



## PUBLIC SAFETY COMMITTEE

### AGENDA

118 Center Street W.  
Amery, WI 54001  
<http://www.amerywi.gov>  
(715) 268-7486  
Fax: (715) 268-4870

Tuesday – January 26, 2021

5:00 PM

Zoom Meeting

**\*Or immediately following Finance and Personnel**

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Public Safety Committee** of the City of Amery will be held on **Tuesday – January 26, 2021 “Immediately Following Finance & Personnel at 5:00 PM”**.

Join Zoom Meeting

<https://us02web.zoom.us/j/82621503264?pwd=TXZ0Z2JWRVMxakdRZGJZWDFyVWplZz09>

Meeting ID: 826 2150 3264

Passcode: 421849

One tap mobile

+13017158592,,82621503264#,,,,\*421849# US (Washington D.C)

+13126266799,,82621503264#,,,,\*421849# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 826 2150 3264

Passcode: 421849

Call to Order

Roll Call

- 1) Discussion/Recommendation: Removal of Parking Limit Signs on Keller Ave.
- 2) Discussion/Recommendation: Emergency Management Plan
- 3) Discussion/Recommendation: Ordinance 02-2021: Chapter 405 Vehicles and Traffic
- 4) Adjournment

Respectfully Submitted;

Ben Jansen, MPA

Deputy Clerk-Treasurer

\*\*\*Posted: Thursday – January 21, 2021 at Website ([www.amerywi.gov](http://www.amerywi.gov)); Amery City Hall; Amery Public Library and Amery Police Department

**It is possible that members of and a possible quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information or speak about a subject, over which they have decision-making responsibility. Any governmental body at the above stated meeting will take no action other than the governmental body specifically referred to above in this notice.**

**The City of Amery does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provision of services, programs or activities.**

**NOTE: Upon reasonable notice, the City of Amery will accommodate the needs of disabled individuals through aids or services. For additional information or to request this service, contact the Clerk-Treasurer's office at (715) 268-3411 by Noon the previous day so that arrangements can be made.**

## Chapter 405

### VEHICLES AND TRAFFIC

[HISTORY: Adopted by the City Council of the City of Amery 10-6-2004 as Title 10, Ch. 1, of the 2004 Code. Amendments noted where applicable.]

#### ARTICLE I General Provisions

##### § 405-1. State traffic laws adopted.

- A. Statutes adopted. Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110, 194, and 340 through 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 through 349 incorporated herein are intended to be made part of this chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the City of Amery, Wisconsin, violate any provisions of any statute incorporated herein by reference shall be deemed guilty of an offense under this section.
- B. Other state laws adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in Chapters 340 through 349, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this chapter:
- (1) Section 941.01, Negligent operation of vehicle.
  - (2) Section 941.30, Recklessly endangering safety.
  - (3) Section 943.11, Entry into locked vehicle.
  - (4) Section 943.23, Operating vehicle without owner's consent.<sup>1</sup>
- C. 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.

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1. Editor's Note: Original Sec. 10-1-1(c) of the 2004 Code of Ordinances, Statutes Specifically Incorporated by Reference, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 405-2. State Administrative Code provisions adopted.**

- A. Administrative regulations adopted. The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this chapter as if fully set forth herein:
- (1) Chapter Trans 150, Leasing of Vehicles by Private Carriers.
  - (2) Chapter Trans 304, Slow Moving Vehicle Emblem.
  - (3) Chapter Trans 305, Standards for Vehicle Equipment.
  - (4) Chapter Trans 326, Motor Carrier Safety Requirements for Transportation of Hazardous Materials.
- B. Noncompliance prohibited. No person shall operate or allow to be operated on any highway, street or alley within the City a vehicle that is not in conformity with the requirements of Subsection A or the provisions of § 110.075 and Ch. 347, Wis. Stats., incorporated by reference in § 405-1 of this chapter.
- C. Safety checks.
- (1) Operators to submit to inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
  - (2) Authority of officer. Any law enforcement officer of the City is hereby empowered whenever he or she shall have reason to believe that any provision of this section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
  - (3) Vehicle to be removed from highway. Whenever, after inspection as provided by this section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair, until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the Secretary of the Department of Transportation under § 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.
- D. Penalty. Penalty for violation of any provision of this section, including the provisions of the Wisconsin Administrative Code incorporated herein by reference, shall be as provided in

§ 405-40, together with the costs of prosecution and applicable penalty assessment.

**§ 405-3. Official traffic signs and control devices; prohibited signs, signals and markers.**

- A. Duty of Chief of Police to erect and install uniform traffic control devices. Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference in § 405-1, require the erection of traffic control devices for enforcement, the Chief of Police with the cooperation of the Public Works Department shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever state law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Chief of Police, will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the City of Amery.
- B. Code numbers to be affixed to official traffic control devices. The Chief of Police shall cause to be placed on each official traffic control sign, guideboard, mile post, signal or marker erected under Subsection A a code number assigned by the Wisconsin Department of Transportation and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- C. Prohibited signs and markers in highways. No person other than an officer authorized by this chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the City any sign, signal, marker, mark or monument unless permission is first obtained from the Chief of Police or, where applicable, the State Department of Transportation. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in Subsection D.
- D. Removal of unofficial signs, markers, signals and traffic control devices. The Police Department or Public Works Department may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Police Department or Public Works Department to the City Council for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

**§ 405-4. Registration record of vehicle as evidence.**

When any vehicle is found upon a street or highway in violation of any provision of this chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this chapter and specifically § 405-1 and shall be subject to the applicable forfeiture penalty, provided the defenses defined and described in § 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with

such violation.

**§ 405-5. School bus warning lights.** [Amended 9-4-2019 by Ord. No. 06-2019]

- A. The operator of a vehicle which approaches from the front or rear any school bus which has stopped on a street or highway when the bus is equipped according to § 347.25(2), Wis. Stats., and when it is displaying flashing red warning lights shall stop the vehicle not less than 20 feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of any school bus which approaches from the front or rear of any school bus which has stopped and is displaying flashing red warning lights shall display its flashing red lights while stopped. This subsection does not apply to operators of vehicles proceeding in the opposite direction on a divided highway.
- B. The operator of a school bus equipped with flashing red and amber warning lights as specified in § 347.25(2), Wis. Stats., shall do all of the following when stopping to load or unload pupils or other authorized passengers:
  - (1) Actuate the flashing amber warning lights at least 300 feet before stopping in a speed zone of 45 miles per hour or greater or at least 100 feet before stopping in a speed zone of less than 45 miles per hour.
  - (2) At the point of loading or unloading, bring the bus to a stop, extinguish the flashing amber warning lights, and actuate the flashing red warning lights.
  - (3) After loading or unloading is completed and persons who must cross the highway are safely across, extinguish the flashing red warning lights.
- C. Where the curb and sidewalk are laid on one side of the road only, the operator shall use the flashing red and flashing red and amber warning lights when loading or unloading passengers from either side.

**§ 405-6. Blue warning lights on police vehicles.**

- A. Pursuant to §§ 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under § 340.01(3)(a), Wis. Stats., may be equipped with a blue light and a red light which flash, oscillate or rotate.
- B. If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under § 346.03, Wis. Stats. The blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of 500 feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.

**§ 405-7. Accident reports.**

The operator of every vehicle involved in an accident shall, immediately after such accident, file with the Police Department a copy of the report required by § 346.70, Wis. Stats., if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this section. Such reports shall be subject to the provisions and limitations of §§ 346.70(4)(f) and 346.73, Wis. Stats., specifically that accident reports filed in accordance with this section shall be for the confidential use of the Department and shall not be open to public inspection except as permitted by § 346.73, Wis. Stats.

**§ 405-8. Official Traffic Map.**

- A. Official Traffic Map established. There is hereby established an Official Traffic Map for the City upon which shall be indicated no-parking areas, restricted-parking areas, stop signs, arterial intersections, yield signs, special speed limits, one-way highways, school crossings and all other restrictions or limitations contained in this chapter, as from time to time amended or modified by the City Council when the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations.
- B. 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.
- C. Map to be maintained. A copy of the Official Traffic Map shall be maintained and displayed in the office of the Police Department.
- D. Additions to map. The City Council 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.

ARTICLE II  
**Street Traffic Regulations**

**§ 405-9. Operators to obey traffic control devices.**

Every operator of a vehicle approaching an intersection at which an official traffic control device is erected in accordance with this chapter shall obey the direction of such official traffic control device as required by the Wisconsin Statutes incorporated by reference in § 405-1 of this chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by § 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by § 346.18(6), Wis. Stats.

**§ 405-10. Heavy traffic routes; Class B highways designated; temporary weight limits.**

- A. Definition. For purposes of this section, "heavy traffic" shall be defined as all vehicles not operating completely on pneumatic tires and all vehicles or combination of vehicles designed or used for transporting property of any nature and having a gross weight of more than 12,000 pounds. Heavy traffic does not include school buses, motor buses or recreational motor homes.

B. Prohibited routes.

- (1) Heavy traffic is prohibited from using any City of Amery street or highway not designated as a heavy traffic route.
- (2) This section shall not act to prohibit heavy traffic from using a City street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway, nor shall this section apply to heavy traffic necessary to obtain orders, to make deliveries, or to move supplies or equipment for agricultural purposes. This exception shall be permitted for the period of time necessary to complete the above-described activities. This section will not act to prohibit heavy traffic from using any City streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this section.

C. Administration. The Police Department shall administer this section. Administration shall include:

- (1) Posting of signs. Appropriate signs shall be posted giving notice of this section and of the heavy traffic routes established herein. Yellow sign posts may also be used to designate heavy traffic routes.
- (2) Maps. Maps of the City showing heavy traffic routes shall be prepared and shall be available upon request by heavy traffic operators and owners.
- (3) Construction equipment.
  - (a) Heavy construction equipment may use City streets or highways not designated as heavy traffic routes, provided that the closest access route is utilized.
  - (b) City-owned or -operated equipment is specifically excluded from the provisions of this section.

D. Liability. Any operator, corporation, owner or agent whose heavy traffic vehicle damages any City streets or highways in violating this section shall be liable and required to pay the City the cost of repair or replacement of the damaged street or highway.

E. Streets designated Class "B" highways. All streets and highways within the City of Amery, Wisconsin, are hereby designated Class "B" highways subject to the weight limitations imposed on Class "B" highways by the Wisconsin Statutes adopted by reference in § 405-1, except the highways or parts of highways designated as heavy traffic routes in Subsection F below, and as follows:

- (1) All state trunk highways and connecting streets.
- (2) All county trunk highways and connecting streets within the City limits as indicated by the appropriate highway markers.

F. Heavy traffic routes. The following streets in the City of Amery are hereby designated heavy traffic routes, for commercial vehicles, pursuant to § 349.17, Wis. Stats.

- (1) State Highway 46 (Keller Avenue).
- (2) County Trunk Highway F.

**§ 405-11. Through streets designated.**

In the interest of public safety and pursuant to § 349.07, Wis. Stats., the streets or portions thereof set forth in this section are declared to be through highways, and traffic signs or signals giving notice thereof shall be erected by the Chief of Police or his/her designee in accordance with § 405-3:

Name of Street	Location
Baker Street	From the west curbline of Harriman Avenue to the west City limits
Birch Street	From the west curbline of Harriman Avenue to and including the west curbline of Amundson Street
Broadway Street (CTH F)	From the east curbline of Keller Avenue to the east City limits
Central Street	From the east curbline of Keller Avenue to the east City limits
Deronda Street (CTH F)	From the west curbline of State Highway 46 to the west City limits
Dickey Avenue [Repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]	
Elm Street	From the west curbline of Harriman Avenue to but not including the junction with Baker Street
Harriman Avenue	From the west curbline of Burman Avenue to the north curbline of Deronda Street (CTH F)
Maple Street	From the west curbline of Harriman Avenue to north Twin Lake
Riverside Boulevard	From the north curbline of Birch Street, thence north to the termination of said boulevard
State Highway 46	From the north City limits to the south City limits

**§ 405-12. Controlled intersections.**

- A. Complete stops required. It shall be unlawful for any person driving or operating any motor vehicle or other vehicle to drive or cause the same to be driven into an intersection designated and declared by this chapter to be a stop zone listed heretofore and signalized intersections without first coming to a full and complete stop.
- B. Designation of location of stop and yield signs. In the interest of public safety, stop and yield signs shall be installed at locations shown on the Official Traffic Map to control highways over which the City has exclusive jurisdiction.

**§ 405-13. One-way streets and alleys.**

- A. One-way alleys. The following alleys are made one-way alleys as hereinafter designated:
  - (1) The alley in the middle of Block 5, Original Plat of said City, shall be entered only at the north end and left only at the south end thereof.
  - (2) The alley in the middle of Block 2, Original Plat of said City, shall be entered at the north end and left only from the south end thereof.
  - (3) The alley on the east side of Block 1, Original Plat of said City, shall be entered at the south end and left only at the north end thereof.
  - (4) The alley on the east side of Block 6, Original Plat of said City, shall be entered only at the south end and left only at the north end thereof.

**§ 405-14. U-turns prohibited.**

No U-turn is permitted at any intersection on Keller Avenue from 2nd Street to Cornwall Avenue.

**§ 405-15. Speed limits.**

The provisions of §§ 346.57, 346.58, and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are hereby adopted as part of this section as if fully set forth herein, except as modified as follows by this section pursuant to § 349.11(3)(c), Wis. Stats, where the City Council has determined that the statutory speed limits are unreasonable, unsafe and imprudent and has modified such limits:

- A. The maximum speed on Keller Avenue (STH 46) from the intersection of Burman Avenue with said Keller Avenue to the north City limits shall be 40 miles per hour.
- B. The maximum speed on Baker Street from the intersection of Elm Street West with said Baker Street to the west City limits shall be 25 miles per hour.

ARTICLE III  
**Parking Regulations**

**§ 405-16. Restrictions on parking; posted limitations.**

- A. Forty-eight-hour limitation. No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public

parking lots in the City of Amery for a period of 48 or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this section, he/she is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area within the City where storage space is available, and in such case, the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he/she may recover the possession thereof.

B. Posted limitations.

- (1) The City Council 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 City shall mark, by appropriate signs, each zone so designated in accordance with the provisions of § 349.13, Wis. Stats.
- (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
- (3) The Chief of Police is hereby granted the authority, within the reasonable exercise of police power, to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Ch. 346, Wis. Stats. The City Council shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
- (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected, indicating the particular prohibition, restriction or limitation.
- (5) After the parking limitations on any given street have expired, any change of location of not more than one stall following expiration of the parking period allowed shall be and constitute a violation of this chapter.

**§ 405-17. Parking restrictions during temporary snow removal or street maintenance.**

- A. Street maintenance. Whenever it is necessary to clear or repair a City roadway or any part thereof, the Public Works Department and/or Police Department shall post such highways or parts thereof with signs bearing the words "No Parking – Street Maintenance Work." Such

signs shall be erected at least two hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

- B. Temporary parking restrictions for special events. For the period of time during which a community event is being held and upon proper resolution of the City Council, all or any portion of a street, adjacent to the area at which the community event is being held, may be designated as a temporary no parking zone. All such temporary no parking zones shall be properly designated by an official no parking sign placed or erected pursuant to the authority and direction of the City Council. The operator of any motor vehicle shall not park or allow such vehicle to stand in such temporary no parking zone.
- C. Parking during special snow removal. No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one hour from the time such area has been designated and marked with temporary signs or barriers by the Public Works and/or Police Department of the City, indicating no parking due to special snow removal work.

**§ 405-18. Stopping or parking prohibited in certain specified places.**

- A. Parking prohibited at all times. No person shall at any time park or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, in any of the following locations:
  - (1) Within an intersection.
  - (2) On a crosswalk.<sup>2</sup>
  - (3) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
  - (4) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
  - (5) Within a fire lane consisting of either the driveway between the front doors of a fire station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
  - (6) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
  - (7) In any place or manner so as to obstruct, block or impede traffic.
  - (8) Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
  - (9) Upon any portion of a highway where and at the time when parking is prohibited,

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<sup>2</sup> Editor's Note: Original Sec. 10-1-42(a)(3) of the 2004 Code of Ordinances, regarding parking prohibited on a sidewalk or terrace area, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

limited or restricted by official traffic signs.

- (10) Upon any bridge.
  - (11) Upon any street or highway within the City limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
  - (12) Upon any terrace or sidewalk in the City at any time.
  - (13) In a loading zone.
  - (14) Within four feet of the entrance to an alley, private road or driveway.
  - (15) In any municipal park when said park is closed to the public.
  - (16) Closer than 15 feet to the near limits of a crosswalk.
- B. Parking in driveways. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- C. Vehicles not to block private drive, alley or fire lane. No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four feet of either side of said access. Upon discovery by a police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.
- D. Parking vehicle for repair or to display for sale prohibited.
- (1) No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the City of Amery for the purpose of repairing said vehicle or to display such vehicle for sale. No person shall park on any street or avenue any vehicles for the primary purpose of advertising.
  - (2) No person other than an owner and/or operator of a business located on business-zoned property engaged in the regular business of selling vehicles may display a vehicle for sale upon private premises unless the following conditions are met:
    - (a) Consent to display the vehicle has been given by the owner or lessee of the premises;
    - (b) The owner of the vehicle is on the premises or resides there;
    - (c) The vehicle displayed for sale is parked entirely on the premises;
    - (d) The premises contains only one vehicle displayed for sale; and
    - (e) The advertisement or sign for sale of the vehicle is not larger than two square feet.

**§ 405-19. Parking reserved for vehicles of disabled.** [Amended 6-5-2019 by Ord. No. 03-2019]

- A. Parking regulated. When official traffic signs indicating such restriction have been erected in accordance with § 405-3 of this chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.
- B. Parking designated for physically disabled persons. The following is designated as restricted parking for a physically disabled person:
- (1) On the east side of Keller Avenue.
    - (a) The first parking space south from the intersection with Birch Street.
    - (b) The first parking space north from the intersection with Birch Street.
    - (c) The first parking space south from the intersection with Maple Street.
  - (2) On the west side of Keller Avenue.
    - (a) The first parking space south from the intersection of Maple Street with Keller Avenue.
    - (b) The first parking space south from the intersection of Birch Street with Keller Avenue.
    - (c) The last parking space north from the intersection of Center Street with Keller Avenue.
  - (3) On Elm Street.
    - (a) The first parking space east on the south side of Elm Street east of Keller Avenue.
  - (4) On Central Street.
    - (a) The first parking space east on the south side of Central Street east of Keller Avenue.
  - (5) On Center Street.
    - (a) The last parking space on the north side of Center Street east of Harriman Avenue.
  - (6) On Maple Street.
    - (a) The first parking space on the south side of Maple Street east of Keller Avenue.
    - (b) The last parking space on the north side of Maple Street east of Keller Avenue.
    - (c) The first parking space on the north side of Maple Street west of Keller Avenue.
    - (d) The last parking space on the north side of Maple Street east of Harriman Avenue.
  - (7) On Birch Street.
    - (a) The fourth parking space on the north side on Birch Street west of Harriman

Avenue.

**§ 405-20. Leaving keys in vehicle prohibited; parking vehicles with motor running.**

- A. Leaving keys in vehicle. No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any police officer shall find any vehicle standing with the key in the ignition in violation of this section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department for safe custody.
- B. Parking vehicles with motor running. No person shall park or leave standing any unoccupied motor vehicle with the motor or refrigerator unit running for more than 30 minutes within 300 feet of any residence within the City of Amery between the hours of 10:00 p.m. and 7:00 a.m.

**§ 405-21. Unattended motorized machinery.**

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth and which is owned or controlled by him/her to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

**§ 405-22. Angle parking.**

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

**§ 405-23. All-night parking restrictions.**

No person shall park any vehicle for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 6:00 a.m. of any day, except physicians on emergency calls, on any of the following streets:

A. On Keller Avenue between Maple Street and the railroad tracks.

**§ 405-24. Winter parking restrictions.** [Amended 6-5-2019 by Ord. No. 03-2019]

It shall be unlawful for any person to park or leave standing any motor vehicle on any City street between November 1 and April 15 between the hours of 2:00 a.m. and 6:00 a.m.

**§ 405-25. Parking prohibited during certain times.** [Added 6-5-2019 by Ord. No. 03-2019; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

When signs have been erected at or reasonably near the corporate limits of the City as provided in § 349.13, Wis. Stats., no person shall park or leave standing any vehicles on any street for longer than the period hereinafter specified at any time between the hours of 6:00 a.m. and 10:00 p.m., upon the following streets or portion thereof, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers:

A. One-hour parking limit.

- (1) On the east side of Keller Avenue between Broadway Street and Tower Street.
- (2) On the west side of Keller Avenue between Broadway Street and Burman Avenue.

B. Two-hour parking limit.

- (1) On the east side of Harriman Avenue between Center Street and Maple Street.
- (2) On Elm Street between Keller Avenue and River Avenue.
- (3) On Center Street from the intersection with Harriman Avenue east to the end of said street.
- (4) On Birch Street from the intersection with Harriman Avenue east to the river.
- (5) On the south side of Maple Street from the intersection with Harriman Avenue east to Keller Avenue.
- (6) On Maple Street from the intersection with Keller Avenue east to the first alley.
- (7) On Maple Street from the intersection with Harriman Avenue to the first alley east of Keller Avenue.
- (8) On the west 1/2 of the public parking lot located immediately north of Center Street and immediately east of the alley on the east side of Block 6, Original Plat of the City.
- (9) On the north 1/2 of the public parking lot located on the south side of Center Street, between Keller Avenue and Harriman Avenue.

**§ 405-26. Parking of vehicles over 12,000 pounds or 22 feet restricted.**

A. Parking. No person owning or having control of any truck, trailer, truck power unit, tractor, bus, recreation vehicle, camping/recreational use camper, or combination of vehicles weighing in excess of 12,000 pounds gross weight, or over 22 feet in length (including accessories, racks, or other physical extensions), or having a height of more than eight feet

from the roadway, shall park the same upon any street, avenue, or public way in the City of Amery for a continuous period exceeding one hour between the hours of 6:00 a.m. and 9:00 p.m. The provisions of this subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue, public way or private property in the City for the actual loading or unloading of goods, wares or merchandise; provided, however, that "loading" and "unloading," as used in this section, shall be limited to the actual time consumed in such operation. The City Council may, however, designate specific truck parking zones.

- B. Exceptions. Any municipal vehicle or public works equipment is excepted from the provisions of Subsection A above. Temporary parking of recreational vehicles may be allowed pursuant to Subsection E below.
- C. Bus parking. No operator of a school bus or other bus, regardless of its size, shall park such vehicle in any residential district, on the street, on a lawn, in the alley, in a driveway or anywhere else, except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle, except that school buses may park at any school when required.
- D. Removal. Any vehicle unlawfully parked under Subsection A, B or C above may be removed from the street by order of a law enforcement officer, pursuant to § 405-30, 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.
- E. Temporary parking by permit of recreational vehicles on City streets.
  - (1) Temporary permit required. No person shall park, stop or leave standing any mobile recreational vehicle or equipment for more than 24 consecutive hours on any City street, alley, highway, public right-of-way, or City off-street parking lot unless they possess a temporary parking permit. In no case may a person inhabit a mobile recreational unit overnight unless a temporary permit is obtained prior to such habitation and in no event shall a recreational vehicle be parked in or inhabited in a City park.
  - (2) Definitions. "Mobile recreational vehicle or equipment" means any boat, boat trailer or unit designed as temporary living quarters for recreational, camping or travel use, regardless of size or weight, including, but not limited to, motor homes, travel trailers, pickup trucks with camping units, pop-up camping trailers, house trailers, mobile homes, or private or converted buses. The unit may have its own automotive power or be mounted on or drawn by an automotive vehicle.
  - (3) Permit application. A temporary permit may be obtained from the Amery Police Department where there is no alternative parking available. Such permit shall be valid for a period of not more than seven consecutive days. The permit may be renewed up to a maximum period of 14 days in any calendar year. No permission shall be granted for parking in lots adjacent to or included in a City park.

**§ 405-27. Unlawful removal of parking citations.**

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

**§ 405-28. Operation of motor vehicles in public parking lots.**

- A. Unlicensed operators prohibited. No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- B. Traffic regulations applicable. All provisions of § 405-1 of this chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular traffic.

**§ 405-29. Removal of illegally parked vehicles.**

- A. Hazard to public safety. Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety.
- B. Removal by operator. Such vehicle shall be removed by the operator in charge, upon request of any City law enforcement officer, to a position where parking is permitted or to a private or public parking or storage premises.
- C. Removal by traffic officer. Any City law enforcement officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is permitted.
- D. Removal by private service. A City law enforcement 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 which performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- E. Towing and storage charges. In addition to other penalties provided in this chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.
- F. Liability. No person who removes or stores a vehicle under this section or otherwise at the request of a law enforcement officer shall incur any civil liability for the act, except for failure to exercise reasonable care in the performance of the act or for conduct that is willful, wanton, or malicious.
- G. Release of personal property.
  - (1) A person who has custody of a vehicle removed or stored pursuant to this section, or otherwise at the request of a law enforcement officer, shall release the personal property within the vehicle to the owner of the vehicle during regular office hours upon presentation by the owner of proper identification.

(2) As used in this subsection, the following terms shall have the meanings indicated:

**PERSONAL PROPERTY** — All property within the vehicle which is not mounted, attached or affixed to the vehicle.

**PROPER IDENTIFICATION** — Identification which would be sufficient to establish ownership to release the vehicle.

(3) No charge may be assessed against the owner for the removal or release or personal property.

(4) If the owner removes the personal property from a motor vehicle under this subsection, the vehicle shall be deemed abandoned unless the person enters into a written agreement to pay the full charges for towing and storage. The owner shall be informed of this provision by the person who has custody of the vehicle before the property is released. A vehicle deemed abandoned under this subsection may be disposed of as are other abandoned vehicles by the Amery Police Department.

H. Private trespass parking. No vehicle involved in trespass parking on a private parking lot or facility shall be removed without the permission of the vehicle owner, except upon the issuance of a repossession judgment or upon written complaint of the property owner and a citation for illegal parking issued by the officer.

**§ 405-30. Inoperable, wrecked or discarded vehicles.**

A. Storage prohibited. No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public street or highway, parking lot or ramp longer than 48 hours after notification thereof by the Police Department. Any such vehicle not removed within 48 hours is declared to be a public nuisance and may be removed as provided in § 405-30.

B. Exemptions. This section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the City of Amery.

**§ 405-31. Traffic and parking regulations on school district grounds.**

Pursuant to the provisions of § 118.105, Wis. Stats., the following regulations shall apply to the grounds of the Amery Public School District located within the City of Amery:

A. Parking. All parking on any grounds of the Amery School District from 7:30 a.m. to 4:30 p.m. shall be restricted to areas designated for parking by the School Board. When signs are erected by the School Board giving notice of such restrictions, all persons shall park only in areas designated and signed for visitor parking. There shall be no parking on said grounds between 11:00 p.m. and 6:00 a.m., except when school functions extend past 11:00 p.m.; on such nights there shall be no parking one hour after the function has concluded.

B. Speed limits. No person shall, at any time, operate a motor vehicle upon any School District grounds at a speed in excess of 15 miles per hour. [Amended 9-4-2019 by Ord. No. 06-2019]

C. Vehicles prohibited at specified times. No person shall, at any time, operate a motor vehicle other than a school bus or emergency vehicle in or upon any drive designated for buses only

during the hours of 7:00 a.m. to 9:00 a.m., and during the hours of 3:00 p.m. to 4:30 p.m. on any weekday during the months school is in session.

- D. State traffic forfeiture laws adopted. All provisions of Chapters 340 to 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section.
- E. Miscellaneous rules.
  - (1) No person shall operate a motor vehicle on such school premises at a rapid or sudden acceleration with the intent of squealing tires or leaving tire marks.
  - (2) No person shall operate a motor vehicle on such premises across parking lot islands or parking lot dividers.
- F. Direction signs. No person shall enter, exit or drive a vehicle within a parking lot contrary to the directions as specified by signs and markings appearing therein.

ARTICLE IV  
Miscellaneous Provisions

**§ 405-32. Disturbance of the peace with motor vehicle.**

- A. Unnecessary noise prohibited.
  - (1) Unnecessary noise. It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the City of Amery. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal, or the creation by means of any signal device of any unreasonably loud or harsh sound and the sounding of such device for any unnecessary or unreasonable period of time is prohibited under this section.
  - (2) Mufflers. Every motor vehicle operated upon a public way shall be equipped with a muffler in good and proper working order and be in constant operation so as to prevent excessive or unusual noise or annoying exhaust smoke.
  - (3) Use of devices. No person shall use or place upon any motor vehicle to be operated upon a public way any muffler cut-out, bypass or similar device. No device shall be used on any motor vehicle operated upon the public way to create unnecessary noise and disturbance.
- B. Unnecessary smoke prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the City.
- C. Unnecessary acceleration and display of power prohibited. It shall be unlawful for any person

to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.

D. Disorderly conduct with a motor vehicle.

- (1) Conduct prohibited. No person shall, within the City of Amery, by or through the use of any motor vehicle, including but not limited to an automobile, truck, motorcycle, minibike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.
- (2) Definition. "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.
- (3) Avoidance of traffic control device prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.

E. Operation in restricted area prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose, except the official conduct of business located on said property, without the consent of the owner or lessee of the property. This section shall specifically include, but not be limited to:

- (1) Public park property;
- (2) Cemetery properties;
- (3) School District property;
- (4) Medical facilities;
- (5) Funeral homes;
- (6) Service stations;
- (7) Grocery stores;
- (8) Restaurants;
- (9) Financial institutions; and
- (10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.

- F. Stopping and parking prohibited. It shall be unlawful for any person to stop or park a motor vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain persons and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any vehicle parked in violation of this subsection may be cited and/or removed or towed by the property owner at the vehicle owner's expense.

**§ 405-33. Motor vehicles on pedestrianways and overpasses.**

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

**§ 405-34. School crossing guards.**

Pursuant to § 349.215, Wis. Stats., those adult persons hired by the School District or Police Department to act as school crossing guards shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting schoolchildren to cross the street.

**§ 405-35. Driving over curbing or safety islands prohibited.**

- A. Driving over curbing prohibited. It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the City of Amery.
- B. Driving over safety zones or islands prohibited. Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island. Persons causing damage to curbing by driving over such curbing shall be responsible for the cost of such repairs.

**§ 405-36. Use of compression (jake) brakes prohibited.** [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

No person shall use compression brakes or operate a motor vehicle using brakes 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, unless such brakes are necessarily used in an emergency situation. The prohibition contained in this section shall not apply to fire, police, EMS and/or other emergency vehicles.

**§ 405-37. Sound-producing devices in vehicles; impoundment; seizure and forfeiture.**

- A. Sound-producing devices; impoundment; seizure and forfeiture.
- (1) In this Subsection A, "sound-producing device" does not include a piece of equipment or machinery that is designed for agricultural purposes and that is being used in the conduct of agricultural operations.
  - (2) Impoundment.
    - (a) A law enforcement officer, at the time of issuing a citation for a violation of § 346.94(16), Wis. Stats., or a City ordinance in strict conformity with

§ 346.94(16), Wis. Stats., or any other City ordinance prohibiting excessive noise, is authorized to impound any radio, electric sound-amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound-amplification device or other sound-producing device and has two or more prior convictions within a three-year period of § 346.94(16), Wis. Stats., or a local ordinance in strict conformity with § 346.94(16), Wis. Stats., or any other City ordinance prohibiting excessive noise. The City authorizes the impoundment of a vehicle for not more than five working days to permit the City authorities or their authorized agent to remove the radio, electric sound-amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner.

- (b) The City may recover the cost of impounding the sound-producing device and, if a vehicle is impounded, the cost of impounding the vehicle and removing the sound-producing device. Upon disposition of the forfeiture action for the violation of § 346.94(16), Wis. Stats., or a local ordinance in strict conformity with § 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise and payment of any forfeiture imposed, the sound-producing device shall be returned to its rightful owner.
  - (c) The City may dispose of any impounded sound-producing device or, following the procedure for an abandoned vehicle under § 342.40, Wis. Stats., any impounded vehicle which has remained unclaimed for a period of 90 days after disposition of the forfeiture action.
  - (d) This subsection does not apply to a radio, electric sound-amplification device or other sound-producing device on a motorcycle.
- (3) Seizure.
- (a) Notwithstanding Subsection A(2) above, the City authorizes a law enforcement officer, at the time of issuing a citation for a violation of § 346.94(16), Wis. Stats., or a local ordinance in strict conformity with § 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise, to seize any radio, electric sound-amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound-amplification device or other sound-producing device and has three or more prior convictions within a three-year period of § 346.94(16), Wis. Stats., or a local ordinance in strict conformity with § 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise.
  - (b) The City may impound a vehicle violating Subsection A(3)(a) for not more than five working days to permit the City or its authorized agent to remove the radio, electric sound-amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-

producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner upon payment of the reasonable costs of impounding the vehicle and removing the sound-producing device.

- (c) Any seized sound-producing device under Subsection A(3)(a) shall be treated in substantially the manner provided in §§ 973.075(3), 973.076 and 973.077, Wis. Stats., for property realized through the commission of any crime, except that the sound-producing device shall remain in the custody of the applicable law enforcement agency; a district attorney or the City Attorney, whichever is applicable, shall institute the forfeiture proceedings; and, if the sound-producing device is sold by the law enforcement agency, all proceeds of the sale shall be retained by the City.
- (d) The City may, following the procedure for an abandoned vehicle under § 342.40, Wis. Stats., dispose of any impounded vehicle which has remained unclaimed for a period of 90 days after disposition of the forfeiture action.
- (e) This subsection does not apply to a radio, electric sound-amplification device or other sound-producing device on a motorcycle.

B. Vehicle owner's liability for radios or other electric sound-amplification devices.

(1) Presumption of liability.

- (a) The owner of a vehicle involved in a violation of § 346.94(16), Wis. Stats., shall be presumed liable for the violation as provided in this Subsection B.
- (b) Notwithstanding Subsection B(1)(a), no owner of a vehicle involved in a violation of § 346.94(16), Wis. Stats., may be convicted under this Subsection B if the person operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this Subsection B or under § 346.94(16), Wis. Stats.

(2) Any member of the public who observes a violation of § 346.94(16), Wis. Stats., may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:

- (a) The time and the approximate location at which the violation occurred.
- (b) The license number and color of the motor vehicle involved in the violation.
- (c) Identification of the motor vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.

(3) Citation procedure.

(a) Report; investigation.

- [1] Within 24 hours after observing the violation, a member of the public may deliver a report containing all of the information in Subsection B(2) to a traffic officer of the county or municipality in which the violation occurred.

A report which does not contain all of the information in Subsection B(2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.

- [2] Within 48 hours after receiving a report containing all of the information in Subsection B(2), the traffic officer shall investigate the violation and may prepare a uniform traffic citation under § 345.11, Wis. Stats., and, within 72 hours after receiving such report, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.
- (b) If with reasonable diligence the owner cannot be served under Subsection B(3)(a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family who is at least 14 years of age and who shall be informed of the contents thereof. Service under this subsection may be made by any traffic officer employed by the authority issuing the citation and shall be performed within 72 hours after a report containing all of the information in Subsection B(2) was delivered to a traffic officer under Subsection B(3)(a)[1].
- (c) If with reasonable diligence the owner cannot be served under Subsection B(3)(a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last known address. Service under this subsection shall be performed by posting the certified mail within 72 hours after a report containing all of the information in Subsection B(2) was delivered to a traffic officer under Subsection B(3)(a)[1]. Except for owners who live outside of the jurisdiction of the issuing authority, service under this subsection may not be performed unless service under Subsection B(3)(a) and (b) has been attempted.
- (4) Defenses to the imposition of liability under this Subsection B include:
- (a) That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.
- (b) If the owner of the vehicle provides a traffic officer employed by the authority issuing the citation with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle or having the vehicle under his or her control at the time of the violation, then the owner of the vehicle shall not be liable under this Subsection B or under § 346.94(16), Wis. Stats.
- (c) If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer employed by the authority issuing the citation with the information required under § 343.46(3), Wis. Stats., then the lessee and not the lessor shall be liable under this Subsection B or under § 346.94(16), Wis. Stats.

- (d) If the vehicle is owned by a dealer, as defined in § 340.01(11) (intro.), Wis. Stats., but including the persons specified in § 340.01(11)(a) to (d), Wis. Stats., and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a traffic officer employed by the authority issuing the citation with the name, address and operator's license number of the person operating the vehicle or having the vehicle under his or her control on a trial run, then that person, and not the dealer, shall be liable under this Subsection B or under the applicable provision of § 346.94(16), Wis. Stats.
  - (5) Notwithstanding § 346.94(16)(b)6., Wis. Stats., this Subsection B does not apply to the operation of a motorcycle.
- C. Radios or other electric sound-amplification devices regulated.
- (1) Notwithstanding § 346.94(16), Wis. Stats., the City provides that, except as provided in § 347.38(1), Wis. Stats., no person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound-amplification device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of 50 or more feet, unless the electric sound-amplification device is being used to request assistance or warn against an unsafe condition. Any person violating this subsection may be required to forfeit not less than \$40 nor more than \$80 for the first violation and not less than \$100 nor more than \$200 for the second or subsequent violation within a year.
  - (2) Subsection C(1) may not apply to any of the following:
    - (a) The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.
    - (b) The operator of a vehicle of a public utility. In this subsection, "public utility" means any corporation, company, individual or association which furnishes products or services to the public, and which is regulated under Ch. 195 or 196, Wis. Stats., including railroads, telecommunications, or telegraph companies and any company furnishing or producing heat, light, power, or water. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
    - (c) The operator of a vehicle that is being used for advertising purposes.
    - (d) The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
    - (e) The activation of a theft alarm signal device.
    - (f) The operator of a motorcycle being operated outside of a business or residence district.

**§ 405-38. Golf cart crossing over County Highway F.**

A golf cart crossing, 10 feet in width, is established over County Highway F. The easterly boundary

line of this crossing is 167 feet westerly of the intersection of the westerly boundary line of a City street known as "West Golf Lane" with Highway F. Before using this crossing, all golf cart operators shall stop and yield the right-of-way to all vehicles approaching on County Highway F. This crossing shall be marked with painted lines on County Highway F and by signs approved by the Wisconsin Department of Transportation.

ARTICLE V  
**Enforcement and Penalties**

**§ 405-39. Violations and penalties.**

- A. Penalty. The penalty for violation of any provision of this chapter shall be a deposit as hereafter provided, together with court costs and fees prescribed by § 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by §§ 757.05 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than 60 days. Any person 18 years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.
- B. Other sanctions.
  - (1) By court. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant or order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu or imprisonment.
  - (2) By municipality. No person who has been convicted of a violation of any provision of this chapter shall be issued a license or permit by the City, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- C. Forfeitures for violation of uniform moving traffic regulations. Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in § 405-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this chapter for any offense described in Chapters 340 to 349, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- D. Forfeitures for parking violations. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
  - (1) Forfeitures for uniform statewide parking, stopping and standing offenses. Minimum and maximum forfeiture for violation of nonmoving traffic regulations adopted by reference in § 405-1 as described in Chapters 340 to 349, Wis. Stats., shall be as found

in the current edition of the Revised Uniform State Traffic Deposit Schedule.

- (2) Penalty for other parking violations. The forfeiture for violation of parking regulations in §§ 405-16 through 405-32, except for §§ 405-19 and 405-27, shall be a forfeiture of not less than \$20 if paid within 10 days of the violation, and double if not paid within 10 days. The forfeiture for violation of § 405-19 or 405-27 shall be \$25 if paid within 48 hours of the violation.
- E. Other violations. Any person who shall violate any provision of this chapter for which a penalty is not otherwise established by this section shall be subject to a forfeiture of not less than \$10 nor more than \$200 for the first offense and not less than \$20 nor more than \$500 for the second offense within two years.

**§ 405-40. Enforcement.**

A. Enforcement procedures.

- (1) How enforced. This chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this section.
- (2) Applicable court procedures. Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in accordance with the provisions of § 345.20(2)(b) and Ch. 800, Wis. Stats.

B. Citations.

- (1) Uniform citation and complaint. The Wisconsin uniform municipal citation described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this chapter except those provisions which describe or define nonmoving traffic violations and violations of §§ 346.71 through 346.73, Wis. Stats. Violations of §§ 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney, and the Wisconsin uniform traffic citation shall not be used in such cases except upon written request of the District Attorney.
- (2) Parking citations. The City Prosecuting Attorney and Chief of Police shall recommend to the City Council a citation for use in enforcing the nonmoving traffic offenses in this chapter. Such citation shall be used for enforcement of nonmoving traffic regulations created or adopted by this chapter, including violations of nonmoving traffic regulations defined and described in the Wisconsin Statutes adopted by reference in § 405-1, and all provisions regarding nonmoving traffic violations in this chapter. The citation for nonmoving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a nonmoving traffic regulation and penalty thereof by complying with Subsection C(2) of this section. Nonmoving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

C. Deposits and stipulations.

- (1) Uniform traffic offenses.
  - (a) Who may make. Persons arrested or cited for violation of moving traffic

regulations created by this chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this chapter in accordance with § 66.0114(1)(b), Wis. Stats., whenever the provisions of § 345.27, Wis. Stats., are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under § 345.11, Wis. Stats. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- (b) Delivery or mailing of deposit and stipulation. Any person stipulating guilt or no contest under the preceding subsection must make the deposit required under § 345.26, Wis. Stats., or, if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the City Council. Deposits, including those for parking or nonmoving violations, shall be brought or mailed to the Clerk of Court as directed by the arresting officer.
- (2) Nonmoving traffic offenses.
- (a) Direct payment of penalty permitted. Persons cited (summons not issued) for violation of nonmoving traffic regulations described and defined in this chapter may discharge the penalty therefor and avoid court prosecution by mailing or forwarding within five days of the issuance of the citation to the Police Department the minimum forfeiture specified for the violation. When payment is made as provided in this subsection, no court costs shall be charged. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
  - (b) Registration suspension. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified on the citation, within 28 days after the citation is issued, the City may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of § 345.28(4), Wis. Stats., and Subsection C(3) below.
  - (c) Bond. Any official authorized to accept deposits under § 345.26, Wis. Stats., or this section shall qualify by taking the oath prescribed by § 19.01, Wis. Stats.
- (3) Notice of demerit points and receipt. Every officer accepting a forfeited penalty or money deposit under this section shall receipt therefor as provided in § 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this section shall comply with the provisions of §§ 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under § 345.11, Wis. Stats. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (4) Registration suspension program.

- (a) The City may participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in § 345.28, Wis. Stats., and Ch. Trans 128, Wis. Adm. Code, and all amendments or changes thereto.
- (b) The Chief of Police is hereby designated as a delegated authority for purposes of §§ 85.13 and 345.28, Wis. Stats., and Ch. Trans 128, Wis. Adm. Code. The Chief of Police is authorized to perform, on behalf of the City, all functions required of a local authority under said statutes and code, including but not limited to:
  - [1] Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for nonmoving traffic violations;
  - [2] Specifying whether the registration of vehicles involved in unpaid citations for nonmoving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for nonmoving traffic violations;
  - [3] Determining the method by which the City will pay the Wisconsin Department of Transportation for administration of the program and establishing the effective date for participation; and
  - [4] Taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- (c) The Chief of Police is hereby authorized to assign a member of the Police Department to perform such acts as are necessary to effectuate this subsection.
- (d) In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by § 345.28(4)(d), Wis. Stats. The Police Department may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- (e) This subsection shall not be interpreted as requiring that all unpaid citations for nonmoving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The City's participation in such program shall be in addition to any and all other means legally available to enforce such citations.