

CHAPTER 7
TRAFFIC CODE

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7.01 STATE TRAFFIC LAWS ADOPTED. Except as otherwise specifically provided in this chapter, the statutory provisions in Chs. 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment 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 statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform state-wide regulation of traffic on the highways, streets and alleys of the State of Wisconsin.

7.02 OFFICIALS TRAFFIC MAP AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS. (1) **DUTY OF THE CHIEF OF POLICE TO ERECT AND INSTALL UNIFORM TRAFFIC CONTROL DEVICES.** Whenever traffic regulations created by this chapter, including a State traffic regulation, adopted by reference in sec. 7.01 of this chapter, require the erection of traffic control devices for enforcement, the Chief of Police, with the cooperation of the Streets Committee, 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 Chief of Police, will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the Village.

(2) **OFFICIAL TRAFFIC MAP.** (a) Official Traffic Map Established. There is hereby established for the Village of Hazel Green an Official Traffic Map dated March 4, 1980, on which is indicated as of said date all existing stop signs, arterial intersections, yield signs and all other restrictions or limitations contained in this chapter and which the laws of the State require the erection or use of official traffic control devices to enforce such restrictions or limitations. All such restrictions and limitations set forth on said Official Traffic Map are hereby adopted by reference.

(b) Additions to Map. The Village Board may, from time to time, make additions to or deletions from the Official Traffic Map and the Chief of Police shall keep such Official Traffic Map current. Every addition to said Official Traffic Map made after March 4, 1980, shall indicate the number of authorizing resolution and the date the appropriate official traffic control device was erected, and every deletion shall indicate the number of the authorizing resolution.

(c) Map to Be Maintained. The Official Traffic Map shall be maintained and displayed in the office of the Police Department. The Chief of Police shall make appropriate authorized changes on said Map within 3 working days after the appropriate official traffic control device is erected or removed, as the case may be.

(d) Violations Prohibited. When official traffic control devices, giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map, are erected and maintained in accordance with the provisions of this section, a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this chapter.

(3) **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 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 Chief of Police or 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 by law.

7.03 SPEED LIMITS (Am. Ord. #3-2002, #4-2001, Rep. & Recr. Ord. #3-97, Cr. Ord. #7-2002). The Village Board hereby determines that the statutory speed limits on the following streets and portions thereof are unreasonable, unsafe and imprudent and modifies such speed limits as follows:

(1) **30 MILES PER HOUR.** On State Highway 80, from a point 0.13 of a mile south of its intersection with 12th Street northerly to a point 0.12 of a mile north of its intersection with 29th Street.

(2) **35 MILES PER HOUR.**

(a) On State Highway 80, from a point 0.12 of a mile north of its intersection with 29th Street northerly to a point of 0.05 of a mile south of its intersection with Louisburg Road.

(b) On State Highway 11, from the west Village limits to State Highway 80.

(c) On County W, from Nolte Lane to North Detroit Street.

(3) **55 MILES PER HOUR.** On all other portions of State Highway 80 within the corporate limits of the Village.

(4) **15 MILES PER HOUR WHEN CHILDREN ARE PRESENT.**

(a) On Elm Street, Maple Street, and on Oak Street south from Highway 11 to its intersection with Maple street.

7.04 STOP AND YIELD SIGNS. (1) **DESIGNATION OF LOCATION OF STOP SIGNS AND YIELD SIGNS.** In the interest of public safety, the Village Board, by ordinance or resolution, has designated the location of stop and yield signs within the Village and has ordered the installation of such signs. In addition, the location of such signs is designated on the Official Traffic Map of the Village pursuant to sec. 7.02 of this chapter.

(2) DESIGNATION OF TEMPORARY STOP SIGNS. Under circumstances that create a temporary traffic hazard and the Chief of Police deems public safety requires it, the Chief, with the cooperation of the Streets Committee, may erect temporary stop signs. Such signs shall be removed when the traffic hazard no longer exists.

(3) 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 section, shall obey the direction of such official traffic control device as required by the Wisconsin Statutes incorporated by reference in sec. 7.01 of this chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by ss. 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 ss. 346.18(6), Wis. Stats.

7.05 PARKING REGULATIONS. (1) PARKING, STANDING OR STOPPING. The authority to regulate the parking, standing and stopping of vehicles is hereby delegated to the Chief of Police, pursuant to ss. 349.13, Wis. Stats., subject to the control of the Village Board.

(2) WINTER PARKING REGULATED (Am. Ord. #1-96; Am. Ord. #3-98, Am. Ord. #10-2000).

(a) Regulated. On all streets within the Village, except where parking is prohibited on the opposite side of the street, from November 1 through April 1 between 12:00 A.M. and 6:00 A.M., vehicles shall be parked only on the even numbered side of the street on even numbered calendar days, and on the odd numbered side of the street on odd numbered calendar days. This section does not apply to any street for which more stringent or restrictive parking restrictions are in effect.

(b) (Repealed 6-2005)

(3) MISCELLANEOUS PARKING RESTRICTIONS. (a) Street Maintenance. Whenever it is necessary to clear snow or repair a Village roadway or any part thereof, the Streets Committee shall post such highways or parts thereof with signs bearing the words "No Parking." Such signs shall be erected at least 2 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.

(b) Parking in Driveways. No person shall park or leave standing any vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

(c) Running Engines and Refrigerator Units. No person shall park or leave unattended any vehicle on any street or alley for more than 5 minutes while the motor or refrigerator unit thereof is running.

(d) (Cr. Ord. 4-2002) Parking in Village Parking Lot. No person shall park or leave standing over twenty-four hours any vehicle in the Village parking lot located at Church and Fairplay Streets without prior consent of the Village of Hazel Green Police Department. For

purposes of this section, any vehicle parked or left standing in the parking lot for over twenty-four (24) hours or more, shall be deemed to be in violation of this section.

(e) (Cr. Ord. 11-2004) Parking on Streets Where Curb is Painted Yellow. No person shall park any vehicle along the curb of any street where such curb is painted yellow. Parking so that any part of a vehicle is within the yellow-painted area is a violation of this section.

(3a) LIMITED TIME PARKING. (Cr. Ord. #1-93). (a) 15 Minute Parking.

1. There shall be one 15-minute parking stall in front of the Cuba City State Bank, Hazel Green Branch, 1925 Main Street. A sign shall be erected stating "15 Minute Parking Monday Through Thursday 8:00 A.M. to 4:00 P.M. and Friday 8:00 A.M. to 8:00 P.M."

2. There shall be two 15-minute parking stalls by the Hazel Green Post Office, 2130 North Percival, one on the west side and one on the north side of the Post Office. A sign shall be erected stating "15 Minute Parking Monday Through Friday 8:00 A.M. to 5:00 P.M."

3. (Cr. Ord. 2-2012) There shall be two 15-minute parking stalls by Best Friends Grooming and Gifts, 1915 South Main Street. A sign shall be erected stating "15 Minute Parking Monday through Friday 7:00 A.M. TO 5:00 P.M."

(b) 30-Minute Parking (am. Ord. #7-93). At 2005 South Main Street for 2 car lengths, from the south end of the block on the west side of the street. A sign shall be erected stating "30 Minute Parking Here to Corner 8:00 A.M. to 5:00 P.M."

(c) Two Hour Parking (Cr. Ord. #21-98). There shall be 2 stalls for 2-hour parking from 9:00 A.M. to 5:30 P.M. Monday through Saturday at 1910 South Main Street.

(d) (Repealed Ord 2018-04)

(3b) PARKING PROHIBITED AT ALL TIMES (Cr. Ord. #1-93). (a) On the west side of S.T.H. 80 (Percival Street) within the Village limits.

(b) On the east side of S.T.H. 80 (Percival Street) between the south Village limits and 12th Street.

(c) On the east side of S.T.H. 80 (Percival Street), between the north Village limits and 26th Street.

(d) On S.T.H. 11 (Fairplay Street), between the west Village limits and Elm Street.

(e) (Cr. Ord. #17-98) On Birch Street

(f) (Am. Ord. #2-2008) (Cr. Ord. #17-98) On the north side of 15th Street, between Main Street and Birch Street.

- (g) (Cr. Ord. #17-98) On the north side of 16th Street, between Main Street and Birch Street.
- (h) (Cr. Ord. #17-98) On the south side of 17th Street, between Main Street and Birch Street.
- (i) (Cr. Ord. #17-98) On the south side of 18th Street, between Main Street and Scrabble Creek Drive.
- (j) (Cr. Ord. #17-98) On the south side of 19th Street, between Main Street and Birch Street.
- (k) (Cr. Ord. #17-98) On Lilac Lane.
- (l) (Cr. Ord. #17-98) On Evergreen Street, between 15th Street and 16th Street.
- (m) (Cr. Ord. #17-98) On Church Street, between 17th Street and 19th Street.
- (n) (Cr. Ord. #6-2001) No parking on the South side of East 26th Street from Highway 80 east 300 feet.
- (o) Ord. #13-2001) No parking on the South side of County W from Highway 80 east to Main Street.
- (p) (Rep. & recreated #3-2007) (Cr. Ord. #13-2001) No parking on County W from Main Street east to the Village limits except that a loading zone shall exist on the South side of County W adjacent to the premises located at 2040 South Main Street and parking while loading and unloading shall be permitted at said location.
- (q) (Cr. Ord. #1-2004) No parking on the North side of 21st Street from Main Street to Church Street.
- (r) (Cr. Ord. #1-2005) No parking on the North side of 16th Street between Main Street and Highway 80.
- (s) (Cr. Ord. #1-2005) No parking on the South side of 17th Street between Main Street and Highway 80.
- (t) (Cr. Ord. #1-2005) No parking on the South side of 18th Street between Main Street and Highway 80.
- (u) (Repealed Ord. 5-2006) (Am. Ord. #7-2005) (Cr. Ord. #1-2005)
- (v) (Cr. Ord. #5-2005) No parking on the South side of 26th Street from

Highway 80 west.

(w) (Cr. Ord. #6-2005) No parking on the South side of 14th Street from Birch Street to the east end.

(x) (Cr. Ord. #12-2005) No parking on either side of Freiburger Lane from Highway 80 east for 575 feet.

(y) (Cr. Ord. #4-2006) No parking on West 26th Street from Highway 80 west for 30 feet.

(z) (Cr. Ord. #4-2006) No parking on the south side of Recreation Drive.

(aa) (Cr. Ord. #4-2007) No parking on the North side of east Prospect Road.

(bb) No parking on the east side of Percival Street between 26th Street and Main Street.

(cc) (Cr. Ord #2018-04) No parking on the west side of South Pine Street from Hwy 11 to 20th Street.

(dd) (Cr Ord #2019-02) No parking on S.T.H. 11 (Fairplay Street), from Pine Street to S.T.H. 80.

(3c) STREET PARKING (Ord Cr 05-2015)

(1) GENERAL PROHIBITION. No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle in excess of 12,000 pounds licensed vehicle weight, or over 24 feet in length, or having an enclosed area of height of more than eight feet from the roadway, shall park the same upon any street, avenue or public right-of-way in the Village zoned residential or adjacent to residential areas. The provisions of this subsection shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or public way in the Village for construction, building, landscaping or related purposes, or for the actual loading or unloading of goods, ware or merchandise; providing, however, the uses as described in this section shall be limited to the actual time consumed in such operations or while such operations continue.

(2) ADDITIONAL PROHIBITIONS. Boats, boat trailers, animal trailers, snowmobiles, snowmobile trailers, and other unmotorized trailers, or off-road motor vehicles shall not be parked upon any street, avenue, or public right-of-way.

(3) REMOVAL. Any vehicle unlawfully parked under subsections (1) and (2) above, may be removed from the street by order of a law enforcement officer, 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.

(4) TEMPORARY PERMITS. The Police Department may issue temporary permits for parking the above-mentioned vehicles not to exceed 48 hours.

(5) PENALTY. The penalty for violation of this ordinance shall be as provided in section 20.04 of this Code.

(4) REMOVAL OF ILLEGALLY PARKED VEHICLES. Any vehicle parked or left standing upon a highway, street or alley or other public grounds in violation of any of the provisions of this section or sec. 7.01 of this chapter is declared to be a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of any police officer, to a position where parking, stopping or standing is not prohibited. Any police 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 not prohibited. 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 storage garage or rental parking grounds or any facility of the person providing the towing services. In addition to other penalties provided by sec. 7.11 of this chapter, the owner or operator of a vehicle so removed shall pay the cost of towing and storage.

(5) 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 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 subject to the appropriate penalty.

(6) UNLAWFUL REMOVAL OF PARKING CITATIONS. No person other than the owner or operator thereof shall remove a Village parking violation ticket from a motor vehicle.

(7) (Cr. Ord. #7-2004) (a) The Village Board may designate, by official traffic signs indicating the restriction, prohibitions against parking, stopping or standing upon any portion of a street, highway or parking facility reserved for vehicles displaying special registration plates issued under Section 341.14(1), (1a), (1e), (1m), (1q) or (1r)(a) or a motor vehicle, other than a motorcycle, upon which a special identification card issued under Section 343.51 is displayed or any vehicle registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by physically disabled person.

b) No person shall permit any vehicle owned by him or registered to him to be parked, stopped or left standing which does not have special registration plates issued under Section 341.14(1), (1a), (1e), (1m), (1q) or (1r) (a) or a motor vehicle, other than a motorcycle, upon which a special identification card issued under Section 343.51 is displayed or any vehicle registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by physically disabled person in any parking space designated under paragraph (a) above.

(c) Notwithstanding the provisions of s. 7.11(4) of this Code, the penalty for violations of this section shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State statute. The deposit amount shall be as established under s. 7.13 of this Code.

The Director of Public Works is hereby authorized and directed to procure and install the signs necessary to give effect to any part of this ordinance.

7.06 HEAVY TRAFFIC RESTRICTED. (1) RESTRICTIONS ON USE OF CERTAIN STREETS BY HEAVY TRAFFIC. (a) Special Weight Limitations. The Streets Committee may impose special weight limitations, in addition to existing standards, on any street or portion thereof which, because of weakness of the roadbed due to deterioration, climatic conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such special limitations.

b) Operation of Vehicle Suspended. The Streets Committee or any police officer may order the owner of any vehicle being operated on a street to suspend operation if, in his judgment, such vehicle is causing or likely to cause injury to such street or is visibly injuring the permanence thereof or the public investment therein, except when ss. 84.20, Wis. Stats., is applicable or when the vehicle is being operated pursuant to a contract which provides that the Village shall be reimbursed for any damage done to the street.

c) Parking Heavy Vehicles in Residential Districts. 1. General. No operator of a motor truck, truck-tractor, trailer or semi-trailer or any other vehicle or combination of vehicles other than motor buses weighing more than 8,000 pounds shall park such vehicle on any highway other than a routed State Trunk Highway in any residential district, except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle.

2. Exceptions. Semi-tractors only may be parked in residential areas subject to the following:

a. A permit to park semi-tractors must be obtained from the Police Department.

b. Permittees may park semi-tractors at their respective residences at any time during the year provided that the tractor is completely off the street and not blocking the sidewalk.

c. Notwithstanding sec. 7.04(3) of this chapter relating to alternate street parking,

permittees may park their semi-tractors in front of their respective residences between November 1 and April 30, except as follows:

- i. Such street parking shall be prohibited at any time that the frost is not in the ground.
- ii. Upon request of the Streets Committee, the permittee shall remove his semi-tractor to facilitate snow removal.

3. Revocation. The permit of any permittee convicted of violating this paragraph shall be revoked.

(2) EXCEPTIONS. (Am. Ord. #22-98). Vehicles which, together with the load of such vehicle, exceeds the posted limits may enter the 2000 block of Main Street for delivery purposes. Access to the 2000 block of Main Street shall only be from C.T.H. W or 20th Street. In addition, the Streets Committee may permit a vehicle which, together with the load of such vehicle, exceeds the posted limits, but not in excess of 8 tons total, to be operated on a posted street provided such owner or operator agrees to reimburse the Village for the cost of repair of such street for damage resulting from the operation of the same, to be determined by the Streets Committee, and such owner or operator files with the Village a bond in the sum of \$2,000 guaranteeing to the Village that such owner or operator will reimburse the Village for damage to the posted street caused by the operation of such vehicle.

7.07 ABANDONED VEHICLES. (1) ABANDONMENT OF VEHICLES PROHIBITED. No person shall abandon any vehicle unattended within the Village for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

(2) DEFINITION. As used in this section, “vehicle” means a motor vehicle, trailer, semi-trailer or mobile home as defined in sec. 7.01 of this chapter, whether or not such vehicle is registered under Ch. 341, Wis. Stats.

(3) PRESUMPTION OF ABANDONMENT. Any vehicle left unattended for more than 48 hours on any public street or grounds, or on private property where parking is prohibited, limited or restricted, without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance; provided that the vehicle shall not be deemed abandoned under this section if left unattended on private property out of public view, by permission of the owner or lessee.

(4) EXCEPTIONS. This section shall not apply to a vehicle in an enclosed building or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village.

(5) REMOVAL AND IMPOUNDMENT OR SALE. Any vehicle found abandoned in violation of this chapter shall be impounded by the Police Department until lawfully claimed or disposed of as provided in this section. If the Chief of Police or his duly authorized representative determines that towing costs and storage charges for 10 days, as provided in sub.

(6) below, would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Chief of Police that the vehicle is not wanted for evidence or any other reason; provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction sale or sealed bid in accordance with sub. (8) below.

(6) **MINIMUM IMPOUNDMENT PERIOD.** The minimum period of impoundment or storage of a vehicle found in violation of this section shall be 10 days.

(7) **NOTICE TO OWNER.** The police officer removing or causing the removal of any vehicle found in violation of this section shall immediately notify the Chief of Police of the abandonment and location of the impounded vehicle, and shall, within 10 days thereafter, notify the owner and lienholders of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in ss. 342.40(3), Wis., Stats., and shall state that the failure of the owner or lienholder to exercise their right to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle.

(8) **SALE.** Each retained vehicle not reclaimed by the owner or lienholder may be disposed of by sealed bid or auction sale as provided in ss. 342.40(3), Wis. Stats.

(9) **SALE TO BAR CLAIMS AGAINST VEHICLE.** The sale of a motor vehicle under the provisions of this section shall forever bar all prior claims thereto and interest therein except as hereinafter provided.

(10) **PURCHASER TO REMOVE VEHICLE.** The purchaser of any vehicle on sealed bid or auction sale under sub. (8) above shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee of the actual cost of commercial storage for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.

(11) **REQUEST FOR LIST.** Any listing of vehicles to be sold pursuant to this section shall be made available by the Clerk-Treasurer to any interested person or organization who makes a request therefor.

(12) **NOTICE TO DEPARTMENT.** Within 5 days after the sale or disposition of a vehicle under this section, the Clerk-Treasurer shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.

(13) **OWNER MAY FILE CLAIM.** At any time within 2 years after the sale of a motor vehicle, as provided herein, any person claiming ownership of such motor vehicle or a financial interest therein may present a claim to the Village Board setting forth such facts as are necessary to establish such ownership or interest, and that the failure of the claimant to reclaim the vehicle prior to the sale was not the result of the neglect or fault of claimant. If the Village

Board is satisfied as to the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the Village Treasury as a result of the sale of such motor vehicle nor the amount of interest of the claimant therein.

(14) **EXEMPTION.** Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place not otherwise regulated as a restricted parking, stopping or standing zone shall, within 12 hours of such occurrence, notify the Police Department of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the Village together with a fee for the cost of towing and junking charges and shall be exempt from the provisions of this section. When so requested by the owner or person in charge of a vehicle, the Chief of Police shall be authorized to order such vehicle removed and junked directly from the scene of disablement by the contractor engaged by the Village for towing of disabled vehicles. The provisions of sub. (11) above shall apply to any vehicle removed under this subsection.

(15) **PENALTY (Am. Ord. #2-93).** In addition to the cost of impounding and disposing of an abandoned vehicle, any person convicted of abandoning a vehicle in the Village shall be subject to a forfeiture as provided in sec. 20.04 of this Code.

7.08 DISPLAY OF POWER OR SPEED PROHIBITED. No person shall engage in any speed contest, exhibition of speed or any unreasonable or unnecessary acceleration or show of power on any street, alley or public parking lot in the Village, including all school parking lots within the Village.

7.085 COMPRESSION (JAKE BRAKES) PROHIBITED. (Am. Ord. 6-2000) (Cr. Ord. #99-7) No person shall use motor vehicles brakes within the Village limits of the Village of Hazel Green which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof, except in an emergency. Any person violating the provisions of this ordinance shall have committed a traffic offense and a penalty shall be imposed as provided in Section 7.11 of the ordinances of the Village of Hazel Green.

7.09 SNOWMOBILES. (1) STATE SNOWMOBILE LAWS ADOPTED. Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made a part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section.

(2) **APPLICABILITY OF RULES OF THE ROAD TO SNOWMOBILES.** The operator of a snowmobile upon a roadway shall, in addition to the provisions of Ch. 350, Wis. Stats., be subject to ss. 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1), (6), (6m) and (9), Wis. Stats.

(3) **OPERATION OF SNOWMOBILES IN VILLAGE RESTRICTED.** It shall be unlawful to operate any snowmobile on the Village streets, alleys, parks, parking lots, or on any public lands or private lands or parking lots held open to the public, except on snowmobile

routes established by the Village Board and as provided in sub. (4) below. The operator shall at all times have the consent of the owner before operation of such craft or vehicle on private lands.

(4) **SNOWMOBILE ROUTES ESTABLISHED** (Am. Ord. #7-2006), (Am. Ord. #1-2003), (Am. Ord. #20-2001), (Am. Ord. #9-2000), (Am. Ord. #28-98), (Am. Ord. #2-98).

Except as provided in ss. 350.02 and 350.03, Wis. Stats., no person shall operate a snowmobile in the Village except on the route designated on a map of the Village entitled “Hazel Green Snowmobile Route” and dated December 5, 2006. Said map is on file in the office of the Clerk-Treasurer and is hereby adopted by reference.

(5) **ACCESS TO SNOWMOBILE ROUTES.** For the purpose of access only, any person may operate a snowmobile to and from his residence on any public right of way not designated a snowmobile route by the most direct route to and from any designated snowmobile route.

(6) **PERMITTING OPERATION BY IMPROPER PERSONS PROHIBITED.** No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile, or who is under the influence of an intoxicant or a dangerous or narcotic drug.

(7) **OPERATION PROHIBITED DURING CERTAIN HOURS.** No person shall operate a snowmobile on any Village street or alley between the hours of 11:00 P.M. and 8:00 A.M.

(8) **SPEED LIMITATIONS.** No person shall operate a snowmobile on any Village street or alley in excess of 10 miles per hour.

(9) **METHOD OF TRAVEL.** Any person operating a snowmobile on any Village street or alley shall proceed in single file in the direction of regular traffic flow on the extreme right portion of the traveled roadway.

(10) **OPERATION WHILE UNDER INFLUENCE PROHIBITED.** Section 346.63, Wis. Stats., shall apply to the operation of a snowmobile any place within the Village.

(11) **WRITTEN CONSENT OF OWNER REQUIRED.** The consent required under ss. 350.10(6), (11), (12) and (13), Wis. Stats., and in sub. (3) above shall be written consent dated and limited to the year in which the consent is given. If the property is owned or leased by more than one person, the consent of each must be obtained.

‘7.10 ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES AND ROUTES (amended 06/2017, 02/2018, 05/2019)

(1) **PURPOSE.** The purpose of this ordinance is to establish an all-terrain vehicle (“ATV”) and utility terrain vehicle (“UTV”) route in the Village of Hazel Green and regulate the operation of all-terrain and utility terrain vehicles in the Village.

- (2) **APPLICABILITY AND ENFORCEMENT; DESIGNATION OF ROUTES.**
- (a) The provisions of this ordinance shall apply to all eligible roads within the jurisdiction of the Village, which are hereby designated as all-terrain vehicle routes. Pursuant to Wis. Stat. §23.33(1m)(c), utility terrain vehicles (UTVs) may be operated on all eligible roads in the Village of Avoca. “Eligible roads” are all highways and roads within the Village of Avoca regardless of whether the Village has jurisdiction over the highway except:
- (i) Any highway that is part of the national system of interstate and defense highways, or
- (ii) Any state highway or county trunk highway that has a speed limit of more than 35 miles per hour.
- (b) The operation of ATVs and UTVs with snow removal devices attached is permitted on any roadway, or adjacent to any roadway, if the applicable roadway speed limit is greater than 45 miles per hour, and regardless of whether the Village has jurisdiction over the roadway.
- (c) The provisions of this section shall be enforced by the Hazel Green Police Department. Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.
- (3) **RULES OF OPERATION.** The following rules of operation apply on all routes:
- (a) Speed. No ATV/UTV shall be operated at a speed greater than the speed limit on any road.
- (b) Lights. No ATV/UTV may be operated on the routes without fully functional headlights, tail-lights, and brake lights. Every ATV/UTV being operated on the routes must display a lighted headlamp and tail lamp at all times.
- (c) Roadway Travel. On any ATV route, all ATV/UTV operation is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions. All ATVs and UTVs must operate in single file. Operation on paved shoulders intended for bicycle or pedestrians, gravel shoulders, grassy in-slope, ditches or other highway right-of-way is prohibited.
- (d) Hours of Operation. Village ATV/UTV routes shall be open each day between the hours of 7:00 a.m. and 11:00 p.m.

- (e) Operation. ATV/UTV operation on the routes shall be in accordance with the provisions of the Wisconsin State Statutes, the Wisconsin Administrative Code and all other applicable ordinances, as the same may be amended from time to time.
 - (f) Open Intoxicants. No person may possess on his or her person or in or on an ATV or UTV upon any route, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released.
 - (g) Route Closure. The Village of Hazel Green may close ATV/UTV routes due to road emergencies including but not limited to blizzards or flooding or other safety hazards.
- (4) ROUTE SIGNS.
- (a) The Village will install signs on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the Village that alerts motorists that all highways under the jurisdiction of the Village have been designated as all-terrain vehicle routes. Signs shall conform to the requirements of Wisconsin law, the Manual on Uniform Traffic Control Devices, the Wisconsin Department of Transportation and the Wisconsin Department of Natural Resources, at locations required under this ordinance as designated by the Village Board or its authorized representative.
 - (b) No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the Village Board.
- (5) PENALTIES.
- (a) The penalties under Wis. Stat. §23.33(13) are adopted by reference. Deposits for violations shall be required in accordance with the Revised Uniform State Traffic Deposit Schedule, as the same may be amended from time to time.
 - (b) Juvenile penalties shall be as permitted under Wis. Stat. §938.17. Deposits for violations shall be required in accordance with the Revised Uniform State Traffic Deposit Schedule, as the same may be amended from time to time and as the same may apply to juveniles.
 - (c) The penalty for any violation of this ordinance for which no statutory penalty is provided shall be \$50.00 together with court costs, fees and assessments.
- (6) SEVERABILITY. If any provision of this ordinance or its application to any

person or circumstance if held invalid, the invalidity does not affect other provision or application of this ordinance that can be given effect without the invalid provision or application, and to this end, the provision of this ordinance are severable.

- (7) **COPIES TO BE DISTRIBUTED TO LAW ENFORCEMENT.** The Village Clerk shall immediately send a copy of this ordinance to the Department of Natural Resources, to the state traffic patrol, and to the Grant and Lafayette Counties Sheriff's Departments.

7.11 PENALTY. (1) **FORFEITURE PENALTY.** The penalty for violation of any provision of this chapter shall be a forfeiture as hereinafter provided together with the costs of prosecution and the penalty assessment imposed by s. 165.87(2), Wis. Stats., where applicable. Payment of the judgment may be suspended by the sentencing judge for not more than 60 days. Any person who shall fail to pay the amount of the forfeiture, costs of prosecution and 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 assessments are paid, but not exceeding 90 days.

(2) **OTHER SANCTIONS.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges and registration of the defendant or to order the defendant to submit to assessment and rehabilitation or attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.

(3) **FORFEITURES FOR UNIFORM TRAFFIC OFFENSES.** Forfeitures for violations of any traffic regulation set forth in the Wisconsin Statutes adopted by reference in sec. 7.01 of this chapter shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State statute, including any violations or increases for subsequent offenses; provided, however, that this subsection shall not permit prosecution under this chapter of any offense for which an imprisonment penalty may be imposed upon the defendant.

(4) **FORFEITURES FOR VILLAGE PARKING VIOLATIONS (Am. Ord. #2-93).** The forfeiture for all Village parking violations shall be as provided in sec. 20.04 of this Code.

(5) **FORFEITURES FOR OTHER VIOLATIONS OF THIS CHAPTER (am. Ord. #9-93).** The forfeiture for all other violations of this chapter shall be subject to a penalty as provided in sec. 20.04 of this Code.

7.12 ENFORCEMENT. This chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this section.

(1) **ENFORCEMENT PROCEDURE.** This chapter shall be enforced according to s. 66.12, Chs. 299 and 345.20 to 345.53, Wis. Stats.

(2) CITATIONS. (a) 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 ss. 346.71 through 346.73, Wis. Stats. Violations of ss. 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.

(b) Parking Citations. The Village Attorney shall recommend a citation for use in enforcing the nonmoving traffic offenses in this chapter. When approved by the Village Board, such citation shall be used for enforcement of nonmoving traffic regulations created or adopted by this chapter, including violations of nonmoving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in sec. 7.01 and all provisions of secs. 7.05 and 7.07 of 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 sub. (3)(b) below. Nonmoving traffic citations may be issued by law enforcement officers.

(3) DEPOSITS AND STIPULATIONS. (a) Uniform Traffic Offenses. 1. 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.

2. Delivery or Mailing of Deposit and Stipulation. The deposit and stipulation shall be delivered personally by the person cited or mailed to the Village Hall or the Clerk of Courts.

3. Receipt Required. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation and a copy of the receipt within 3 days to the Clerk of Courts.

(b) Nonmoving Traffic Offense. 1. Direct Payment of Penalty Permitted. Persons cited for violation of nonmoving traffic offenses described and defined in this chapter may discharge the penalty thereof and avoid court prosecution by forwarding, within the time indicated on the citation, to the Village Hall or the Clerk of Courts, as indicated on the citation, the minimum penalty specified for the violation. If not so forwarded, the penalty may be charged by forwarding within 10 days of the date of the citation to the above-named office double the amount of the minimum penalty specified.

2. Court Prosecution. If the alleged violator does not deliver or mail a deposit, as provided in sub. par. 1. above, within the time indicated on the citation, the Chief of Police shall forward a copy of the citation to the Village Attorney for prosecution pursuant to law.

3. Deposits Returned to Clerk-Treasurer. Police personnel receiving deposits for nonmoving traffic violations under this subsection shall pay over such deposits to

the Chief of Police. Weekly the Chief of Police shall pay over such deposits to the Clerk-Treasurer. Such payment shall be accompanied by an itemized statement for each deposit.

(4) **TRAFFIC VIOLATION AND REGISTRATION PROGRAM.** Pursuant to the provisions of s. 345.28(4), Wis. Stats., the Village elects to participate in the nonmoving traffic violation and registration program of the Wisconsin Department of Transportation and pay the costs established by the Department under s. 85.13, Wis. Stats.; such costs shall, in turn, be assessed against persons charged with nonmoving traffic violations. The Village Attorney shall be responsible for complying with the requirements set forth in s. 345.28(4), Wis. Stats.

7.13 DEPOSIT SCHEDULE (Am. Ord. #2-93). Every police officer issuing a citation for any violation of this chapter shall indicate on the citation the amount of the deposit that the alleged violator may make in lieu of court appearance. The amount of the deposit shall be determined in accordance with the deposit schedule established by the Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin Judicial Conference or, where applicable, as provided in sec. 20.04 of this Code.

7.14 REFERENCES TO WISCONSIN STATUTES. (1) **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 1983-84 as from time to time amended, repealed or modified by the Wisconsin Legislature.

(2) **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.

7.15 USE OF SCHOOL BUS WARNING LIGHTS (Cr. Ord. #2-2009)

(1) Pursuant to Section 349.21(1), Wisconsin Statutes, school bus operators shall activate and use flashing red warning lights on school buses in a residence or business district where pupils or other authorized passengers are to be loaded or unloaded at a location at which there are no traffic signals and where such persons must cross the street or highway before being loaded or after being unloaded.

(2) The penalty for violation of this ordinance shall be as set forth in Wis. Stat. Sec. 346.49(2) for a violation of Wis. Stat. sec. 346.48."