

Chapter 309

VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Village Board of the Village of Hustisford 3-28-1994 as Title 10, Chs. 1 and 4 of the 1994 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Bicycles and play vehicles— See Ch. 128.
Junked vehicles — See Ch. 245, Art. II.
Snowmobiles — See Ch. 268.
Abandoned vehicles — See Ch. 304.

ARTICLE I

General Provisions

§ 309-1. State traffic laws adopted.

- A. Statutes adopted. Except as otherwise specifically provided in this Code, the statutory provisions in Chs. 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. 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 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 Hustisford, 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 Chs. 340 through 349, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this chapter:
- | | |
|---------|---|
| 346.935 | Intoxicants in motor vehicles |
| 941.01 | Negligent operation of vehicle off highway |
| 943.11 | Entry into locked vehicle |
| 943.23 | Operating motor vehicle without owner's consent |
- 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the Wisconsin Statutes as from time to time amended, repealed or modified by the Wisconsin Legislature.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.

§ 309-2. Administrative Code provisions adopted; safety checks.

- 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:

TRANS 150	Leasing of vehicles by private carriers
TRANS 304	Slow moving vehicle emblem
TRANS 305	Standards for motor vehicle equipment
TRANS 326	Motor carrier safety requirements for transportation of hazardous materials

- 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 § 309-1 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 for by this Subsection C, 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 § 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. 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 § 309-32, together with the costs of prosecution and applicable penalty assessment.

§ 309-3. Traffic signs and control devices.

- A. Duty of Public Works 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 § 309-1, require the erection of traffic control devices for enforcement, the Public Works Superintendent, 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 Public Works Superintendent, will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the Village of Hustisford.
- B. Code numbers to be affixed to official traffic control devices. The Public Works Superintendent shall cause to be placed on each official traffic control sign and guide board, milepost, 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 Public Works 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 Public Works 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 Public Works 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.

§ 309-4. 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 § 309-1 and shall be subject to the applicable forfeiture penalty, provided that the defenses defined and described in § 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

§ 309-5. School bus warning lights.

- A. Notwithstanding the provisions of § 346.48(2)(b)2, Wis. Stats., adopted by reference in § 309-1, to the contrary and except as provided in Subsection F 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 crosswalks or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.
- B. The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least 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.
- C. 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 side of the road only.
- D. 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:
 - (1) There are no traffic signals;
 - (2) Sidewalk and curb are laid on both sides of the street or highway; and
 - (3) Such persons must cross the street or highway before being loaded or after being unloaded.
- E. 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 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 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.

- F. Pursuant to § 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 § 118.08(1), Wis. Stats.

§ 309-6. 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's 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.

§ 309-7. Accident reports.

The operator of every vehicle involved in an accident shall, immediately 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., specifically that accident reports filed under this section shall be for the confidential use of the Department and shall not be open to public inspection, except as permitted by § 346.73, Wis. Stats.

ARTICLE II
Street Traffic Regulations

§ 309-8. 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 § 309-1 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.

§ 309-9. 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 12,000 pounds.
- B. Prohibited routes. Heavy traffic is prohibited from using any Village of Hustisford 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, nor shall this section apply to heavy traffic necessary to obtain orders, to make deliveries, or to move supplies or equipment for agricultural purposes. 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 Public Works Superintendent, 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 Chief of Police 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 streets and highways within the Village of Hustisford, 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 § 309-1, except the highways or parts of highways designated as follows:
- (1) State Highway 60.
 - (2) State Highway 109.
 - (3) County Highway R.¹

§ 309-10. Speed limits. ²

The provisions of §§ 346.57, 346.58, and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles, are hereby adopted, except as provided herein. All streets shall have a speed limit of 35 miles per hour or less, as designated by the Village Board, except in the school zone boundaries, as marked by school signs, in which areas the speed limit shall be 15 miles per hour when children are present.³

ARTICLE III Parking Regulations

§ 309-11. 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 of Hustisford 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

1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Original § 10-1-13, Through street designation, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

area. 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.⁴

B. Posted limitations.

- (1) The Village Board may designate certain streets or portions of streets as no-parking or no-stopping or no-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 no-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 emergency personnel on emergency calls or as permitted by state law or elsewhere by this Code.⁵
- (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. 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 the movement or turning of heavy traffic and the 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.

§ 309-12. Temporary parking restrictions.

- A. Street maintenance. Whenever it is necessary to clear or repair a Village roadway or any part thereof, the Public Works Department 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.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. Special events. Pursuant to the provisions of § 349.13, Wis. Stats., the Chief of Police is authorized to direct that temporary "No Parking" signs be erected by the Public Works Superintendent during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on Village roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.
- C. 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 Public Works and/or Police Department of the Village indicating no parking due to snow removal.

§ 309-13. Stopping or parking 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 terrace or sidewalk area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or sidewalk area" means that area between the sidewalk and the nearest curblineline running parallel or generally parallel thereto or, in the absence of a sidewalk, 10 feet beyond the curblineline.
 - (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.
 - (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 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.⁶
 - (13) In a loading zone.
 - (14) Within six feet of the entrance to an alley, private road or driveway.
 - (15) In any municipal park when said park is closed to the public.
- 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 in 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 feet of either side of said access. Upon discovery by a police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police 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.
- (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 Hustisford 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;
 - (b) The owner of the vehicle is on the premises or resides there;
 - (c) The vehicle displayed for sale is parked entirely on the premises;
 - (d) The premises contains only one vehicle displayed for sale; and
 - (e) The advertisement or sign for sale of the vehicle is not larger than two square feet.

⁶. Editor's Note: Original § 10-1-22(a)(13), which immediately followed this subsection and dealt with parking on a terrace or sidewalk, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See Subsection A(3) above.

§ 309-14. Parking reserved for vehicles of disabled persons.

When official traffic signs indicating such restriction have been erected in accordance with § 309-3 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.

§ 309-15. Leaving keys in vehicle; 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 police officer shall find any vehicle standing with the key in the ignition in violation of this subsection, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department 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 30 minutes within 300 feet of any residence within the Village of Hustisford between the hours of 10:00 p.m. and 7:00 a.m.

§ 309-16. 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.

§ 309-17. Angle parking.

- A. Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village, except as provided herein. 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.
- 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) Backward into angle parking spaces so designated and provided by appropriate markings.
 - (3) With a trailer attached or any vehicle longer than 20 feet on any street where

angle parking is so provided and allowed.

§ 309-18. Winter parking.

No person shall park a vehicle on any street in the Village of Hustisford on Monday through Friday between the hours of 2:00 a.m. and 6:00 a.m. and on Saturday and Sunday between the hours of 2:30 a.m. and 6:00 a.m. during the months of November, December, January, February and March of each year.

§ 309-19. Parking of certain vehicles restricted.

- A. Street parking. No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle or combination of vehicles weighing in excess of 12,000 pounds gross weight or over 16 feet in length (including accessories, racks, or other physical extensions) or having a height of more than eight feet from the roadway shall park the same upon any street, avenue, or public way in the Village in areas zoned residential or primarily residential in nature. The provisions of this subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue or public way in the Village for the actual loading or unloading of goods, ware or merchandise; provided, however, that "loading" and "unloading," as used in this subsection, shall be limited to the actual time consumed in such operation. The Village Board may, however, designate specific truck parking zones.
- B. Removal. Any vehicle unlawfully parked under Subsection A above may be removed from the street by order of a law enforcement officer, pursuant to § 309-22, 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.

§ 309-20. Unlawful removal of parking tickets.

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

§ 309-21. 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 § 309-1 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.

§ 309-22. 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.

§ 309-23. 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 street or highway, parking lot or ramp longer than 48 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 48 hours after notice is declared to be a public nuisance and may be removed as provided in § 309-22.
- 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 Hustisford.

§ 309-24. School district grounds.

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

- A. Parking. No person shall park any vehicle in any vehicular traveling area or parking area of the 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 10 miles per hour.⁷
- C. State traffic laws apply. The provisions of Chs. 340 to 349, Wis. Stats., adopted by reference in § 309-1 of this chapter, shall apply on school district grounds.⁸
- D. 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.

ARTICLE IV General Regulations

§ 309-25. Disturbance of the peace.

- 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 Hustisford.
- 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.
 - (1) Prohibited acts. No person shall, within the Village of Hustisford, 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.

⁷. Editor's Note: Original § 10-1-33(c), Vehicles prohibited at specified times, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

⁸. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) Definition. "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, unreasonably loud conduct; disturbing or endangering the property or the safety of another's person or property; or otherwise disorderly conduct, including but not limited to the unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of the 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 subsection 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 subsection may be removed or towed by the property owner at the vehicle owner's expense.

§ 309-26. Pedestrian regulations.

- A. Pedestrians to obey 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 of Hustisford 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.

§ 309-27. Vehicles on pedestrianways and overpasses.

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

§ 309-28. School crossing guards.

Pursuant to § 349.215, Wis. Stats., those adult persons hired by the school district or Police Department 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 schoolchildren to cross the street.

§ 309-29. Driving over curbing or safety islands.

- 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 Hustisford.
- 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.

ARTICLE V

All-Terrain Vehicles and Off-Road Motor Vehicle Operation

§ 309-30. State all-terrain vehicle laws adopted.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following enumerated subsections of § 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this section as if fully set forth herein. Any acts required to be performed by the following statutory subsections or which are prohibited by such statutory subsections are required to be performed by this section or are prohibited by this section:

- 23.33(1) Definitions [including Subsections (a) through (n)]
- 23.33(2) Registration
- 23.33(3) Rules of operation [including Subsections (a) through (i)]
- 23.33(4) Operation on or near highway [including Subsections (a) through (e)]
- 23.33(5)(a) and (c) Age restrictions
- 23.33(6) Equipment requirements [including Subsections (a) through (e)]
- 23.33(7) Accidents [including Subsections (a) and (b)]

§ 309-31. Unauthorized operation of motor vehicles.

- A. Findings. The unauthorized off-road operation of motor vehicles has resulted in the following:
 - (1) Serious damage to public and private lands, including damage or destruction of vegetation, animal life and improvement to the lands;
 - (2) The permanent scarring of land and an increase in both erosion and air pollution;
 - (3) Collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
 - (4) 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-carts, 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 definition 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 that such operation is by persons having legitimate business on such lands 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 the operation is occurring or the holder's employees or agents.

OFF ROAD — Any location which is not a paved or maintained public street or alley; is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or 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 creekbed, riverbed or lake; provided, however, that this definition shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, 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.

- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
- (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Village Board, 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, sidewalks, bikeways, or 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 written consent of the owner before operation of such craft or vehicle on private lands.

ARTICLE VI
Enforcement and Penalties

§ 309-32. 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.
- (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 or 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 surcharges are 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 § 309-1 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 349, 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. The minimum and maximum forfeiture for violation of nonmoving traffic violations adopted by reference in § 309-1 as described in Chs. 341 to 349, 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 §§ 309-11 through 309-18 and §§ 309-20 through 309-24 shall be as follows:⁹
 - (a) A forfeiture of \$20 if paid within 72 hours of the issuance of the citation.
 - (b) After 72 hours and before 144 hours, an overdue fee of \$10 will be assessed.
 - (c) Thereafter, legal process shall be issued, and the forfeiture shall be \$50 plus the costs of the action.
 - (3) Section 309-19. The forfeiture for a violation of § 309-19 shall be \$50 if paid within 72 hours of the issuance of the citation. After 72 hours, the forfeiture shall be \$75.¹⁰
- E. Article V, All-Terrain Vehicles and Off-Road Motor Vehicle Operation. Any person who shall violate any provision of Article V of this chapter shall be subject to a penalty as provided in Chapter 1, § 1-3 of this Code.¹¹

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

11. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- F. 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 \$20 nor more than \$100.

§ 309-33. 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 § 345.20(2)(b) and Ch. 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 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 Village Attorney and Chief of Police shall recommend to the Village Board a citation for use in enforcing the nonmoving traffic offenses in this chapter. 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 § 309-1 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 persons 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 in the uniform traffic citation and complaint under § 345.11, Wis. Stats.

- (b) Delivery or mailing of deposit and stipulation. Any person stipulating guilt or no contest under the Subsection C(1)(a) 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 to the Police Department/Village office within five days of the issuance of the citation in lieu of court appearance.¹²
- (2) Nonmoving traffic offenses.
- (a) Direct payment of penalty permitted. Persons cited (summons not issued) for violation of nonmoving traffic offenses described and 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. When payment is made as provided in this subsection, 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) within 15 days of the date of the citation, the Chief of Police shall forward a copy of the citation to the County District Attorney for prosecution.¹³
 - (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) Bond. Any official 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

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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.

- (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 Ch. TRANS 128, Wis. Adm. Code, and all amendments or changes thereto.
 - (b) The Chief of Police 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 Chief of Police and/or Village Attorney 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; and
 - [4] Taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
 - (c) The Chief of Police is hereby authorized to assign a member of the Police Department to perform such acts as are necessary to effectuate this Subsection C(4).
 - (d) 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.
 - (e) This Subsection C(4) 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.