

## CHAPTER 9

### TRAFFIC

#### 9.01 TRAFFIC ORDINANCE

(1) **STATE TRAFFIC LAWS ADOPTED.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 340 to 348 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment but including any penalties to be imposed and procedure for prosecution are hereby adopted and by reference made a part of this Code 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 Code. Any future amendments, revisions, or modifications of the statutory regulations in Chapters 340 to 348 incorporated herein are intended to be made part of this Code 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.

#### (2) **OFFICIAL TRAFFIC MAP AND CONTROL DEVICES: PROHIBITED SIGNS, SIGNALS, AND MARKERS**

(A) **Duty of Village Marshal to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations created by this Code, including a State of Wisconsin traffic regulation adopted by reference in Section 9.01(1), require the erection of traffic control devices for enforcement, the Village Marshal, under direction of the Village Board, 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 Village Marshal will carry out the purposes of this Code and give adequate warning to users of the streets and highways of the Village of New Auburn. The Village Marshal may delegate Village crew members to assist him in carrying out the duties imposed upon him by this Section.

(B) **Code Numbers to be Affixed to Official Traffic Control Devices.** To the extent required by law, the Village of New Auburn shall cause to be placed on each official traffic control sign, guide board, mile post, signal or marker erected under subsection 9.01(5)(A) a code number assigned by the Wisconsin Department of Transportation and shall also, to the extent required by law, 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) Official Traffic Map**

**(1) Official Traffic Map Established.** There is hereby established an Official Traffic Map for the Village of New Auburn 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 Code, as from time to time amended or modified by the Village of New Auburn when the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations.

**(2) 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 Code.

**(3) Map to be Maintained.** A copy of the Official Traffic Map shall be maintained and displayed in the office of the Village Board and Chippewa and/or Barron County Circuit Court.

**(4) Additions to Map.** The Village Board from time to time may make additions to or deletions from the Official Traffic Map and the Village Marshal shall keep such Official Traffic Map current.

**(D) Prohibited Signs and Markers in Highways.** No person, other than an officer authorized by this Code to erect and maintain official traffic control devices or his or her designee, shall place within the limits of any street or highway maintained by the Village of New Auburn any sign, signal, marker, mark or monument unless permission is first obtained from the Village Marshal or State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in subsection 9.01(2)(E).

**(E) Removal of Unofficial Signs, Markers, Signals, and Traffic Control Devices.** The Village Marshal may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Code 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 Village Marshal to the Village Board for review and certification at its next regular meeting following the

imposition of the charge. Any charge not paid on or before the next succeeding November 15th shall be placed upon the tax roll for collection as other special municipal taxes.

**(3) SPEED LIMITS.** The Village Board hereby determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe and imprudent and modifies such speed limits as follows:

**(A) Speed Limit Increased.** Speed limits are increased as follows upon the following designated streets or portions thereof.

**(1)** Tarr Road from the intersection of County Trunk "Q" on the East to County Trunk "M" on the West shall have a speed limit of 45 mph.

**(2)** County Line Road from the intersection with County Trunk "M" on the South, northerly and westerly to the Village limits shall have a speed limit of 55 mph. Amended by Ordinance #11-08; June 9, 2011

**(3)** County Trunk "M" from a point 265 feet West of the intersection of Columbia Street West to the Village limits shall have a speed limit of 55 mph.

**(4)** County Trunk "M" from State Highway 53 exits onto "M" to Columbia Street shall have a speed limit of 45 mph, and 30 mph from Columbia Street to County Trunk "SS".

**(5)** County Trunk "AA" from the point 940 feet East of County Trunk "SS" easterly to the Village limits shall have a speed limit of 55 mph.

**(6)** County Trunk "Q" from the intersection of County Trunk "SS" West and South to the Village limits shall have a speed limit of 55 mph.

**(7)** County Trunk "SS" from the Village limits on the south, northerly to a point 405 feet southerly to the intersection of the south line of County Trunk "AA" and "Q" shall have a speed limit of 55 mph.

**(8)** County Trunk "SS" from the point of 405 feet southerly to the intersection of the south line of County Trunk "AA" and "Q" to the point 615 feet northerly of the north line of County Trunk "AA" and "Q: shall have a speed limit of 45 mph.

**(9)** County Trunk "SS" from 615 feet northerly of the north line of County Trunk "AA" and "Q" to North Street shall have a speed limit of 35

mph.

(10) County Trunk "AA" from the intersection of County Trunk "SS" East to a point 940 feet easterly shall have a speed limit of 25 mph.

(B) **Speed Limits Decreased.** The following speed limits are decreased in accordance with Section 366.57(4)(i), Wisconsin Statutes:

(1) Park Street from the intersection of County Highway "SS" to East Street shall have a speed limit of 15 mph when children are going to or from or are playing within such area.

(2) With the approval of the Wisconsin Department of Transportation, the speed limits are decreased as hereinafter set forth on the following streets or portions thereof:

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(4) **THROUGH HIGHWAYS AND CONTROLLED INTERSECTIONS**

(A) **Through Highways Designated.** In the interest of public safety and pursuant to authority granted by Wisconsin law, the following highways or portions thereof are declared to be through highways:

(1) All portions of County Trunk "SS" within the Village limits of the Village of New Auburn.

(B) **Controlled Intersections Designated.** In the interest of public safety, the following intersections are declared controlled intersections and traffic control signals shall be installed thereon in conformity with the Wisconsin Official Traffic Control Device Manual and the provisions of this code:

None designated.

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(C) **Designation of Location of Stop Signs.** In the interests of public safety, stop signs shall be installed at the following locations to control traffic on the highways over which the Village of New Auburn has exclusive jurisdiction:

(1) At the Northeast corner of the intersection of North Street

with County Trunk "SS" for traffic on North Street entering County Trunk "SS".

**(2)** At the Northeast corner of the intersection of Pine Street with County Trunk "SS" for traffic on Pine Street entering County Trunk "SS".

**(3)** At the Northeast corner of the intersection of Elm Street with County Trunk "SS" for traffic on Elm Street entering County Trunk "SS".

**(4)** At the Northeast corner of the intersection of Main Street with County Trunk "SS" for traffic on Main Street entering County Trunk "SS".

**(5)** At the Northeast corner of the intersection of Dell Street with County Trunk "SS" for traffic on Dell Street entering County Trunk "SS".

**(6)** At the Northeast corner of the intersection of Park Street with County Trunk "SS" for traffic on Park Street entering County Trunk "SS".

**(7)** At the Northeast corner of the intersection of County "AA" with County Trunk "SS" for traffic on County Trunk "AA" entering County Trunk "SS".

**(8)** At the Southeast corner of the intersection of East Street with Barron County Trunk "MM" for traffic on East Street entering Barron County Trunk "MM".

**(9)** At the Northwest corner of the intersection of East Street with County Trunk "AA" for traffic on East Street entering County Trunk "AA".

**(10)** At the Northwest corner of the intersection of Spruce Street with Pine Street for traffic on Spruce Street entering Pine Street.

**(11)** At the Northwest corner of the intersection of Spruce Street with Elm Street for traffic on Spruce Street entering Elm Street.

**(12)** At the Northwest corner of the intersection of Spruce Street with Main Street for traffic on Spruce Street entering Main Street.

**(13)** At the Northwest corner of the intersection of Spruce Street with Dell Street for traffic on Spruce Street entering Dell Street.

**(14)** At the Northwest corner of the intersection of Central Street with Pine Street for traffic on Central Street entering Pine Street.

**(15)** At the Northwest corner of the intersection of Central Street with Elm Street for traffic on Central Street entering Elm Street.

**(16)** At the Northwest corner of the intersection of Central Street with Main Street for traffic on Central Street entering Main Street.

**(17)** At the Northwest corner of the intersection of Central Street with Dell Street for traffic on Central Street entering Dell Street.

**(18)** At the Northwest corner of the intersection of Front Street with Main Street for traffic on Front Street entering Main Street.

**(19)** At the Northwest corner of the intersection of Columbia Street with Main Street for traffic on Columbia Street entering Main Street.

**(20)** At the Northwest corner of the intersection of Columbia Street with Dell Street for traffic on Columbia Street entering Dell Street.

**(21)** At the Southeast corner of the intersection of Columbia Street with Dell Street for traffic on Columbia Street entering Dell Street.

**(22)** At the Southeast corner of the intersection of Columbia Street with Main Street for traffic on Columbia Street entering Main Street.

**(23)** At the Southeast corner of the intersection of Front Street with Main Street for traffic on Front Street entering Main Street (Front Street a/k/a Alley Street).

**(24)** At the Southeast corner of the intersection of Front Street with Pine Street for traffic on Front Street entering Pine Street.

**(25)** At the Southeast corner of the intersection of Central Street with Main Street for traffic on Central Street entering Main Street.

**(26)** At the Southeast corner of the intersection of Central Street with Elm Street for traffic on Central Street entering Elm Street.

**(27)** At the Southeast corner of the intersection of Central Street with Pine Street for traffic on Central Street entering Pine Street.

**(28)** At the Southeast corner of the intersection of Central Street with North Street for traffic on Central Street entering North Street.

**(29)** At the Southeast corner of the intersection of Spruce Street with Dell Street for traffic on Spruce Street entering Dell Street.

**(30)** At the Southeast corner of the intersection of Spruce Street with Main Street for traffic on Spruce Street entering Main Street.

**(31)** At the Southeast corner of the intersection of Spruce Street with Elm Street for traffic on Spruce Street entering Elm Street.

**(32)** At the Southeast corner of the intersection of Spruce Street with Pine Street for traffic on Spruce Street entering Pine Street.

**(33)** At the Southeast corner of the intersection of Spruce Street with North Street for traffic on Spruce Street entering North Street.

**(34)** At the Southwest corner of the intersection of North Street with East Street for traffic on North Street entering East Street.

**(35)** At the Southwest corner of the intersection of Pine Street with County Trunk "SS" for traffic on Pine Street entering County Trunk "SS".

**(36)** At the Southwest corner of the intersection of Pine Street with East Street for traffic on Pine Street entering East Street.

**(37)** At the Southwest corner of the intersection of Elm Street with Columbia Street for traffic on Elm Street entering Columbia Street.

**(38)** At the Southwest corner of the intersection of Elm Street with Front Street for traffic on Elm Street entering Front Street.

**(39)** At the Southwest corner of the intersection of Elm Street with East Street for traffic on Elm Street entering East Street.

**(40)** At the Southwest corner of the intersection of Main Street with County Trunk "SS" for traffic on Main Street entering County Trunk "SS".

**(41)** At the Southwest corner of the intersection of Main Street with East Street for traffic on Main Street entering East Street.

**(42)** At the Southwest corner of the intersection of Dell Street with East Street for traffic on Dell Street entering East Street.

**(43)** At the Southwest corner of the intersection of Park Street with East Street for traffic on Park Street entering East Street.

(44) At the Southwest corner of the intersection of County Trunk "Q" with County Trunk "SS" for traffic on County Trunk "Q" entering County Trunk "SS".

(45) At the Southwest corner of the intersection of Tarr Road with County Trunk "Q" for traffic on Tarr Road entering County Trunk "Q".

(46) At the Northeast corner of the intersection of Tarr Road with County Trunk "M" for traffic on Tarr Road entering County Trunk "M".

(47) At the Southwest corner of the intersection of Dell Street with County Trunk "M" for traffic on Dell Street entering County Trunk "M".

(48) At the Northeast corner of the intersection of Elm Street with Columbia Street for traffic on Elm Street entering Columbia Street.

(49) At the Northwest corner of the intersection of County Line Road with County Trunk "M" for traffic on County Line Road entering County Trunk "M".

(50) At the Southwest corner of the intersection of Pine Street with Columbia Street for traffic on Pine Street going easterly.

(51) At the Northwest corner of the intersection of Front Street with Pine Street for traffic on Front Street entering Pine Street.

(D) **Yield Signs to be Erected.** The Village Marshal is authorized to erect yield right-of-way signs conforming to the Wisconsin Official traffic Control Device Manual at the following intersections on highways in the exclusive jurisdiction of the Village of New Auburn provided that if the intersected highway is part of a through highway designated under subparagraph 9.01(4)(A). The provisions of Section 349.07(7)(a), Wisconsin Statutes, apply:

(1) At the Northeast corner of the intersection of West Dell Street and 50<sup>th</sup> Street, for traffic on West Dell Street entering 50<sup>th</sup> Street.

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(E) **Railroad Grade Crossings.** In the interest of public safety, stop signs and/or electronic signaling devices shall be installed at railroad crossings on



the following Village streets:

None

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**(F) Operators to Obey Traffic Control Devices.** Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Section and Section 9.01(2) of this Code shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 9.01(1) of this Code. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Section 346.46, Wisconsin Statutes. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Section 346.18(6), Wisconsin Statutes.

**(5) ONE-WAY HIGHWAYS, SAFETY ZONES, SAFETY ISLANDS, TURNS, AND LANES**

**(A) One-Way Highways.** The following highways or portions thereof maintained by the Village of New Auburn are hereby designated one-way highways and no person shall drive or operate a vehicle on any such highway or portion thereof except in the one direction designated below:

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**(B) Safety Zones and Islands.** The Village Marshal is directed to designate and mark safety zones and safety islands and cause to be constructed in accordance with the Wisconsin Uniform Traffic Control Device Manual:

**(1) Safety Zones.** Safety Zones shall be provided in the following locations:

**a.** On East Street, South of its intersection with County Trunk "MM" to a point 75 feet North of the intersection with North Street.

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(2) **Safety Islands.** Safety islands shall be provided in the following locations:

None designated.

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(3) **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 the safety zone or safety island.

(C) **Turns Prohibited**

(1) **Right Turns Prohibited.** No operator of any vehicle shall make a right turn at any of the following locations:

No special restrictions

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(2) **Left Turns Prohibited.** No operator of any vehicle shall make a left turn at any of the following locations:

No special restrictions

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(3) **Right Turn on Red Signal Prohibited.** No operator of any vehicle shall make a right turn on a red signal at the following locations:

No special restrictions

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(4) **Left Turn on Red Signal Prohibited.** No operator of any vehicle shall make a left turn on a red signal at the following locations:

No special restrictions

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(5) **U-Turns Prohibited.** U-turns are prohibited at the following locations:

(a) On Main Street between its intersection with County Trunk "SS" on the West to its intersection with East Street on the East.

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(D) **Miscellaneous Lane and Turn Controls.** The Village Marshal is authorized, when in his or her judgment the safety of the situation requires, to place Official Traffic Control Devices within or adjacent to intersections directing that a different course from that specified in Section 346.31, Wisconsin Statutes, be travelled by vehicles turning at the intersection and to mark lanes for traffic designating separate lanes for slow moving traffic or for traffic moving in a particular direction.

(6) **PEDESTRIANS, BICYCLES, MOPEDS, ETC. PROHIBITED ON FREEWAYS AND EXPRESSWAYS.** Pedestrians, bicycles, unmotorized traffic and persons operating power driven cycles, mopeds, or motor bicycles are prohibited on freeways and expressways. When signs conforming to the Uniform Traffic Control Device Manual are erected at all points of access to such highways, no pedestrian shall walk and no person shall ride a bicycle or operate a power driven cycle, moped motor bicycle, bicycle or other non-motorized vehicle upon the following freeways and expressways:

(A) U.S. Highway #53

(7) **NO PASSING ZONES**

(A) **Designated.** No passing zones shall be marked with unbroken yellow lines and/or signs indicating the beginning and end of such zones on the following highways within the jurisdiction of the Village of New Auburn in

accordance with standards and procedures adopted by the Wisconsin Department of Transportation:

(1) **State Trunk Highways and County Highways - Local Streets** On all roadways in the Village of New Auburn which have been designated as "No Passing Zones", either by signs or by a yellow unbroken line on the pavement on the right-hand side of and adjacent to the center line of the roadway. Wis. Stats. 346.09.

(B) **Passing Prohibited.** When no passing zone markers or signs giving notice thereof are erected or placed on the pavement as provided in this Section, including applicable State and County designated areas, no person shall operate a vehicle so as to overtake or pass another vehicle or drive to the left of the center of the roadway in designated no-passing zones.

(8) **WEIGHT LIMITS AND HEAVY TRAFFIC ROUTES**

(A) **Streets Designated Class "B" Highways.** All highways within the Village of New Auburn, 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 Section 9.01 of this Code except the following enumerated highways or parts of highways:

- (1) U.S. Highway #53.
- (2) All County Highways, unless otherwise designated by the County Board.
- (3) Main Street.

(B) **Special and Seasonal Weight Limitations.** The Village Marshal shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert maintained by the Village of New Auburn to prevent injury to the roadway or for the safety of the users of such bridge or culvert and shall be responsible for erecting Uniform Traffic Control Devices giving notice thereof in accordance with the provisions of Section 9.01(2) of this Code. Further, the powers granted under Sec. 349.16(1)(a)(b) and (c), Wis. Stats., may be exercised by the Village Marshal, namely:

- (1) Impose special weight limitations on any such highway or portion thereof which, because of weakness of the roadbed due to deterioration of climatic conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such special limitations;

(2) Impose special weight limitations on bridges or culverts when in its judgment such bridge or culvert cannot safely sustain the maximum weight permitted by statute;

(3) Order the owner or operator of any vehicle being operated on a highway to suspend operation if in its judgment such vehicle is causing or likely to cause injury to such highway or is visibly injuring the permanence thereof or the public investment therein, except when Sec. 84.20 is applicable or when the vehicle is being operated pursuant to a contract which provides that the governmental unit will be reimbursed for any damage done to the highway. Traffic officers also may order suspension of operation under the circumstances and subject to the limitations stated in this paragraph.

(C) Imposition of the special weight limitations shall be done in the manner set forth in Wisconsin Statutes Sec. 349.16(2), namely;

(1) Shall be done by erecting signs on or along the highway on which it is desired to impose the limitation sufficient to give reasonable notice that a special weight limitation is in effect and the nature of that limitation. Imposition of the special weight limitations authorized by sub. (B)(1) shall be done by erecting signs before each end of the bridge or culvert to which the weight limitation applies sufficient to give reasonable notice that a special weight limitation is in effect and the nature of that limitation. All weight limitation signs and their erection shall comply with the rules of the highway commission.

(D) The provisions of Wis. Stats. Sec. 348.17(1) and (2) and penalty provisions of Wis. Stat. 348.21 pertaining thereto are hereby adopted by reference.

(E) The Village Board reserves the power to supervise and change any imposition of weight restrictions made by the Village Marshal and to adopt guidelines or specific limitations, if they see fit.

(F) **Heavy Traffic Routes**

(1) **Heavy Traffic Routes Designated.** The following highways or parts thereof within the jurisdiction of the Village are hereby designated heavy traffic routes:

- a. Main Street
- b. County and State Trunk Highways (Q, M, MM, SS, AA and #53) are not within the jurisdiction of the Village for establishing weight limitations, 349.15 Wis. Stats. These roads are therefore subject to applicable County and State restrictions.
- c. E Elm Street from County Trunk Highway SS to East

Street.

- d. W Pine Street from Central Street to Front Street.
- e. N Central Street from Main Street to North Street.
- f. W North Street from Central Street to County Trunk Highway

SS.

- g. N East Street from Main Street to Elm Street.

**(2) Restrictions on Use of Other Streets by Heavy Traffic.**

When heavy traffic routes are designated in subparagraph (F) above, no person shall operate or move a vehicle, except a motor bus, which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 22,000 pounds on any highway not part of the heavy traffic route designated in subparagraph (F) above of this Section except for the purpose of obtaining orders for, or moving, or delivering supplies or commodities to or from a place of business or residence which has an entrance thereon; provide, in no event shall the weight of the vehicle and load on any street not defined or designated as a heavy traffic route under subparagraph (F) above exceed the limitations pertaining to Class "A" highways or deliveries on Class "B" highways established by the Wisconsin Statutes.

**(9) SPECIAL PARKING REGULATIONS**

**(A) Parking Prohibited at All Times.** Except temporarily for the purposes of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle, upon any of the following highways or parts of highways:

**(1)** The East side of East Street from North Street to County Trunk "MM".

**(2)** The East side of County Trunk "SS" from a point 125 feet South of the South boundary of Main Street (presently B&B Motors) going North to Village Cafe.

Ordinance Amendment #11-01, February 11, 2011

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**(B) Parking Prohibited During Certain Periods.** No person shall park or leave standing any vehicle upon any of the following highways or parts of highways at the time indicated, except temporarily for the purpose of and while

actually engaged in receiving or discharging passengers:

(1) Restrictions of (F)(5) of this ordinance.

(2) On the West side of East Street, from a point 273 feet South from the center line of Highway MM for a distance of 392 feet, during the periods of 6:00 a.m. - 4:00 p.m. when school is in session.

(C) **Parking, Stopping, or Standing Prohibited.** No person shall park, stop or leave standing any vehicle, for any purpose, upon the following highways or parts of highways at any time between:

None except (F)(5)

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(D) **No Parking Except for Authorized Vehicles.** Except as herein permitted, no person shall park, stop or leave standing any vehicle in the following places unless authorized by permit issued by the Village Board or by an Official Traffic Control Sign:

(1) Outside of the Police and Fire Stations in areas designated by sign for Police Department, Street Department and Fire Department Parking.

(2) Upon any portion of a street, highway or parking facility reserved by official traffic signs for vehicles displaying special registration plates, identification cards, or emblems for vehicles of physically disabled persons unless the vehicle displays a special registration plate, identification card or emblem issued by the State of Wisconsin or the jurisdiction in which the vehicle is registered.

(E) **Limited Time Parking.** When official traffic control devices or parking meters are erected in any block giving notice thereof, no person shall park, stop or leave standing any vehicle, whether attended or unattended, for more than the following time periods between the hours of 7:00 a.m. and 6:00 p.m. on any day except Sundays and holidays on any of the following highways or parts thereof:

(1) Thirty (30) minute parking limit:

None designated.

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(2) One (1) hour parking limit:

None designated.

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(3) Two (2) hour parking limit:

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(F) **Miscellaneous Parking Restrictions**

(1) **Street Maintenance.** Whenever it is necessary to clear or repair a Village of New Auburn roadway or any part thereof, the Village shall post such highways or parts thereof with signs indicating "No Parking--Road Maintenance Work". Such signs shall be erected at least two (2) hours prior to the time that road maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

(2) **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 upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

(3) **Parking Heavy Vehicles in Residential Districts.** No operator of a motor truck, truck-tractor, trailer, or semi-trailer or any other vehicle or combination of vehicles other than motorbuses weighing more than sixteen thousand (16,000) pounds shall park such vehicle on any highway other than a routed State Trunk Highway in any residential district except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle.

(4) **Snow Emergency Parking Restrictions.** Whenever the Village Marshal and/or Village Board shall, by reason of heavy snow storm or blizzard, proclaim a snow emergency pursuant to Section 66.325, Wisconsin Statutes, no person shall park, stop, or leave standing any vehicle upon the streets or any portions of the streets during the hours set forth in said proclamation.



(5) **Night Parking Restrictions.** When signs have been erected at or reasonably near the corporate limits as provided in Section 349.13, Wisconsin Statutes, no person shall park any vehicle for a period of time longer than thirty (30) minutes between the hours of 2:30 a.m. and 7:00 a.m. from November 1 to April 1 of each year.

(6) **Parking Reserved for Vehicles of Disabled.** When official traffic signs, indicating such restrictions have been erected in accordance with Section 9.02 of this ordinance, 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 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.

(G) **Unlawful Removal of Parking Citations.** No person other than the owner or operator thereof shall remove a Village of New Auburn parking violation notice from a motor vehicle.

(H) **Removal of Illegally Parked Vehicles**

(1) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway in violation of any of the provisions of this section or section 9.01(1) of this Code is declared to be a hazard to traffic and public safety.

(2) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.

(3) **Removal by Traffic Officer.** Any traffic officer after issuing a citation for illegal parking, stopping, or standing of an unattended vehicle in violation of this Code, is authorized to remove such vehicle to a position where parking is permitted.

(4) **Removal by Private Service.** The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer, or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.

(5) **Towing and Storage Charges.** In addition to other penalties provided by Section 9.01(10) of this Code, the owner or operator of a vehicle so removed shall pay reasonable cost of moving, towing and storage. If the vehicle is moved or towed by the Police Department or their designee, a charge of

\$50.00 plus \$2.00 per mile shall be paid for moving or towing. 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 charges.

(6) **Refund of Towing or Storage Charges.** Any person charged with a parking violation whose vehicle has been towed or stored in connection with such charge and who is subsequently adjudged not guilty of such violation shall be allowed a refund of any towing and storage charges paid upon filing with the Village Clerk a certified copy of the judgment and a receipt showing payment of such charges.

(l) **Registration Record of Vehicle as Evidence.** When any vehicle is found upon a street or highway in violation of any provision of this Code 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 Section and Section 9.01(1) of this Code and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Section 346.485(5)(b), Wisconsin Statutes, shall be a defense for an owner charged with such violation.

## (10) **ABANDONED VEHICLES**

(A) **Abandonment of Vehicles Prohibited.** No person shall abandon any vehicle unattended within the Village of New Auburn for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

(B) **Definition.** As used in this Section, "vehicle" means a motor vehicle, trailer, semi-trailer, or mobile home as defined in Section 9.01(1) of this Code, whether or not vehicle is registered under Chapter 341, Wisconsin Statutes.

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

(D) **Exceptions.** This Section shall not apply to a vehicle in an

enclosed building, a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village of New Auburn, or a vehicle parked in a metered or paid lot or parking space where the required fee has been paid and meter activated.

**(E) Removal and Impoundment or Sale.** Any vehicle found abandoned in violation of this ordinance shall be impounded by the Village Marshal until lawfully claimed or disposed of as provided in this Section. If the Village Marshal or his duly authorized representative determines that towing costs and storage charges for the minimum impoundment period, see subsection (6), would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Village Marshal that the vehicle is not wanted for evidence or any other reason; provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction, sale or sealed bid in accordance with subsection (8) of this Section.

**(F) Minimum Impoundment Period.** The minimum period of impoundment or storage of a vehicle found in violation of this Section shall be ten (10) days.

**(G) Notice to Owner.** The Village Marshal removing or causing the removal of any vehicle found in violation of this Section shall immediately notify the Village Board of the abandonment and location of the impounded vehicle, and shall within ten (10) days thereafter, notify the owner and lienholders of record by certified mail of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in Section 342.40(3), Wisconsin Statutes, and shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle shall be deemed a waiver of all right, title, and interest in the vehicle and a consent to sale of the vehicle.

**(H) Sale.** Each retained vehicle not reclaimed by the owner or lienholder may be disposed of by sealed bid or auction sale as provided in Section 342.40(93), Wisconsin Statutes.

**(I) Sale to Bar Claims Against Vehicle.** The sale of a motor vehicle under the provisions of this Section shall forever bar all prior claims thereto and interest therein except as hereinafter provided.

**(J) Purchaser to Remove Vehicle.** The purchaser of any vehicle on sealed bid or auction sale under Section 9.01(10)(G) shall have ten (10) days to remove the vehicle from the storage area upon payment of a storage of Ten Dollars (\$10.00) for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten (10) days after the sale, the purchaser shall

forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.

**(K) Request for List.** Any listing of vehicles to be sold pursuant to this Section shall be made available by the Village Clerk to any interested person or organization who makes a written request therefore for a fee of One Dollar (\$1.00).

**(L) Notice to Department.** Within five (5) days after sale or disposition of a vehicle under this Section, the Clerk shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by that Department.

**(M) Owner May File.** At any time within two (2) years after the sale of a motor vehicle as provided herein, any person claiming ownership of such motor vehicle or a financial interest therein may present a claim to the Village Board setting forth such facts as are necessary to establish such ownership or interest, and that the failure of the claimant to reclaim the vehicle prior to sale was not the result of the neglect or fault of claimant. If the Village Board is satisfied as to the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the Municipal Treasury as the result of the sale of such motor vehicle, nor the amount of interest of the claimant therein.

**(N) Exemption**

**(1)** Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason, and who shall be unable to cause removal of such vehicle from any alley, street, highway, or public place, not otherwise regulated as a restricted parking, stopping, or standing zone, shall, within twelve (12) hours of such occurrence, notify the Village Marshal of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the Village together with a fee of Ten Dollars (\$10.00) to offset the cost of towing and junking charges and shall be exempt from the provisions of this ordinance.

**(2)** When so requested by the owner or person in charge of a vehicle, the Village Marshal shall be authorized to order such vehicle removed and junked directly from the scene of disablement by the Village crew or contractor engaged by the Village for towing of disabled vehicles.

**(11) PENALTIES**

**(A) Forfeiture Penalty.** The penalty for violation of any provision of this Code shall be a forfeiture as hereinafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1) (if in a Municipal Court),

Wisconsin Statutes, any applicable penalty assessment for moving traffic violations, driver improvement surcharge imposed by Sections 165.87 and/or 346.655, Wisconsin Statutes, said assessment or other applicable penalty assessment imposed by statute, 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 sixty (60) days. Any person eighteen (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 Code may, upon order of the court entering judgment therefore and having jurisdiction of the case, be imprisoned until such forfeiture costs and assessments are paid, but not exceeding ninety (90) days.

**(B) Other Sanctions**

**(1) By Court.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authority granted by the Wisconsin Statutes including authority to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs, or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.

**(2) By Municipality.** No person who has been convicted of a violation of any provision of this Code shall be issued a license or permit by the Village of New Auburn Clerk except a marriage, hunting, fishing, or 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 Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 9.01(1) of this shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statutes, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this Code for any offense described in Chapters 341 to 348, Wisconsin Statutes, for which an imprisonment penalty or fine may be imposed upon the defendant.

**(D) Forfeitures for Parking Violations**

**(1) Forfeitures for Uniform Statewide Parking, Stopping, and Standing Offenses.** Minimum and maximum forfeitures for violation of non-moving traffic violations adopted by reference in Section 9.01(4) of this Code as described in Chapters 341 to 348, Wisconsin Statutes, shall be as provided for in the comparable

State non-moving traffic violation. The Revised Uniform State Traffic Deposit Schedule shall apply to all offenses as to which a statutory contingent exists to define deposits for forfeitures.

(2) **Penalty for Other Parking Violations.** The penalty for all other parking violations not included under subparagraph 9.01(11)(D)(1) shall be a forfeiture of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). As to such parking violations, the Deposit Schedule adopted by the Village Board shall apply.

(E) **Other Violations.** Any person who shall violate any provision of this Traffic Code for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00).

(12) **ENFORCEMENT.** This ordinance shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.

(A) **Applicable Court Procedures.** Except as otherwise specifically provided by the laws of the State of Wisconsin or the provisions of this Code, the traffic regulations in this Code shall be enforced in the Circuit Court for Chippewa and/or Barron County in accordance with the applicable provisions of Chapters 345 and 799, Wisconsin Statutes.

(B) **Citations**

(1) **Uniform Citation and Complaint.** The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this code except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wisconsin Statutes. Violations of Sections 346.71 through 346.73, Wisconsin Statutes, shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.

(2) **Parking Citations.** The Village Marshal shall recommend a citation for use in enforcing the non-moving traffic offenses in this Code. When approved by the Village Board, such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Code, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 9.01(1) and all provisions of Sections 9.01(9) and 9.01(10) of this Code. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-

moving traffic regulations and penalty thereof by complying with subsection 9.01(11)(C)(2) of this section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Village.

**(C) Deposits and Stipulations**

**(1) Moving Traffic Offenses**

**(a) Who May Make.** Persons arrested or cited for violation of moving traffic offenses created by this Code shall be permitted to make deposits and stipulations of no contest or be released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes.

**(b) Delivery or Mailing of Deposit and Stipulation.** The deposit and stipulation shall be delivered personally by the person cited or mailed to the office of the Police Department.

**(c) Receipt Required.** The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation and a copy of the receipt within five (5) days to the Municipal Treasurer.

**(2) Non-moving Traffic Offenses**

**(a) Direct Payment of Penalty permitted.** Persons cited for violation of non-moving traffic offenses described and defined in this Code may discharge the penalty thereof and avoid court prosecution by forwarding within ten (10) days of the issuance of the citation to the Village Marshal the minimum penalty specified for the violation. When payment is made as provided in this paragraph, no Court costs shall be charged.

**(b) Court Prosecution.** If the alleged violator does not deliver or mail a deposit as provided in subparagraph 9.01(11)(C)(2)(a), within ten (10) days of the date of the citation, the Village Marshal may proceed in accordance with Section 345.28, Wisconsin Statutes.

**(c) Deposits Returned to Treasurer.** Officers receiving deposits for non-moving traffic violations under this subsection shall pay over such deposits to the municipal Treasurer within seven (7) days of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.

**(d) Participation in Traffic Violation and Registration**

**Program.** The Village of New Auburn shall participate in the Traffic Violation and Registration program established under Wisconsin Statute Sections 85.13 and 345.28

and Wisconsin Administrative Code TRANS-128. Required procedures and forms of notices to violators and the Department of Transportation shall be prepared by the Village Marshal and approved by resolution of the Village Board.

**(13) REFERENCES TO WISCONSIN STATUTES**

**(A) Statutes Specifically Incorporated by Reference.** Whenever this Code incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1993-1994 as from time to time are amended, repealed or modified by the Wisconsin Legislature.

**(B) General References.** General references in this Code 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.

**(14) SEVERABILITY.** The provisions of this Code shall be deemed severable, and it is expressly declared that the Village Board would have passed the other provisions of this Code irrespective of whether or not one or more provisions may be declared invalid, and if any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of the Code and the application of such provisions to other persons or circumstances shall not be affected thereby.

**(15) EFFECTIVE DATE.** This Code shall take effect and be in force upon passage and publication as provided by law.

**(16) 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 Code as if fully set forth herein.

Wisconsin Administrative Code - MVD 3

Reciprocity-Nonresident Motor Carriers (Penalties of Wis. Stat. Section 341.04 apply)



Wisconsin Administrative Code - MVD 4	Lettering on Vehicles, Display of Evidence of Registration and Dual Permit
Wisconsin Administrative Code - MVD 5	Standards for Motor Vehicle Equipment
Wisconsin Administrative Code - MVD 6	Transportation of Explosives by Motor Vehicle
Wisconsin Administrative Code - MVD17	Transportation of School Children
Wisconsin Administrative Code - MVD 18	Protective Headgear Standards and Specifications
Wisconsin Administrative Code - MVD 22	Standards and Specifications - Design and Mounting SMV Emblems

**(B) Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Village of New Auburn, a vehicle that is not in conformity with the requirements of subparagraph 9.01(16)(A) or the provisions of Wisconsin Statutes Section 110.075 and Chapter 347, incorporated by reference in Section 9.01(1) of this Code.

**(C) Owner's Liability.** Any owner of a vehicle not equipped as required by this section who knowingly causes or permits such vehicle to be operated on a highway in violation of this section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of Section 347.04, Wisconsin Statutes, relating to non-applicability of demerit points shall apply to owners convicted of violation of this Section.

**(D) Safety Checks**

**(1) Operators to Submit to Inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section, or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.

**(2) Authority of Officer.** Any law enforcement officer of the Village of New Auburn 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 Section 110.075(5), Wisconsin Statutes, 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.

**(E) 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 Section 9.01(11)(C) of this Code, together with the costs of prosecution and any applicable penalty assessments and surcharges.

**(17) DISPLAY OF POWER PROHIBITED**

**(A)** No person shall cause, by excessive and unnecessary acceleration, the tires of any vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel; nor cause to be made by excessive and unnecessary acceleration any loud noises as would disturb the public peace.

**(B)** The forfeiture for violation of this offense shall be not less than \$20 nor greater than \$150.00. Enforcement shall be as provided at subsection (12) of this code.

**(18) SCHOOL BUS WARNING LIGHTS.** Notwithstanding the provisions of Section 346.48(2)(b)2., Wisconsin Statutes, adopted by reference in Section 9.01(1) of this Code to the contrary, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalks or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

**(19) OBSTRUCTION OF RAILROAD CROSSINGS.** No person shall leave

standing or stop or permit or allow to stand or stop any railroad train, engine or car upon any street, alley or highway crossing within the Village so as to obstruct public travel for a greater period of time than ten (10) minutes without opening said street, alley, or crossing for at least five (5) minutes. Any conductor, engineer, fireman or brakeman on any train or locomotive so obstructing any street, alley or railroad crossing or any yard mater, flagman, switchman or section hand who shall allow and be responsible for such obstruction shall be subject to a penalty as provided in Section 9.01(11) of this code. The corporation running or operating such train, engine or cars so obstructing any street or railroad crossing shall be subject to a forfeiture of not more than Two Hundred Dollars (\$200.00).

**(20) CROSSING WARNING BY TRAINS.** No person shall operate or permit to be operated a locomotive, railway train, engine or railway car over any graded street or highway crossing within the limits of the Village unless a whistle or horn shall be blown eighty (80) rods from said crossing and a bell rung continuously until the crossing shall be reached. The blowing of a whistle or horn and the ringing of a bell shall not be necessary where gates are operated automatically or a flagman is stationed at such travelled grade crossing. Any person violating this Section shall be subject to a penalty as provided in Section 9.01(11) of this Code.

**(21) OTHER VIOLATIONS.** Any person who shall violate any provision of this Code for which a penalty is not established by other subdivisions of this section or other provisions, shall be subject to a forfeiture of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00).

**(22) PROCEDURE.** The Village of New Auburn establishes, by this ordinance that the enforcement of traffic ordinances in the Village of New Auburn will be in accordance with Sections 66.12 and 345.20 through 345.53 (1993-1994) Wisconsin Statutes. Stipulations shall conform to the form contained in the Uniform Traffic Citation. Stipulations and deposits may be accepted by the Village Clerk or the Village Marshal of the Village of New Auburn. Deposits shall be made in conformance with Section 345.26, (1993-1994) Wisconsin Statutes. If a particular deposit is not established by this statute, then the person shall deposit a forfeiture penalty as provided by the Village of New Auburn and approved by the Village Board.