

CHAPTER 10

TRAFFIC CODE

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10.01 STATE STATUTES ADOPTED. (1) STATE TRAFFIC LAWS. Except as otherwise specifically provided in this chapter, Wis. Stats. § 23.33, Ch. 125, Ch. 167, § 287.81 and § 86.06 and all the statutory provisions and regulations contained in Wis. Stats. Chs. 340 through 351, and regulations in Wis. Admin. Code Chs. Trans 303-310, describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture, including penalties to be imposed and procedures for prosecution, and any future amendments thereto, are hereby adopted by reference and 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.

(2) OTHER LAWS ADOPTED. There are also adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in Wis. Stats. Chs. 340 to 351, and the penalty for violation thereof shall be limited to a forfeiture, as provided in Chapter 25 of this Code. All amendments to said chapters shall also be adopted and effective at the same time as such change or amendment to the said state statute is effective. Sections adopted by reference herein:

- 941.01(1) (Negligent operation of vehicle off highway)
- 946.41 (Resisting or obstructing officer)
- 947.01 (Disorderly conduct)
- 947.04 (Drinking in common carriers)

10.02 THROUGH HIGHWAYS. The Village Board, when it deems it necessary for the public safety, reserves the right by ordinance or resolution, to designate any highway or portion thereof within the Village limits as a through highway, with same being an amendment to this section at any time, with such designations being adopted by reference hereto as if fully set forth herein. No such ordinance or resolution declaring any highway to be a through highway is effective until official stop signs or traffic control signals have been installed at the entrances thereto from other highways. (See also §§349.07(3) and (4), Wis. Stats.).

10.03 SPEED LIMITS. The provisions of §§346.57 and 346.58 and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are adopted as part of this section as if fully set forth herein, subject to any fixed speed limits adopted according to law by the Village and indicated by Village traffic signs.

10.04 PARKING REGULATIONS. (1) ALL-NIGHT PARKING REGULATED. When signs have been erected at or reasonably near the corporate limits of the village as provided in §349.13, Wis. Stats., no person shall park any vehicle on any village street between the hours of 1:00 A.M. and 7:00 A.M. on any day from November 1st to April 15th.

(2) "NO PARKING" ON STREETS. There shall be no parking upon any Village street or portion thereof where the Village has placed "NO PARKING" signs. The Village Board reserves the right to determine the designation of no parking locations by amendment to this section at any time, with such designations being adopted by reference hereto as if fully set forth herein.

(3) RESTRICTED PARKING AREAS. (a) The Village Board reserves the right to determine restricted parking areas in and by the adoption of resolutions or ordinances enacted as amendments to this section. Any such designations shall be adopted by reference hereto as if fully set forth herein.

(b) Parking prohibitions enacted under par. (a), for areas and streets or portions thereof, shall be designated by Village signs.

(4) PHYSICALLY DISABLED PARKING. Parking, stopping, or standing prohibited in parking spaces reserved for vehicles displaying special registration plates or special identification cards. Except for a motor vehicle used by a physically disabled person as defined under §346.503 (1), Wis. Stats., no person may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of a street, highway or parking facility reserved, by official traffic signs indicating the restriction for vehicles displaying special registration plates or a special identification card issued under §343.51, Wis. Stats..

(5) OTHER RESTRICTIONS ON PARKING AND STOPPING:

(a) No person shall stop or leave any vehicle standing in any of the following places except temporarily for the purpose of and while actually engaged in loading or unloading, in receiving or discharging passengers, or to respond to an emergency:

1. In a loading zone;
2. In an alley;
3. Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign;
4. Within 4 feet of the entrance to an alley or a private road or driveway;
5. Closer than 15 feet to the near limits of a crosswalk;
6. Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.

(b) Owners or lessees of public or private property may permit parking by certain persons and limit, restrict or prohibit parking as to other persons if the owner or lessee posts a sign on the property indicating for whom parking is permitted, limited, restricted or prohibited. To preserve peace and order, the village may restrict or prohibit parking on private property in a particular location, and may require signage to enforce such restriction or prohibition. No person may leave or park any motor vehicle or trailer of any kind on public or private property contrary to a sign posted thereon. An owner of private property, which has village required signage on it, shall not allow such parking contrary to the sign posted thereon.

(c) When parking on the streets and in parking lots where parking spaces are indicated on the pavement, vehicles shall park within the indicated spaces.

(d) Unattended trailers of any kind are prohibited from being parked on any Village street for more than one (1) hour. The previous sentence shall not apply in active construction areas or in areas zoned industrial by the village.

(e) No person shall park and leave a refrigeration unit motor running unattended for more than a fifteen (15) minute period. The previous sentence shall not apply in active construction areas or in areas zoned industrial by the village, or in areas where truck/trailer parking is specifically authorized by approval of the village board.

(6) **TRUCK PARKING PROHIBITED.** No person shall park any truck, bus, trailer, or semi-trailer, or any combination thereof, which shall be licensed for, or which shall have a gross weight of 8,000 pounds or more:

(a) On any local street or alley in the Village of Brownsville at any time during the hours of 8 p.m. to 6 a.m., except while such vehicle is in the actual process of loading, unloading, or making a delivery; or,

(b) On any State Highway within the Village of Brownsville at any time during the hours of 8 p.m. to 6 a.m.; except while such vehicle is in the actual process of loading, unloading, or making a delivery.

10.04 (7) OWNER'S LIABILITY FOR VEHICLE VIOLATING PARKING RESTRICTIONS.

(A) Subject to Wis. Stats. sec. 346.01 (2) (definition of owner) which is adopted herein by reference, the owner of a vehicle involved in a violation of parking restrictions as contained in Brownsville Municipal Code section 10.04 shall be liable for the sec. 10.04 parking violations as provided in this section.

(B)

(1) Except as provided in par. (2) below, it shall be no defense to a violation of this section that the owner was not operating the vehicle at the time of the violation.

(2) The following are defenses to a violation of this section:

- a. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.
- b. If the owner of the vehicle provides a traffic officer with the name and address of the person operating the vehicle at the time of the violation and the person so named admits operating the vehicle at the time of the violation, then the person operating the vehicle and not the owner shall be charged under this section.
- c. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer with the information required under Wis. Stats. sec. 343.46 (3), then the lessee and not the lessor shall be charged under this section.
- d. If the vehicle is owned by a dealer as defined in Wis. Stats. sec. 340.01 (11) (intro.)

but including the persons specified in Wis. Stats. sec. 340.01 (11) (a) to (d), and at the time of the violation the vehicle was being operated by any person on a trial run, and if the dealer provides a traffic officer with the name, address and operator's license number of the person operating the vehicle, then the person operating the vehicle, and not the dealer, shall be charged under this section

10.05 VEHICULAR WEIGHT LIMITATIONS. All Class "B" highways shall be subject to the weight limitations imposed by §348.16, Wis. Stats.

10.06 SIGNS AND SIGNALS. (1) ERECTION. The Village Board is authorized to procure and erect signs and signals. The Village Board is authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the state Highway Division giving such notice of the provisions of this chapter as required by state law. Signs shall be erected in such locations and manner as the village board determines will best effect the purposes of this chapter and give adequate warning to users of the street or highway.

(2) REMOVAL. The Village Board shall have the authority granted by §349.09, Wis. Stats., and is directed to order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this chapter or §346.41, Wis. Stats., Any charge imposed on a premises for removal of such an illegal sign, signal or device shall be reported to the village board at its next regular meeting for review and certification.

10.07 JAKE BRAKE (COMPRESSION BRAKES) PROHIBITED. No person operating a truck, tractor/trailer or other motor vehicle within the Village limits of the Village of Brownsville shall utilize a Jake Brake or braking device activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof unless use of said brake is necessary to avoid an accident. Said defense shall be construed strictly against the operator who must who must prove that absent use of said braking device there would have been injury or damage to persons or property. The Public Works Department is authorized and directed to post appropriate signs advising motorists of the prohibitions in this section. Penalties for violation of this section shall be as set forth in § 10.11.

10.08 ENFORCEMENT. This chapter shall be enforced in accordance with the provisions of §§345.20 to 345.53, and 66.0113, Wis. Stats.

10.09 STIPULATION OF GUILT. NO CONTEST. (1) Stipulation of guilt or no contest may be made by persons arrested for violations of this chapter in accordance with §66.0113, Wis. Stats., whenever the provisions of §345.27, Wis. Stats., are inapplicable to such violations. Stipulations shall conform to the form contained on the Uniform Traffic citation and complaint under §345.11. Stipulations may be accepted by the clerk of the court processing the matter.

(2) Any person stipulating guilt or no contest under subsection (1) 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 court.

(3) Every officer accepting a forfeited penalty or money deposit under this chapter shall provide a receipt therefore as provided by §345.26(3)(b), Wis. Stats. Every officer excepting

a stipulation under the provisions of this chapter shall comply with the provisions of §§343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats.

10.10 VIOLATION AND PENALTY. (1) FORFEITURE. The penalty for violation of any provision of this chapter shall be a forfeiture as provided in this section together with the cost of prosecution imposed as provided for in §§345.20 to 345.53, Wis. Stats., and future amendments thereto.

(2) UNIFORM OFFENSES. In addition to any penalty imposed under ch. 25 of this Code, forfeitures for violation of any provisions of Chs. 340 to 350 Wis. Stats., adopted by reference in §10.01, shall conform to statutory forfeiture amounts for violation of the comparable state offense, including any variation in increases for second offenses.

(2) APPLICATION OF STATE STATUTE. The provisions of §345.20 to 345.53, Wis. Stats., and amendments thereto, shall apply to adjudication of violation of any provisions of this chapter.

(3) PARKING AND STOPPING. The provisions of §346.56 shall apply to forfeitures for violation of parking and stopping regulations covered by §§346.50 to 346.56, Wis. Stats. In addition to any penalty under ch. 25, of this Code, any person who violates this section 10.11 shall be subject to the penalty provision under §346.56, Wis. Stats.

10.11 ALL-TERRAIN VEHICLES. (1) AUTHORITY. This section is created under authority granted in §23.33(11)(am), Wis. Stats.

(2) OPERATION RULES. (a) State Statutes Adopted. Except as otherwise specifically provided in this section, §§23.33(1),(3),(4),(4c),(4g),(4i),(4j),(4L),(4t),(4x) and (5), Wis. Stats., describing and defining regulations with respect to the operation of all-terrain vehicles, and any future amendments thereto, are hereby adopted by reference and 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 section.

(b) Applicability To All-Terrain Vehicles. The operator of an all-terrain vehicle on a roadway is subject to §§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, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1) and (9).

(c) Equipment Requirements. The equipment requirements specified under §23.33(6), Wis. Stats., are hereby adopted and the same by reference are incorporated with the same force and effect as if fully set forth herein

(d) Village Routes and Trails Designated. 1. The Village Board may, by resolution, designate highways within the Village as all-terrain vehicle routes, except that no state trunk highway or connecting highway may be designated as an all-terrain vehicle route unless the Wisconsin Department of Transportation approves such designation(s).

2. Any designations made hereunder are incorporated by reference with the same force and effect as if fully set forth herein.

3. The Village Board may designate corridors through land which it owns or controls, or for which it obtains leases, easements or permission, for use as all-terrain vehicle trails.

4. The Village Board may specify effective periods for the use of all-terrain vehicle routes and trails and may restrict or prohibit the operation of an all-terrain vehicle during certain periods of the year.

5. Any designations and periods for use specified hereunder shall be made in and by the village Board's adoption of resolution(s) with same being published in the same manner prescribed for other official actions of the Board.

(e) Enforcement. 1. An officer of the state traffic patrol under § 110.07(1), Wis. Stats., inspector under § 110.07(3), Wis. Stats., conservation warden appointed by the Department of Natural Resources under §23.10, Wis. Stats., county sheriff or Village municipal peace officer has authority and jurisdiction to enforce this section.

2. No operator of an all-terrain vehicle may refuse to stop after being requested or signaled to do so by a law enforcement officer.

(f) Penalties. 1. In addition to any penalty under ch. 25, of this Code, any person who violates this section shall be subject to the penalty provision under §23.33(13), Wis. Stats.

2. Violations by juveniles shall also be subject to the provisions of §938.343 (9), Wis. Stats.

10.12 DIRT BIKES. (a) Operation Restricted. The following regulations govern the use of Dirt Bikes within the Village: 1: No dirt bike may be operated in the Village between the hours of 10:00 P.M. to 7 A.M.

2. No dirt bike may be operated on any property without the owner's consent.

3. Dirt bikes may not be operated in Village parks.

(b) Violation and Penalty. Any person who violates any provision of this subsection may be fined not less than \$10.00 nor more than \$20.00 for the first offense, and not less than \$25.00 nor more than \$50.00 for the second or subsequent offense within a 12 month period.

10.13 BICYCLES. (1) CARRYING PASSENGERS. No person shall ride or propel a bicycle on a street of the Village with another person upon said bicycle unless such bicycle is so constructed as to be a tandem bicycle. (*Changed due to duplicate numbering*)

(2) CARELESS OPERATION. (a) It is unlawful for any person to operate a bicycle upon a street in the village carelessly or heedlessly in disregard of the rights of safety of others or in a manner so as to endanger or be likely to endanger the property or person of others.

(b) It shall be unlawful for any person to operate a bicycle in the Village of Brownsville without the consent of the owner.

(3) LIGHTS. Every bicycle operated upon a street between one-half hour after sunset and one-half hour before sunrise shall be equipped with a lamp on the front thereof exhibiting a white light visible from a distance of at least 500 feet to the front, and with a red reflector as required by the Wisconsin Statutes on the rear.

(4) DANGEROUS OPERATION. No person shall operate a bicycle upon the streets without having manual control of the handlebars or operate a bicycle in any other manner which necessitates the element of unusual or extraordinary skill and involves unnecessary risk.

(5) RIGHT TURNING PROCEDURE. The operator of a bicycle intending to turn to the right at an intersection shall approach the point of turning in the traffic lane nearest the

right-hand edge or curb of the street, and in turning, shall keep as closely as practicable to the right hand edge or curb of the highway.

(6) **LEFT TURNING PROCEDURE.** The operator of a bicycle intending to turn to the left at an intersection or into a private driveway shall make such turn from the traffic lane immediately to the left of the center of the intersection, passing as closely as practical to the left of the center of the intersection, and shall leave the intersection immediately to the right of the center of the intersecting street.

(7) **OBEDIENCE TO TRAFFIC OFFICER.** It is unlawful for the operator of any bicycle to refuse or fail to comply with any lawful order, signal, or direction of a traffic officer, and it is unlawful for any such operator of such bicycle upon any street to disobey the instructions of any official traffic sign, or signal placed in accordance with the laws of the state and with this code.

(8) **CLINGING TO, ATTACHING OTHER CONVEYANCES TO: PROHIBITED.** It is unlawful for any person to attach in any manner any wagon, side-car, kiddy-car, tricycle, or similar riding device to any bicycle while the same is being operated upon the streets. It is unlawful for any person while riding upon a bicycle upon the streets to cling to, attach, or hitch onto any wagon, or other vehicle of any kind. (See also §346.79(4), Wis. Stats.)

(9) **APPLICATION OF OPERATIONAL REGULATIONS.** The provisions of subs. (1) through (8) herein apply to all persons operating a bicycle upon the streets or sidewalks as authorized in the Village.

(10) **VIOLATION AND PENALTY.** (a) Any violation of this section is subject to penalties as provided in ch. 25 of this Code.

10.14 **WARNING LIGHTS: SCHOOL BUS.** In accordance with the authority granted by §349.21(1), Wis. Stats., the Village requires that school bus operators shall use of flashing red lights in a residence or business district when 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.