

CHAPTER 51 VEHICLES AND TRAFFIC

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CHAPTER 51

VEHICLES AND TRAFFIC

SECTION 51.01 State Traffic Code Adopted.

The provisions of Chs. 110, 194 and 340 through 350, Wis. Stats., are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any future amendment of any of said chapters is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment.

SECTION 51.02 Other State Traffic Statutes Adopted.

The provisions of the following Wisconsin Statutes are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any future amendment of any statutory provision incorporated herein is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment.

- (a) Section 941.01, Negligent Operation of Vehicle Off Highway.
- (b) Section 943.23, Operating Vehicle Without Owner's Consent.
- (c) Section 947.04, Drinking in Common Carriers.

SECTION 51.03 Administrative Code Provisions Adopted.

- (a) **Traffic Regulations.** The provisions of any traffic regulation promulgated by the Wisconsin Department of Transportation under Ch. 110, 347 or 348, Wis. Stats., (including specifically Trans. 305, 325, 326 and 327 are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any future regulation promulgated by the Wisconsin Department of Transportation under Ch. 110, 347 or 348, Wis. Stats., is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future regulation. Any future amendment of any provision incorporated herein is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment.
- (b) **Vehicle Equipment Standards.** Chapter Trans 305 Wisconsin Administrative Code Standards for Vehicle Equipment as enacted March 1, 1996, and all subsequent Amendments thereto is incorporated by reference and adopted as part of Chapter 51 of the Village Code of Ordinances.
- (c) **Motor Carrier Safety Regulations.** Chapter Trans 325 Wisconsin Administrative Code Motor Carrier Safety Regulations effective March 1, 1985, and all subsequent Amendments thereto is incorporated by reference and adopted as part of this Chapter 51 of the Village Code of Ordinances.

- (d) **Transport of Hazardous Materials.** Chapter Trans 326 Wisconsin Administrative Code Motor Carrier Safety Requirements for Transportation of Hazardous Materials effective April 4, 1985, and all subsequent Amendments thereto is incorporated by reference and adopted as part of this Chapter 51 of the Village Code of Ordinances.
- (e) **Motor Carrier Safety.** Chapter Trans 327 Wisconsin Administrative Code Motor Carrier Safety effective June 1, 1987, and all subsequent Amendments thereto is incorporated by reference and adopted as part of this Chapter 51 of the Village Code of Ordinances.

SECTION 51.04 Disorderly Conduct.

- (a) **Defined.** No person may, on public or private property, operate a motor vehicle in a disorderly manner. The conduct prohibited by this provision includes, but is not limited to, the following: the deliberate or intentional spinning of wheels; causing a vehicle, while commencing to move or in motion, to have one or more wheels off the ground; operation in a manner that would tend to cause a disturbance; negligent operation; operation that endangers or damages property; operation that endangers or injures the health or safety of a person; operation that causes annoying or disturbing dust, noise, smoke, odor, or gas; and reckless operation.
- (b) **Disorderly Conduct with Motor Vehicle (OAR Related).** No person may, on public or private property, operate a motor vehicle in a disorderly manner. For purposes of this section, “disorderly manner” is defined, and is limited to, the following: a person operating a motor vehicle on private or public property while the person’s license is revoked for an offense that is related to operating while intoxicated or operating with a prohibited alcohol concentration (OWI/PAC) or noncompliance with court-ordered penalties resulting from OWI/PAC convictions and the person operating a motor vehicle has not reinstated his or her license following a revocation period established by the court.
- (c) **Disorderly Conduct with Motor Vehicle (No Valid DL Related).** No person may, on public or private property, operate a motor vehicle in a disorderly manner. For purposes of this section, “disorderly manner” is defined, and is limited to, the following: a person operating a motor vehicle on private or public property without an operator’s license issued by the Department of Transportation which is not revoked, suspended, canceled or expired and who has committed this offense two or more times within three years.

SECTION 51.05 Unnecessary Noise; Use of Dynamic Braking Devices.

- (a) **Generally.** No person may, on public or private property, cause unnecessary and annoying noise with a motor vehicle. The noises prohibited by this provision include, but are not limited to, the following: squealing tires, excessive noise from an engine, unnecessary blowing of a horn, loud muffler noise, and the backfire of an engine.

- (b) **Dynamic Engine Brake.** No person may operate a motor vehicle with a dynamic braking device engaged unless the person is attempting to avoid imminent danger. As used in this section, the term “dynamic braking device” means a device, usually installed on trucks, intended to cause an internal combustion engine to function like an air compressor for the purpose of braking. This device is sometimes referred to as a “Jacobs brake,” a “jake brake,” an “engine brake,” or a “compression brake.”

SECTION 51.06 Off-Road Operation.

- (a) **Sidewalks.** No person may operate, and no person may permit the operation of, any motor vehicle on any sidewalk held open for use by the public or on any sidewalk within a public highway, except at a permanent or temporarily established driveway or for the purpose of delivering mail by an authorized mail carrier of the U.S. Postal Service.
- (b) **Other Property.** No person may operate, and no person may permit the operation of, any motor vehicle on any property unless the person operating the motor vehicle has the express permission of the property owner.

SECTION 51.07 Abandoned Vehicles.

The time period for a vehicle to be deemed abandoned and constituting a public nuisance under Section 342.40(1), Wis. Stats., is hereby determined to be 48 hours. Any Village police officer is authorized to make the determinations authorized under Section 342.40, Wis. Stats.

SECTION 51.08 Parking Regulations.

- (a) **Overnight Parking.** No overnight parking of vehicles with license weight limitations of 10,001 pounds or more shall be permitted on Village streets.
- (b) **Designated Areas of Parking Restrictions.** 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 or painted yellow curbs, each zone so designated in accordance with the provisions of Section 349.13, Wis. Stats.
 - (1) The Chief of Police may designate any place as an area where vehicles may not be parked or may designate any place as an area where vehicles may be parked for no more than 30 minutes.
 - (2) Whenever the Chief makes such a designation, the Chief shall request that the appropriate official sign or signs be posted.
 - (3) No such designation will become effective until the appropriate official markings, sign or signs are posted.

- (c) **Forty-Eight-Hour Parking Regulation.** No person may park any vehicle on any street or in any Village owned parking lot for a period exceeding 48 continuous hours, except in the case of an emergency or by special permission of the Chief of Police or his or her designee in special and unusual circumstances.
- (d) **Two-inch Snow Parking Regulation.**
 - (1) **Two-inch Snow Parking Rule.** After the accumulation of two inches or more of snow, no person may park, or leave parked, any vehicle on any street or highway until after the street or highway has been completely plowed, from curb to curb.
 - (2) **Signs.** Signs giving notice of this subsection shall be posted at each entrance to the Village.
- (e) **Temporary Parking Regulations.** When necessary for the cleaning, clearing, or repairing of any street, or for other emergency or special conditions, the Chief of Police, Director of Public Facilities or their designees are hereby authorized to make temporary traffic and parking regulations upon such streets as conditions require. Notice shall be given of such regulations by the posting, a reasonable time before such regulations become effective, of reasonably conspicuous signs.
- (f) **Towing.** Any vehicle that is in violation of a Village parking regulation may be towed away in accordance with state law. The charge for such towing shall be the usual and customary charge for such towing at the time. The towing charge shall be added to any penalties imposed for violation of this chapter.
- (g) **Parking Statutes Adopted.** For purposes of establishing certain penalties, the Village adopts and incorporates herein the provisions of the following statutes and adopts and incorporates herein any future amendments of such provisions:
 - (1) Section 346.505(2), Parking in area reserved for disabled persons.
 - (2) Section 346.52(1), Stopping/standing in prohibited areas.
 - (3) Section 346.53, Parking/standing where prohibited.
 - (4) Section 346.54, Improper parking/standing of vehicle.
 - (5) Section 346.55(1), Parking on left side of highway.
 - (6) Section 346.55(3) and (4), Parking on posted private property.
- (h) **Exceptions to Stopping and Parking Restrictions.** The exceptions to stopping and parking restrictions in Section 346.50, Wis. Stats., are incorporated herein by reference and are exceptions to the restrictions on stopping and parking in this chapter.

SECTION 51.09 Storage and Parking of Recreational Vehicles.

- (a) **Definitions.** For purposes of this Section, the following definitions shall apply:
 - (1) **Mobile Home** is a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. Length of a mobile home means the distance from the

exterior of the front wall (nearest to the exterior of the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms, but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments. Width of a mobile home means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms, but not bay windows, porches, wall and roof extensions or other attachments.

(2) **Recreational Vehicle** is any of the following:

- a. **Travel Trailer** is a vehicular, portable structure built on a chassis and on wheels designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.
- b. **Pick-up Coach** is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacations or other uses.
- c. **Motor Home** is a portable, temporary dwelling to be used for travel, recreation, vacation or other uses, constructed as an integral part of a self-propelled vehicle.
- d. **Camping Trailer** is a canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.
- e. **Chassis Mounts, Motor Homes and Mini-Motor Homes** are recreational structures constructed integrally with a truck or motor-van chassis and incapable of being separated therefrom.
- f. **Converted and Chopped Vans** are recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
- g. **Boat or Snowmobile Trailer** are vehicles on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this Section, is termed an unmounted boat or snowmobile.
- h. **Boat** includes every description of watercraft used or capable of being used as a means of transportation on water.
- i. **Utility Trailer** is a portable structure built on a chassis and on wheels that is designed to be used as a storage device.

(b) **Permitted Parking or Storage of Recreational Vehicles.** In all residential and commercial districts, the parking or storage of recreational vehicles on public streets or public property is not permitted in excess of 48 hours. It is permissible to park or store a recreational vehicle on private property in the following manner:

- (1) Parking is permitted pursuant to the street yard requirements of Chapter 84.
- (2) The entire body of the recreational vehicle must be at least fifteen (15) feet from the face of any curb, unless parked in a driveway.

- (3) No part of the recreational vehicle may extend over the public sidewalk or public right-of-way.
- (4) Parking is permitted only for storage purposes.
- (5) Notwithstanding the above, a recreational vehicle may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- (6) The recreational vehicle shall be owned by the resident on whose property the recreational vehicle is parked for storage.

SECTION 51.10 Parking of Vehicles on Private Property and on Public Rights-of-Way in Residential or Commercial Districts.

- (a) **Definition.** For the purpose of this Section, the word “vehicle” shall be defined to mean any motor-driven vehicle (except recreational vehicles defined in Section 13.48(a)(2) having a factory-rated capacity of over one (1) ton which is used for commercial and/or business purposes.
- (b) **Parking on Private Property.** No person shall park or permit the parking of any vehicle on any property within a Residential or Commercial Zoning District, except as follows:
 - (1) The parking of one (1) or more such vehicles is permitted providing such vehicles are parked for the purpose of loading or unloading household goods and/or building materials.
 - (2) If the driver or operator of such a vehicle is living in the dwelling on the private property as the owner or the renter of said property, he may park one such vehicle on said property providing it is not parked in the street yard of said property and provided the motor is not running while so parked.
- (c) **Parking of Trailers on Private Property in the Residential Districts.** No person shall park or permit the parking of any kind of trailer as defined above, for commercial, business, or public rental purposes, or any type of construction equipment, on any property within a Residential or Commercial Zoning District, except for the purpose of loading or unloading household goods and/or building materials.

SECTION 51.11 Weight Limitations and Heavy Traffic.

- (a) **Definitions.** As used in this section, the following terms shall have the meanings indicated:
 - (1) **Class B Highway.** A road that restricts axle weights to 60% of ordinary legal weight limitations.
 - (2) **Heavy Truck.** Any motor vehicle, private or commercial, with a gross vehicle weight of 18,500 pounds or more. Each component part of a heavy

truck, such as the semitrailer and truck tractor, is considered a heavy truck, whether or not it is connected to another component or stands alone. School buses are not considered heavy trucks.

- (b) **Weight Limitations.** All streets and alleys, except the following enumerated streets, are hereby designated Class “B” highways and shall be subject to the weight limitations imposed by state statutes:

- (1) Main Street.
- (2) Church Street.
- (3) Thinnes Street between Church Street and Springfield Road.
- (4) Springfield Road.
- (5) Market Street.
- (6) Water Street, between U.S. Highway 14 and Park Street.
- (7) Any street temporarily designated as such by the Director of Public Facilities.
- (8) Any other street designated by Resolution of the Village Board subsequent to the adoption of this Code.

- (c) **Heavy Traffic Routes.**

- (1) **Heavy Traffic Routes Designated.** The following streets are hereby designated as heavy traffic routes and marked with yellow signposts:

- a. Main Street.
- b. Church Street.
- c. Thinnes Street between Church Street and Springfield Road.
- d. Springfield Road.
- e. Thinnes Street/Airport Road from Springfield Road to Village corporate limits.
- f. Market Street.
- g. Center Street, between U.S. Highway 14 and Park Street.
- h. Water Street, between U.S. Highway 14 and Park Street.
- i. Bourbon Road, from CTH KP to CTH P.
- j. Park Street, between Caesar Street and American Legion Drive, Hickory Street and Maple Street, and between Water Street to the west end of the street.
- k. Hickory Street from Park Street to Highway 14.
- l. Maple Street from Park Street to Highway 14.
- m. American Legion Drive from Park Street to Highway 14.
- n. Caesar Street from Park Street to Highway 14.
- o. Any other street designated by Resolution of the Village Board subsequent to the adoption of this Code.

- (2) **Signs.** Signs giving notice of the Village's heavy traffic routes shall be placed and maintained as required by law.

- (3) **Restrictions on use of Other Streets by Heavy Traffic.** No person may operate any heavy traffic on any part of any street or highway that is not a designated heavy traffic route, except to the extent that state law permits

such use. To the extent that heavy traffic uses routes not designated a heavy traffic route, the heavy traffic shall use the safest and shortest route to and from the destination off the heavy traffic route, considering the existing conditions.

SECTION 51.12 Use of School Bus Lights.

School bus operators shall use flashing red warning lights in a residence or business district when pupils or other authorized passengers are to be loaded or unloaded at a location at which there are no traffic signals and such persons must cross the street or highway before being loaded or after being unloaded.

SECTION 51.13 Accident Reports.

The operator of any vehicle involved in an accident shall, within 10 days after such accident, file with the Village Police Department a copy of any accident report filed with the Wisconsin Department of Transportation.

SECTION 51.14 Bicycles.

- (a) **Registration.** No person who resides within the Village shall operate, or permit the operation of, a bicycle within the Village unless that bicycle is registered with the Village Police Department. Once a bicycle is registered, it does not have to be registered again unless and until the bicycle is sold, given away, or otherwise transferred to a new owner. Fees are designated by the Village Board.
- (b) **Exclusion from certain areas.** No person may operate a bicycle in a place where a Village sign is posted that indicates that bicycle operation is prohibited at that place. The Chief of Police or his or her designee is authorized to post such signs at appropriate places.

SECTION 51.15 Neighborhood Electrical Vehicles (NEV).

- (a) **Definition.** “Neighborhood Electric Vehicle” means a self-propelled motor vehicle that has successfully completed the Neighborhood Electric Vehicle America test program conducted by the Federal Department of Energy and that conforms to the definition and requirements for low-speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for Low-Speed Vehicles under 49 CFR 571.3(b) and 571.500.
- (b) **Requirements.** Neighborhood electric vehicles shall be four-wheeled and have a speed range of at least 20 miles per hour and not more than 35 miles per hour on a paved surface and have a gross vehicle weight at rest of less than 2,500 pounds. “Neighborhood electric vehicle” does not include an electric golf cart. A

neighborhood electric vehicle shall meet the general test conditions under 49 CFR 571.500S6 and shall be equipped with the following:

- (1) Headlamps.
 - (2) Front and rear turn signals.
 - (3) Stop lamps.
 - (4) Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear (three total).
 - (5) An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror.
 - (6) Parking brakes.
 - (7) A windshield that conforms to the requirements of the Federal Motor Vehicle Safety Standard on Glazing Materials (49 CFR 571.205).
 - (8) A vehicle identification number (VIN) that complies with federal law (49 CFR 565).
 - (9) A Type 1 or Type 2 seat belt assembly conforming to 49 CFR 571.209 and Federal Motor Vehicle Safety Standard No. 209 for each designated seating position.
- (c) **Permitted Users of Neighborhood Electric Vehicles.** To use an NEV meeting the criteria set forth in subsection (b) above on Village streets, the individual driver must have a valid Wisconsin driver's license.
- (d) **Permitted use of Neighborhood Electric Vehicles on Village Streets.** Any driver meeting the requirements of subsection (c) above may operate a licensed NEV on Village streets having a posted speed limit of 35 miles per hour or less. Headlamps must be on at all times during operation on Village streets.
- (e) **Operation of NEVs.** NEVs shall comply with all state and local traffic laws, including but not limited to this chapter, and owners and operators of NEVs shall be subject to citations and forfeitures for any such violation.
- (f) **License.** NEVs shall be licensed by the State of Wisconsin. The license plate shall be displayed on the rear of the NEV.
- (g) **Enforcement.** Any person who violates any provision of this section shall be subject to forfeiture as provided in Section 51.17 of this chapter.

SECTION 51.16 Applicability of Provisions.

Unless another provision of this chapter specifically provides otherwise, the provisions of this chapter apply to the following places:

- (a) **Adopted Provisions.** The provisions of this chapter that are adopted from another source apply wherever the provisions of the other source apply. The provisions of this chapter that are adopted from another source also apply as described in subsection (b).
- (b) **All Provisions.** All provisions of this Chapter, including those described in subsection (a), apply to all public property, including highways (as that term is

defined in Ch. 340, Wis. Stats.), bike paths, pedestrian ways, all public park property, and all public school property.

SECTION 51.17 Violations and Penalties.

The penalty for violation of any provision of this chapter shall be a forfeiture as hereinafter provided together with the costs, fees, assessments, charges, surcharges, and other penalties, terms, and requirements imposed by law or a court.

- (a) **Section 51.01.** The forfeiture for a violation of Section 51.01 shall be within the range of forfeitures that are permitted upon conviction for violation of the comparable state statute, including any variations or increases for repeated offenses.
- (b) **Section 51.02(a).** The forfeiture for a violation of Section 51.02A shall be not less than \$40 nor more than \$80 for the first violation and not less than \$100 nor more than \$200 for the second or subsequent violation in a year.
- (c) **Section 51.02(b) through (d).** The forfeiture for a violation of Section 51.02(b) through (d) shall be not less than \$30 nor more than \$500.
- (d) **Section 51.03.** The forfeiture for a violation of Section 51.03 shall be within the range of forfeitures that are permitted upon conviction for violation of the comparable Administrative Code section, including any variations or increases for repeated offenses. The forfeiture for a violation of Section 51.03 for which there is no forfeiture permitted upon conviction for violation of the comparable Administrative Code section shall be not less than \$30 nor more than \$500.
- (e) **Sections 51.04 through 51.06.** The forfeiture for a violation of Sections 51.04 through 51.06 shall be not less than \$30 nor more than \$500.
- (f) **Section 51.07.** The forfeiture for a violation of Section 51.07 shall be within the range of forfeitures that are permitted upon conviction for violation of the comparable state statute, including any variations or increases for repeated offenses.
- (g) **Section 51.08.**
 - (1) Unless another provision of this chapter specifically provides otherwise, the forfeiture for a violation of Section 51.08 shall be \$20.
 - (2) Notwithstanding the provisions of Subsection (g)(1):
 - a. The forfeiture for a violation of one of the following sections shall be \$50:
 - 1. Section 51.08(g)(1).
 - 2. Section 51.08(g)(3) adopting Section 346.53(3), Wis. Stats.
 - b. The forfeiture for a violation of one of the following sections shall be \$25:
 - 1. Section 51.08(g)(2).
 - 2. Section 51.08(g)(3) adopting Section 346.53(1), Wis. Stats.
 - 3. Section 51.08(g)(3) adopting Section 346.53(4), Wis. Stats.
 - 4. Section 51.08(g)(3) adopting Section 346.53(5), Wis. Stats.

5. Section 51.08(g)(4).
 6. Section 51.08(g)(5), except for a violation on Main Street, Church Street, or that part of Thinnes Street that incorporates CTH P or Springfield Road.
 7. Section 51.08(g)(6).
- c. The forfeiture for a violation of Section 51.08(g)(5) on Main Street, Church Street, or that part of Thinnes Street that incorporates CTH P or Springfield Road shall be \$75.
- (h) **Sections 51.09 and 51.10.** The forfeiture for a violation of Sections 51.09 and 51.10 shall be not less than \$30 nor more than \$500.
- (i) **Section 51.11.** The forfeiture for a violation of Section 51.11 shall be not less than \$5 nor more than \$200 nor more than \$500 for the second or subsequent offense in two years.
- (j) **Section 51.13.** The forfeiture for a violation of Section 51.13 shall be not less than \$5 nor more than \$200 nor more than \$500 for the second or subsequent offense in two years.
- (k) **Section 51.14.** The forfeiture for a violation of Section 51.14 shall be not less than \$5 nor more than \$200 nor more than \$500 for the second or subsequent offense in two years.
- (l) **Section 51.15.** The forfeiture for a violation of Section 51.15 shall be not less than \$30 nor more than \$500.