as provided in Subsection (b) below, 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.
- (2) The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least one hundred (100) feet before stopping to load or unload pupils or other authorized passengers and shall not extinguish such lights until loading or unloading is completed and persons who must cross the street or highway are safely across.
- (3) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers from either side where the curb and sidewalk are laid on one (1) side of the road only.
- (4) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers in a residential or business district when the passengers are to be loaded or unloaded at a location at which there are:
- No traffic signals;
 - Sidewalk and curb are laid on both sides of the street or highway; and
 - Such persons must cross the street or highway before being loaded or after being unloaded.

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- (5) The operator of a motor vehicle which approaches from the front or rear of any school bus which has stopped on a street or highway when the bus is displaying flashing red warning lights shall stop the vehicle not less than twenty (20) feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of a school bus, which approaches the front or rear of another school bus that has stopped and is displaying red warning lights, shall stop not less than twenty (20) feet from the other bus, display its red warning lights and remain stopped with red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.
 - (b) Pursuant to Sec. 349.21 (2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of a right-of-way between the roadway and the school grounds designated by "school" warning signs as provided in Sec. 18.08(1), Wis. Stats.

Sec. 10-1-6 Blue Warning Lights on Police Vehicles.

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- (a) Pursuant to Sections 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 Sec. 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 Sec. 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 five hundred (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.

Sec. 10-1-7 Accident Reports.

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The operator of every vehicle involved in an accident shall, immediately after such accident, file with the Chief of Police a copy of the report required by Sec. 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 Sections 346.70(4)(f) and 346.73, Wis. Stats., specifically that accident reports filed with this Section shall be for the confidential use of Village

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law enforcement officials and shall not be open to public inspection except as permitted by Sec. 346.73, Wis. Stats.

State Law Reference: Sec. 346.70, Wis. Stats.

Sec. 10-1-8 and Sec. 10-1-9 Reserved for Future Use.

Article B: Street Traffic Regulations

Sec. 10-1-10 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 Section 10-1-1 of this Chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Sec. 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 Sec. 346.18(6), Wis. Stats.

Sec. 10-1-11 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 designed or used for transporting property of any nature and having a gross weight of more than twelve thousand (12,000) pounds. "Heavy traffic" does not include school buses, motor buses or recreational motor homes.
- (b) **Prohibited Routes.**
 - (1) Heavy traffic is prohibited from using any Village of Merrilan street or highway not designated as a heavy traffic route.
 - (2) 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, nor shall this Section apply to heavy traffic necessary to obtain orders, to make deliveries, or to move supplies or equipment for agricultural purposes. This exception shall be permitted for the period of time necessary to complete the above-described activities. 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) **Construction Equipment.**
 - (1) Heavy construction equipment may use Village streets or highways not designated as heavy traffic routes provided that the closest access route is utilized.
 - (2) 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, highways, or sidewalk(s) in violating this Section shall be liable and required to pay the Village the cost of repair or replacement of the damaged street, highway, or sidewalk(s).
- (e) **Streets Designated Class "B" Highways.** All streets and highways within the Village of Merrilan, Wisconsin, are hereby designated Class "B" highways subject to the weight limitations imposed on Class "B" highways by the Wisconsin Statutes adopted by reference in Section 10-1-1 except the highways or parts of highways designated as heavy traffic routes in Subsection (f) below.
- (f) **Heavy Traffic Routes.** The following streets in the Village of Merrilan are hereby designated heavy traffic routes, for commercial vehicles, pursuant to Sec. 349.17, Wis. Stats.:
- (1) State U.S. Highway 12.
 - (2) State Highway 95.
 - (3) South Hammond Street from U.S. Highway 12 to State Highway 95.
 - (4) County Trunk Highway K.
 - (5) State Highway 27.

State Law Reference: Sec. 349.17, Wis. Stats.

Sec. 10-1-12 Speed Limits.

The provisions of Sections 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 hereinafter specified pursuant to Sec. 349.11(3)(c), Wis. Stats., as follows:

- (a) **Speed Limits Increased.** Speed limits are increased as hereinafter set forth upon the following streets or portions thereof:
- (1) Thirty (30) m.p.h. on U.S. Highway 12 from the South corporate limits of the Village of Merrilan to a point four-tenths (4/10) of a mile south of the north corporate limits.
 - (2) Thirty-five (35) m.p.h. on State Highway 95 from the west corporate limits of the Village of Merrilan to the intersection of Highways 12 and 95.
 - (3) Twenty-five (25) m.p.h. from the intersection of U.S. Highway 12 and State Highway 95 to the intersection of State Highway 95 (East Pearl Street) and South Hayden Street.
 - (4) Forty-five (45) m.p.h. from the intersection of State Highway 95 (East Pearl Street) to the east edge of the Village limits.
- (b) **Speed Limits Decreased.** Speed limits are decreased as hereinafter set forth upon the following streets or portions thereof:
- (1) Fifteen (15) m.p.h. from State Highway 95 (East Pearl Street and South Hammond Street) to the intersection of State Highway 95 and South East Street when school children are present.

Sec. 10-1-13 Through Highways Designated.

In the interest of public safety and pursuant to Sec. 349.07, Wis. Stats., the following streets or portions thereof are declared to be through highways. All streets are through streets except where there is stop signage.

- (a) **Highway 12.** U.S. Highway 12 from the south curb line of Mill Street to the north curb line of Merrill Street. All vehicles traveling on the streets and in the directions set forth below shall come to a complete stop behind the crosswalk at their intersections with Highway 12.
 - (1) Mill Street for all vehicles traveling in either an easterly or westerly direction.
 - (2) Lincoln Street for all vehicles traveling in either an easterly or westerly direction.
 - (3) Hammond Street for all vehicles traveling in a southerly direction.
 - (4) Center Street for all vehicles traveling in either an easterly or westerly direction.
 - (5) Main Street for all vehicles traveling in either a northerly or southerly direction.
 - (6) Loomis Street for all vehicles traveling in a westerly direction.
 - (7) Wisconsin Street for all vehicles traveling in a southerly direction.
 - (8) Pearl Street for all vehicles traveling in either an easterly or westerly direction.
 - (9) Washington Street for all vehicles traveling in a northerly direction.
 - (10) Charles Street for all vehicles traveling in either an easterly or westerly direction.
 - (11) Green Street for all vehicles traveling in either an easterly or westerly direction.
 - (12) Merrill Street for all vehicles traveling in a westerly direction.
- (b) **Highway 95.** State Highway 95 from the west curb line of Houghton to the west right of way line of County Highway K. All vehicles traveling on the streets and in the directions set forth below shall come to a complete stop behind the crosswalks at their intersections with State Highway 95.
 - (1) Houghton Street for all vehicles traveling in a southerly direction.
 - (2) Grand Street for all vehicles traveling in a southerly direction.
 - (3) Washington Street for all vehicles traveling in a southerly direction.
 - (4) Wisconsin Street for all vehicles traveling in either a northerly or southerly direction.
 - (5) Main Street for all vehicles traveling in either a northerly or southerly direction.
 - (6) Hammond Street for all vehicles traveling in a northerly direction.
 - (7) Jackson Street for all vehicles traveling in a southerly direction.
 - (8) East Street for all vehicles traveling in either a northerly or southerly direction.
 - (9) Haydon Street for all vehicles traveling in a northerly direction.
 - (10) County Trunk Highway K for all vehicles traveling in a northwesterly direction.
- (c) **Main Street.** Main Street from the south curb line of Loomis Street to the north curb line of Charles Street. All vehicles traveling on the streets and in the directions set forth below shall come to a complete stop behind the crosswalks at their intersection with Main Street.
 - (1) Loomis Street for all vehicles traveling in a westerly direction.
 - (2) Charles Street for all vehicles traveling in an easterly direction.

- (d) **Grand Street.** Grand Street from the east curb line of Charles Street to the west curb line of Charles Street. All vehicles traveling in either an easterly or westerly direction on Charles Street shall come to a complete stop behind the crosswalk at the intersection of Grand Street and Charles Street.
- (e) **Hayden Street.** All vehicles traveling in a westerly direction on either exit of Trailer Court Road shall come to a complete stop at their intersection with Hayden Street.
- (f) **Hammond Street.** All vehicles traveling in an easterly direction on Loomis Street shall come to a complete stop behind the crosswalks at the intersections of Loomis Street and Hammon Street.

Sec. 10-1-14 through Sec. 10-1-19 Reserved for Future Use.

Article C: Parking Regulations

Sec. 10-1-20 Restrictions on Parking; Posted Limitations.

- (a) **Forty-eight (48) 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 of Merrillan for a period of forty-eight (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) **Off-Street Public Parking Areas.** It shall be unlawful to park or leave for storage any equipment or vehicle in any Village off-street parking lot.
- (c) **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 Sec. 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 Chapter 346, Wis. Stats. The Village Board shall 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 (1) stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.

Sec. 10-1-21 Parking Restrictions During Temporary Snow Removal or Street Maintenance.

- (a) **Temporary Parking Restrictions for Special Events.** For the period of time during which a community event is being held and upon proper resolution of the Village Board, all or any portion of a street, adjacent to the area at which the community event is being held, may be designated as a temporary no-parking zone. All such temporary no-parking zones shall be properly designated by an official no-parking sign placed or erected pursuant to the authority and direction of the Village Board. The operator of any motor vehicle shall not park or allow such vehicle to stand in such temporary no-parking zone.
- (b) **Parking During Special Snow Removal.** No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by the Maintenance Superintendent and/or Chief of Police indicating no parking due to special snow removal work. (See Section 10-1-27).

Sec. 10-1-22 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.
 - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Ten-foot Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.
 - (4) 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.

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- (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
 - (6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
 - (7) 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.
 - (8) In any place or manner so as to obstruct, block or impede traffic.
 - (9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - (11) Upon any bridge.
 - (12) 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.
 - (13) Upon any terrace or sidewalk in the Village at any time.
 - (14) In a loading zoning.
 - (15) Within six (6) feet of the entrance to an alley, private road or driveway.
 - (16) In any municipal park when said park is closed to the public.
 - (17) Upon any portion of US Highway 12/27 (Hammond Street, Diagonal Street, Washington Street) that has a curb.
- (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 which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- (c) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a law enforcement officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Village Marshal may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.
- (d) **Parking Vehicle for Repair or to Display for Sale Prohibited.**
- (1) No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the Village of Merrilan for the purpose of repairing said vehicle or to display such vehicle for sale. No person shall park on any street or avenue any vehicles for the primary purpose of advertising.
 - (2) No person other than an owner and/or operator of a business located on business• zoned property engaged in the regular business of selling vehicles may display a vehicle for sale upon private premises unless the following conditions are met:
 - a. Consent to display the vehicle has been given by the owner or lessee of the premises; and

- b. The owner of the vehicle is on the premises or resides there; and
- c. The vehicle displayed for sale is parked entirely on the premises; and
- d. The premises contains only one (1) vehicle displayed for sale; and
- e. The advertisement or sign for sale of the vehicle is not larger than two (2) square feet.

Cross-Reference: Title 10, Chapter 5

Sec. 10-1-23 Parking Reserved for Vehicles of Disabled.

When official traffic signs indicating such restriction have been erected in accordance with Section 10-1-3 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.

Sec. 10-1-24 Leaving Keys in Vehicle Prohibited; Parking Vehicles with Motor Running.

- (a) **Leaving Keys in Vehicle.** No person shall permit any motor vehicle 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. Whenever any law enforcement officer shall find any vehicle standing with the key in the ignition in violation of this Section, such law enforcement officer is authorized to remove such key from the vehicle and deliver the key to the Village office for safe custody.
- (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 thirty (30) minutes within three hundred (300) feet of any residence within the Village of Merrilan between the hours of 10:00 p.m. and 7:00 a.m.

Sec. 10-1-25 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.

Sec. 10-1-26 Angle Parking.

- (a) The Village Board shall from time to time have certain streets or portions of streets marked with white lines to designate parallel or diagonal parking places. Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village except as provided herein in designated angle parking stalls. All vehicles shall park parallel to, and within one (1) foot of, the curb except where streets and parking lots are so marked for angle parking.
- (b) No person shall at any time park any vehicle:
 - (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
 - (2) Backwards into angle parking spaces so designated and provided by appropriate markings.
 - (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

Sec. 10-1-27 Seasonal All-Night Parking Restrictions.

In addition to the Restrictions on Stopping and Parking incorporated into this Section from Chapter 346, Wis. Stats., when signs have been erected in accordance with the provisions of Sec. 349.13, Wis. Stats., the following regulations shall be in effect within the corporate limits of the Village of Merrillan, Jackson County, Wisconsin:

- (a) **Main Street Night Parking Regulated.** Between the hours of 3:00 a.m. and 6:00 a.m., it shall be unlawful for any vehicle to be parked on either side of Main Street between the intersection of Main Street with US STH 12/27 and the intersection of Main Street with the north curb line of Clark Street.

Sec. 10-1-28 Parking of Vehicles Over 12,000 Pounds or 22 Feet Restricted.

- (a) **Parking.** No person owning or having control of any truck, trailer, truck power unit, tractor, bus, recreational vehicle, camping/recreational use camper, or combination of vehicles weighing in excess of twelve thousand (12,000) pounds gross weight, or over twenty-two (22) feet in length (including accessories, racks, or other physical extensions, or having a height of more than eight (8) feet from the roadway, shall park the same upon any street, avenue, public way in the Village of Merrillan. The provisions of this Subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue, public way or private property in the Village for actual loading or unloading of goods, ware or merchandise, providing, however, the "loading" and "unloading", as used in the Section, shall be limited to the actual time consumed in such operation. The Village Board may, however, designate specific truck parking zones.
- (b) **Exceptions.** Any municipal vehicle or public works equipment is excepted from the provisions of Subsection (a) above.

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** Sec. 10-1-27 and Sec. 10-1-28 updated by Resolution 2014-02 on 1-7-14

- (c) **Removal.** Any vehicle unlawfully parked under Subsection (a) or (b) above may be removed from the street by order of a law enforcement officer, pursuant to Section 10-1-32, 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 hereafter prescribed.

Sec. 10-1-29 Parking Limits and No Parking Areas.

When signs have been erected in accordance with the provisions of Sec. 349.13, Wis. Stats., the following regulations shall be in effect within the corporate limits of the Village of Merrilan, Jackson County, Wisconsin:

- (a) **Winter Night Parking.** It shall be unlawful for any vehicle to be parked on any street between the hours of 3:00 a.m. and 6:00 a.m., December 1, to 12:01 a.m., April 1.
- (b) **Special Parking Exemptions for Disabled Veterans and Other Disabled Persons.**
An automobile or motor home bearing special registration plates issued under Sec. 341.14(1) – (1q), Wis. Stats. or a motor vehicle upon which a special identification card issued under Sec. 341.51, Wis. Stats. is displayed, is exempt from any provisions of this Code imposing time limitations on parking on any street or highway zone and parking lot, whether Village-owned or leased by a parking utility with one-half (1/2) hour or more limitations but otherwise is subject to the laws relating to parking. Such parking privileges granted by this subsection are limited to disabled veterans and other disabled persons to whom such special registration plates or special identification cards have been issued as provided herein and to qualified motor vehicle operators acting under the express direction of such disabled veteran or such disabled person when such disabled veteran or disabled person is present. Except as otherwise provided in the ordinances of the Village, no person may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of a street, highway or parking facility reserved for handicapped persons by official traffic signs, distinct markers or parking meters indicating the restriction.
- (c) **Removal by Private Service.** Any law enforcement officer or the Village Maintenance Superintendent may order a motor carrier holding a permit perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove any vehicle parked, stopped, or left standing upon a highway or public parking lot or ramp in violation of this section and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.

**** Ordinance No. 2-SERIES 2013 Amending Sec. 10-1-29**

Sec. 10-1-30 Unlawful Removal of Parking Citations.

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

Sec. 10-1-31 Operation of Motor Vehicles in Public Parking Lots.

- (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 Section 10-1-1 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 for the general public for parking or vehicular traffic.

Sec. 10-1-32 Removal of Illegally Parked Vehicles.

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp 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 law enforcement officer, to a position where parking is permitted or to a private or public parking or storage premises.
- (c) **Removal by Traffic Officer.** Any law enforcement 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 the actual 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.

Sec. 10-1-33 Inoperable, Wrecked or Discarded Vehicles.

- (a) **Storage Prohibited.** No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked, unregistered, or discarded motor vehicle shall allow such vehicle to remain on any public street or highway, parking lot or ramp longer than forty-eight (48) hours after notification thereof by a law enforcement officer. Any such vehicle not removed within forty-eight (48) hours is declared to be a public nuisance and may be removed as provided in Section 10-1-32.
- (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 of Merrillan.

Cross-Reference: Section 10-5-1.

Sec. 10-1-34 Traffic and Parking Regulations on School District Grounds.

Pursuant to the provisions of Sec. 118.105, Wis. Stats., the following regulations shall apply to the grounds of the Alma Center-Merrillan-Humbird Public School District located within the Village of Merrillan:

- (a) **Parking.** No person shall park any vehicle in any vehicular traveling area or parking area of the Alma Center-Merrillan-Humbird School District, except in conformity with posted parking regulations set forth for such vehicular travel and parking areas.
- (b) **Speed Limits.** No person shall, at any time, operate a motor vehicle upon any School District grounds at a speed in excess of ten (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 or emergency vehicle, in or upon any drive designated for buses only during the hours of 7:00 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.
- (d) **State Traffic Forfeiture Laws Adopted.** All provisions of Chapters 340 to 349, 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 Section as if fully set forth herein. Such statutory sections shall be designated as part of this Code by adding the prefix "10-1-34-" to each state statute section number. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section.
- (e) **Miscellaneous Rules.**
 - (1) No person shall operate a motor vehicle on such school premises at a rapid or sudden acceleration with the intent of squealing tires or leaving tire marks.

- (2) No person shall operate a motor vehicle on such premises across parking lot islands or parking lot dividers.

Sec 10-1-35 Municipal Parking Lots.

(a) Definitions. For the purpose of the interpretation and enforcement of this ordinance, the following words have the meanings hereinafter ascribed to them:

1. **"MUNICIPAL PARKING LOT"** shall mean an area owned or operated by the Village of Merrilan and used for purposes of parking motor vehicles.
2. **"VEHICLE"** shall mean every device in, upon or by which an individual or property is or may be transported upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
3. **"OPERATOR"** shall mean an individual who is in actual physical control of a vehicle or who causes a vehicle to be operated, whether the Owner thereof or his agent, employee, licensee or invitee.
4. **"OWNER"** shall mean a Person who holds the legal title of a vehicle or in whose name a vehicle is currently registered or was last registered with the Department of Motor Vehicles.
5. **"PERSON"** shall mean any individual, firm, partnership, associations, corporation, company or organization of any kind.

(b) Use of Municipal Parking Lots – Regulations.

1. It shall be unlawful to park or leave for storage any equipment or Vehicle on any Municipal Parking Lot without a Parking Permit.
2. No motor Vehicle shall be parked on a Municipal Parking Lot unless such Vehicle is properly registered and displays current and valid motor Vehicle license plates.
3. No Person shall perform or do any repairs or other work on a motor Vehicle while such Vehicle is on a Municipal Parking Lot.
4. No loitering or congregating shall be permitted on any Municipal Parking Lot unless pursuant to an organized event previously approved in writing by the Village.
5. All Vehicles parked on a Municipal Parking Lot shall be capable of being self-propelled or shall be connected to a functioning tow Vehicle capable of propelling itself and said Vehicle.

(c) Parking Restricted to Residents. The issuance of Parking Permits for Vehicles on any Municipal Parking Lots in the Village of Merrilan is hereby limited and restricted to Vehicles owned or operated by a resident of the Village of Merrilan possessing the proper form of identification as hereinafter provided. The parking of a Vehicle in said Municipal Parking Lots by any other person who is not a resident of the Village of Merrilan is prohibited.

(d) Application for Vehicle Parking Permit; Fee; Term of Permits.

1. Any resident of the Village of Merrillan desiring to park in a Municipal Parking Lot must obtain a Vehicle parking permit (a "Parking Permit") by making application in writing to the Merrillan Clerk. Upon approval of the application by the Merrillan Clerk and payment of the applicable fee as set forth below, the Parking Permit shall be issued for each approved Vehicle to such Person.
 2. Parking Permits. All Parking Permits shall be issued for a term of one year. Parking Permits shall not be transferrable, and shall not guarantee that a parking space shall be available in a Municipal Parking Lot. The permitted Vehicle may be parked in the Municipal Parking Lot at any time. The annual fee for each Parking Permit shall be \$50. The Parking Permit fee shall be non-refundable or reimbursable.
 3. All Parking Permits shall be conspicuously displayed on either the reverse side of the interior rear-view mirror or fixed on the Vehicle windshield on the driver's side just above the dash. Each Parking Permit shall be utilized only on the Vehicle for which it was issued and shall contain the registered license plate number for the Vehicle as issued by the Wisconsin Department of Motor Vehicles. It shall be required that the Parking Permit holder notify the Merrillan Clerk should the resident change the license plate of said Vehicle or change Vehicles. When the Parking Permit is so affixed, the Vehicle may be parked in a Municipal Parking Lot in accordance with the provisions of this chapter.
 4. The parking of any Vehicle not bearing the Parking Permit in a Municipal Parking Lot in the Village of Merrillan shall be deemed a violation of this section. Failure to properly display the approved Parking Permit shall be deemed a violation of this section. Parking in any Municipal Parking Lot except as herein expressly authorized is hereby prohibited.
 5. Prior to the issuance of a Parking Permit pursuant to this chapter, the Vehicle Owner shall be required to execute a hold harmless agreement in favor of the Village of Merrillan and its various departments, employees, agents and officers, holding the Village of Merrillan harmless in the event of any personal injury or property damage resulting from the use of any Municipal Parking Lot.
- (e) **Removal of Delinquent Vehicles.** In addition to the penalty that may be imposed for the violation of any of the provisions of this ordinance, if any Vehicle is parked in any Municipal Parking Lot in violation of any of the provisions of this ordinance, the Police Department, shall have the right, in its discretion, to have the Vehicle towed by a licensed towing company at the Owner/Operators expense, and any Person, firm or corporation desiring to reclaim such Vehicle may do so by paying the expense of such removal and storage.
- (f) **Validity.** Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decisions shall not affect the validity of this ordinance as a whole or any part thereof other than the part so held unconstitutional or invalid.
- (g) **Violations and Penalties.** It shall be unlawful for any Owner or Operator of a motor Vehicle to park (such Vehicle upon any Municipal Parking Lot in violation of the provisions of this Section.

1. The Chief of Police shall cause to be erected on all Municipal Parking Lots a sign or signs setting forth "Parking by Permit Only" and containing a statement that Vehicles parked in violation may be towed and issued parking citations, as set forth herein.
2. Violations of this Section shall be issued parking citations with a minimum fine of fifty dollars (\$50.00) per violation. A separate offense shall be deemed committed on each day the Vehicle remains parked in violation of this Section.

(h) **Severability.** The provisions of this ordinance shall be deemed severable and it is expressly declared that the Board of Trustees would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance or the application of such other provisions to other persons or circumstances shall not be affected.

10-1-35 Adopted by the Board 10.6.15

Sec. 10-1-36 through Sec. 10-1-39 Reserved for Future Use.

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Article D: Miscellaneous Provisions

Sec. 10-1-40 Disturbance of the Peace with a Motor Vehicle.

- (a) **Unnecessary Noise Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the Village of Merrillan.
- (b) **Unnecessary Smoke Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the Village.
- (c) **Unnecessary Acceleration and Display of Power Prohibited.** It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.
- (d) **Disorderly Conduct with a Motor Vehicle.**
 - (!) **Conduct Prohibited.** No person shall, within the Village of Merrillan, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.
 - (2) **Definition.** "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.
- (e) **Avoidance of Traffic Control Device Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.
- (f) **Operation in Restricted Area Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This Section shall specifically include, but not be limited to:

- (1) Public park property;
 - (2) Cemetery properties;
 - (3) School District property;
 - (4) Medical facilities;
 - (5) Funeral homes;
 - (6) Service stations;
 - (7) Grocery stores;
 - (8) Restaurants;
 - (9) Financial institutions; and
 - (10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.
- (g) **Stopping and Parking Prohibited.** It shall be unlawful for any person to stop or park a motor vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain persons and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any vehicle parked in violation of this Section may be removed or towed by the property owner at the vehicle owner's expense.

Sec. 10-1-41 Motor Vehicles in Pedestrian Ways and Overpasses.

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

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Sec. 10-1-42 School Crossing Guards.

Pursuant to Sec. 349.215, Wis. Stats., those adult persons hired by the School District or Village to act as "School Crossing Guards" shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting school children to cross the street.

State Law Reference: Sec. 349.215, Wis. Stats.

Sec. 10-1-43 Driving Over Curbing or Safety Islands Prohibited.

- (a) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the Village of Merrilan.
- (b) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device

Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island. Persons causing damage to curbing by driving over such curbing shall be responsible for the cost of such repairs.

Sec. 10-1-44 Sound-Producing Devices in Vehicles; Impoundment; Seizure and Forfeiture.

(a) Sound-Producing Devices; Impoundment; Seizure and Forfeiture.

- (1) In this Section, "sound-producing device" does not include a piece of equipment or machinery that is designed for agricultural purposes and that is being used in the conduct of agricultural operations.
- (2) A law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a Village ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other Village ordinance prohibiting excessive noise, is authorized to impound any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has two (2) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other Village ordinance prohibiting excessive noise. The Village authorizes the impoundment of a vehicle for not more than five (5) working days to permit the Village authorities or their authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner.
- (3) The Village may recover the cost of impounding the sound-producing device and, if a vehicle is impounded, the cost of impounding the vehicle and removing the sound-producing device. Upon disposition of the forfeiture action for the violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise and payment of any forfeiture imposed, the sound-producing device shall be returned to its rightful owner.
- (4) The Village may dispose of any impounded sound-producing device or, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
- (5) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.

- (6) Notwithstanding Subsections (a)(1)-(5) above, the Village authorizes a law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise, to seize any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has three (3) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise.
- (7) The Village may impound a vehicle violating Subsection (a)(6) vehicle for not more than five (5) working days to permit the Village or its authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner upon payment of the reasonable costs of impounding the vehicle and removing the sound-producing device.
- (8) Any seized sound-producing device under Subsection (a)(6) shall be treated in substantially the manner provided in Sec. 973.075(3), 973.076 and 973.077, Wis. Stats., for property realized through the commission of any crime, except that the sound-producing device shall remain in the custody of the applicable law enforcement agency; a district attorney or Village Attorney, whichever is applicable, shall institute the forfeiture proceedings; and, if the sound-producing device is sold by the law enforcement agency, all proceeds of the sale shall be retained by the Village.
- (9) The Village may, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., dispose of any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
- (10) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.
- (b) **Vehicle Owner's Liability for Radios or Other Electric Sound Amplification Devices.**
- (1) a. The owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., shall be presumed liable for the violation as provided in this Section.
- b. Notwithstanding Subsection (b)(1), no owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., may be convicted under this Section if the person operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this Section or under Sec. 346.94(16), Wis. Stats.
- (2) Any member of the public who observes a violation of Sec. 346.94(16), Wis. Stats., may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:

- a. The time and the approximate location at which the violation occurred.
 - b. The license number and color of the motor vehicle involved in the violation.
 - c. Identification of the motor vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.
- (3) a. 1. Within twenty-four (24) hours after observing the violation, a member of the public may deliver a report containing all of the information in Subsection (b)(2) to a traffic officer of the county or municipality in which the violation occurred. A report which does not contain all of the information in Subsection (b)(2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.
2. Within forty-eight (48) hours after receiving a report containing all of the information in Subsection (b)(2), the traffic officer shall investigate the violation and may prepare a uniform traffic citation under Sec. 345.11 and, within seventy-two (72) hour after receiving such report, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.
- b. If with reasonable diligence the owner cannot be served under paragraph (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family who is at least fourteen (14) years of age and who shall be informed of the contents thereof. Service under this paragraph may be made by any traffic officer employed by the authority issuing the citation and shall be performed within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a traffic officer under paragraph (a)1.
- c. If with reasonable diligence the owner cannot be served under paragraph (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address. Service under this paragraph shall be performed by posting the certified mail within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a traffic officer under paragraph (a)1. Except for owners who live outside of the jurisdiction of the issuing authority, service under this paragraph may not be performed unless service under paragraphs (a) and (b) has been attempted.
- (4) Defenses to the imposition of liability under this Section include:
- a. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.
 - b. If the owner of the vehicle provides a traffic officer employed by the authority issuing the citation with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle or having

the vehicle under his or her control at the time of the violation, then the owner of the vehicle shall not be liable under this Section or under Sec. 346.94 (16), Wis. Stats.

- c. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer employed by the authority issuing the citation with the information required under Sec. 343.46(3), Wis. Stats., then the lessee and not the lessor shall be liable under this Section or under Sec. 346.94(16), Wis. Stats.
- d. If the vehicle is owned by a dealer, as defined in Sec. 340.01(11) (intro.), Wis. Stats., but including the persons specified in Sec. 340.01 (1) (a) to (d), Wis. Stats., and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a traffic officer employed by the authority issuing the citation with the name, address and operator's license number of the person operating the vehicle or having the vehicle under his or her control on a trial run, then that person, and not the dealer, shall be liable under this Section or under the applicable provision of Sec. 346.94(16), Wis. Stats.
- e. Notwithstanding Sec. 346.94(16)(b)6., Wis. Stats., this Section does not apply to the operation of a motorcycle.

(c) **Authority to Regulate Radios or Other Electric Sound Amplification Devices.**

- (1) Notwithstanding Sec. 346.94(16), Wis. Stats., the Village provides that, except as provided in Sec. 347.38(1), Wis. Stats., no person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of fifty (50) or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition. Any person violating this Subsection may be required to forfeit not less than Forty Dollars (\$40.00) nor more than Eighty Dollars (\$80.00) for the first violation and not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) for the second or subsequent violation within a year.
- (2) Subsection (c)(1) may not apply to any of the following:
 - a. The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.
 - b. The operator of a vehicle of a public utility, as defined in Sec. 11.40(1)(a), Wis. Stats.
 - c. The operator of a vehicle that is being used for advertising purposes.
 - d. The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
 - e. The activation of a theft alarm signal device.

- f. The operator of a motorcycle being operated outside of a business or residence district.

Sec. 10-1-45 through Sec. 10-1-49 Reserved for Future Use.

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Article E: Enforcement and Penalties

Sec. 10-1-50 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 Sections 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 Sections 165.87 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 sixty (60) days. Any person eighteen (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 ninety (90) days.
- (b) **Other Sanctions.**
 - (1) **By Court** 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.
 - (2) **By Municipality.** No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the Village, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- (c) **Forfeitures for Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 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 Chapters 341 to 350, 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 forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapter 341 to 350, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
 - (2) **Penalty for Other Parking Violations.** The forfeiture for violation of parking regulations in Sections 10-1-20 through 10-1-29, except for Sections 10-1-27 and 10-1-28, shall be Five Dollars (\$5.00).

(3) *Forfeitures for Violations of Section 10-1-27 through 10-1-29.* The forfeiture for violations of Sections 10-1-27 and 10-1-29 shall be Thirty Dollars (\$30.00) if paid within forty-eight (48) hours from issuance of the Notice of Violation, and

Thirty-five Dollars (\$35.00) if paid between forty-eight (48) hours and fourteen (14) days from the date of issuance of the Notice of Violation, the Village Marshal shall issue a citation for a violation of an ordinance adopting Sec. 346.52 or Sec. 346.53, Wis Stats., as amended, and the penalty shall be in conformity with the penalty provisions of Sec. 346.56, Wis. Stats., as amended.

(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 of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) for the first offense and not less than Twenty Dollars (\$20.00) nor more than Five Hundred Dollars (\$500.00) for the second offense within (2) years.

Sec. 10-1-51 Enforcement.

(a) **Enforcement Procedures.**

(1) *How Enforced.* This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.

(2) *Applicable Court Procedures.* Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in accordance with the provisions of Sec. 345.20(2)(b) and Chapter 800, Wis. Stats.

(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 non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis Stats. Violations of Sections 346.71 through 346.73, Wis Stats., shall not be used in such cases except upon written request of the District Attorney.

(2) *Parking Citations.* The Village Attorney and Chief of Police shall recommend to the Village Board a citation for use in enforcing the non-moving traffic offenses in this Chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10-1-1, and all provisions regarding non-moving traffic violations in this Chapter. The citations for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic

regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by Board authorized civilian employees of the Village.

(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 persons arrested for violations of this Chapter in accordance with Sec. 66.12(1)(b), Wis. Stats., whenever the provisions of Sec. 345.27, Wis. Stats., are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11, Wis. Stats.
- b. *Delivery or Mailing (/Deposit and Stipulation.* Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 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, including those for parking or nonmoving violations, shall be brought or mailed to the Clerk of Court as directed by the arresting officer.

(2) ***Non-moving Traffic Offenses.***

- a. *Direct Payment of Penalty Permitted.* Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Village office the minimum forfeiture specified for the violation. 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 a. within fifteen (15) days of the date of the citation, the Chief of Police shall forward a copy of the citation to the Village Attorney for prosecution.
- c. *Registration Suspension.* If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (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 Sec. 345.28(4), Wis. Stats., and Subsection (c)(3) below.
- d. *Bond.* Any official authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section, shall qualify by taking the oath prescribed by Sec. 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 Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Sections 343.27, 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 Sec. 345.11, Wis. Stats.
- (4) **Registration Suspension Program.**
- a. The Village shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Adm. Code TRANS 128 and all amendments or changes thereto.
 - b. The Village Marshal is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Adm. Code TRANS 128. The Village Marshal 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, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
 2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
 3. Determining the method by which the Village will pay the Wisconsin Department of Transportation for administration of the program; 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 Sec. 345.28(4)(d), Wis. Stats. The Village Marshal 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 non-moving 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.

State Law Reference: Sec. 345.28, Wis. Stats.; Chapter Trans. 128, Wis. Adm. Code.