

CHAPTER 3

TRAFFIC CODE

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3.01 STATE TRAFFIC FORFEITURE LAWS ADOPTED

Unless otherwise specifically provided in this Chapter, the provisions of Chapters 340 to 348 of the Wisconsin Statutes, and all provisions of Trans 305, Wis. Admin. Code, describing and defining regulations with respect to vehicles and traffic are hereby adopted and made a part of this Chapter by reference as if fully set forth herein. Any of such regulations providing for a fine shall be deemed to provide for a forfeiture for purposes of enforcing this Chapter. Statutory provisions incorporated herein shall be designated with the prefix "3" in any proceeding related to enforcement of this Chapter. Any acts required to be performed, or any act prohibited, by any statute incorporated herein is required or prohibited under this Chapter. Pursuant to Wis. Stat. § 349.06(2), any future amendments, revisions or modifications of the statutory regulations in Chapter 340 to 348 incorporated herein are intended to be made a part of this Chapter in order to secure, to the extent legally practicable, uniform statewide regulations of vehicle traffic on the highways, streets and alleys of Wisconsin. To further that goal there is also specifically adopted and incorporated in this Chapter the Uniform Traffic Deposit Schedule established pursuant to Wis. Stat. § 345.26(2)(a) as adopted and amended from time to time by the Wisconsin Judicial Conference.

3.02 SPEED LIMITS

The Village Board of the Village of Montfort hereby determines that the statutory speed limits on all the streets in the Village of Montfort are unreasonable, unsafe and imprudent and modifies such speed limits under authority granted by s. 349.11 of the statutes as follows:

- (1) Twenty- five miles per hour on all village streets including County Highway I.
- (2) Thirty-five miles per hour on US Highway 18.

3.03 PARKING REGULATED

(1) 48-hour Parking Limit. No person shall park, stop or leave standing any vehicle, whether attended or unattended for a period of more than 48 consecutive hours on any street in the Village of Montfort.

(2) Alternate Side Parking

(a) No person shall park a vehicle on the even side of any street in the village during any hours between midnight and 7:00 a.m. on even numbered days of the month between November 1 and April 1. No person shall park a vehicle on the odd side of any street in the village during any hours between midnight and 7:00 a.m. on odd numbered days of the month between November 1 and April 1.

(b) The forfeiture for a violation of this section shall be set forth in the Village's official bond schedule on file at the clerk's office. Each day that the offense occurs shall be considered a separate offense. If the forfeiture is not paid within 5 days a letter will be sent alerting the violator the fine will double if not paid within another 5 days. If the fine is still unpaid the fine doubles and vehicle registration will be suspended.

(3) Overnight Parking Restricted. No person shall park any motor vehicle between the hours of 3:00 a.m. and 7:00 a.m. from the 1st day of November to the 1st day of April, on the following named streets:

(a) Fountain Street from the intersection of Fountain Street and Park Street to the intersection of Fountain Street and Mineral Street.

(b) Main Street from the intersection of Main Street and Madison Street.

(c) The north side of Main Street from the intersection of Main Street and Fountain Street in front of parcel numbers 151-182 and 151-183.

(4) No Parking Areas. No person shall park, stop or leave standing any vehicle, whether attended or unattended, in an area designated as a no parking area.

(a) No person shall park any motor vehicle on the north side of Oak Street from the intersection of Fountain Street west to the intersection of Route 66.

(b) No person shall park any motor vehicle on the south side of Main Street from the intersection of Fountain Street and Wisconsin Street.

(c) No person shall park any motor vehicle on the west side of Prospect Street from the intersection of Mineral Street and Prospect Street.

(d) No person shall park any motor vehicle on the east side of North Wisconsin Street from the intersection of West Main Street north to the intersection and West Mineral Street.

(5) Angle Parking. Parking spots shall be at an angle at the following locations:

(a) Main Street from the intersection of Fountain Street in front of parcel numbers 151-183, 151-182, 151-181 and 151-180.

(b) Fountain Street from the intersection of Main Street in along parcel number 151-183.

(c) Main Street from the intersection of Madison St. along parcel # 151-014, 151-013 and 151-012.

(6) Parking Prohibited. Parking is prohibited on a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. Terrace or sidewalk area means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.

3.04 PARKING OF TRUCKS AND OTHER LARGE VEHICLES.

(1) Purpose. The regulations and restrictions established in this section have been made in accordance with the policy to preserve and maintain the integrity of residential zones by:

- (a) Limiting traffic congestion and noises.
- (b) Preserving aesthetic harmony.
- (c) Limiting deterioration of streets.
- (d) Ensuring the safety and peace and/or its residents

(2) Definition. In this section, "heavy vehicle" means any vehicle or combination of vehicles designed or used for transporting persons or property of any nature for commercial, industrial or agricultural purposes and having a gross weight of more than twenty-six thousand pounds.

(3) No person shall park any heavy vehicle at any place in any residential zone, as determined under the zoning code except as specifically permitted under this section.

(4) Parking of any heavy vehicle at any location in any residential zone, as determined under the zoning code, shall be allowed only under the following circumstances:

- (a) For such time as is reasonably necessary to facilitate the loading or unloading of such vehicle or providing services to customers during permitted hours;

(b) For purposes of parking on residential property but not on streets or alleys, as long as the owner, operator, or lessee of such vehicle complies with the following:

- (i) Idles such vehicle for no more than fifteen (15) minutes;
- (ii) Parks no more than one such vehicle on his or her residential property; and
- (iii) While its engine is running, such vehicle must be attended by its operator.

(5) None of the following shall be parked on any Village Street in a Residential zoned District during any hours between 12 midnight and 7:00 a.m.

(a) Trucks larger than 26,000 pounds gross weight including, but not limited to, semi-tractors and trailers.

(b) Mobile homes or motor homes as defined in Wis. Stat. § 340.01 in excess of 20 feet, provided, however, such mobile homes or motor homes in excess of 20 feet shall be given at least 24 hours' notice or a 24-hour warning by the maintenance supervisor or law enforcement prior to being subject to any penalties.

(c) Motor buses or mass transit vehicles as defined in Wis. Stat. § 340.01.

(d) Trailers as defined in Wis. Stat. §340.01.

3.05 ISSUANCE OF PARKING CITATIONS

(1) The Maintenance Supervisor or contracted law enforcement officer shall be, and hereby is, designated as the official of the Village with the authority to issue citations for violations of Section 3.01(2) of the Municipal code of the Village of Montfort adopting Sections 346.50 through 346.55, Wisconsin Statutes, and Section 3.03 of the Municipal Code of the Village of Montfort.

(2) The Maintenance Supervisor or contracted law enforcement officer shall issue citations and enforce the ordinances enumerated above in the manner set forth in Section 3 of the Municipal Code of the Village of Montfort."

3.06 WEIGHT LIMITS

(1) Class "B" Highways Designated. All streets and alleys within the Village of Montfort except the following enumerated streets, are hereby designated Class "B" highways and shall be subject to the weight limitations imposed by Section 348.16 of the Wisconsin Statutes.

- (a) Fountain Street from US Highway 18 to Main Street.
- (b) Main Street from County Road I to Route 66.

3.07 SNOWMOBILE REGULATIONS

(1) State Snowmobile Laws Adopted. Except as otherwise specifically provided in this ordinance, the statutory provisions describing and defining regulations with respect to snowmobiles in the Chapter 350 of the Statutes are hereby adopted by reference and made part of this ordinance as if fully set forth herein.

(2) Snowmobile Routes Designated. Except as provided in Wis. Stat. §§ 350.12 and 350.045 of the Wisconsin Statutes, no person shall operate a snowmobile upon any public right of way, in any public park or on any other public municipal property in the Village of Montfort. The following streets or portions thereof are designated snowmobile routes:

(a) Along U.S. Highway 18 from the West limits of the Village of Montfort to that street which follows the North side of the railroad right of the East to Johnson Street, thence North on Johnson Street to Grant Street, thence East on Grant Street to Madison Street, thence North on Madison Street to Maple Street.

(b) On County Trunk Highway I commencing at the Northern limits of the Village of Montfort, running thence South to Maple Street, thence West to Fountain Street.

(c) Along Wisconsin Street from the North end of Wisconsin Street to Maple Street.

(d) Commencing at the street which adjoins the Town Road which enters the Village of Montfort on the Western limits of said Village, thence running East along the connecting street, thence South along Johnson Street to South Street, thence East along South Street to Fountain Street.

(e) Highland Road

(3) Additional Regulations.

(a) Speed. No person shall operate a snowmobile in the Village of Montfort faster than the posted speed limit.

(b). Unattended Snowmobiles. No person shall leave or allow a snowmobile to remain unattended on any public highway or public property while the motor is running or with the starting key in the ignition.

(c) Operation on Sidewalks Prohibited. No person shall operate a snowmobile on any sidewalk or pedestrian way within the Village except for the purpose of crossing to obtain immediate access to an authorized area of operation

(d) Operation in Village Parks Prohibited. No person shall operate a snowmobile in any Village park.

3.08 ALL-TERRAIN AND UTILITY-TERRAIN VEHICLES AND ROUTES

(1) Purpose. The purpose of this ordinance is to establish all-terrain vehicle (ATV) routes in the Village and to provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests pursuant to Wis. Stat. sec. 23.33.

(2) Authority. The provisions of this ordinance shall apply to all eligible roads within the Village, which are hereby designated as all-terrain vehicle routes. Pursuant to Wis. Stat. sec. 23.33 (1m). (c), utility terrain vehicles (UTVs) may be operated on all eligible streets in the Village of Montfort. "Eligible roads" are all highways and streets within the Village of Montfort regardless of whether the Village has jurisdiction over the highway except:

(a) Any highway that is part of the national system of interstate and defense highways, or

(b) Any state highway or county trunk highway that has a speed limit of more than 35 miles per hour.

(3) The operation of ATVs and UTVs with snow removal devices attached is permitted on any roadway or adjacent to any roadway, if the applicable roadway speed limit is greater than 45 miles per hour, and regardless of whether the Village has jurisdiction over the roadway.

(4) The provisions of this section 3.08 shall be enforced by Village law enforcement. This ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.

(5) Authority to Close Routes. The Village Board or the Public Works Director may declare any route, or part thereof, in the Village temporarily closed at any time.

(6) Rules of Operation. The following rules of operation apply on all routes:

(a) Speed. No ATV/UTV shall be operated at a speed greater than posted speed limits.

(b) Lights. No ATV/UTV may be operated on any designated route without fully functional headlights, tail-lights, and brake lights. Every ATV/UTV being operated on the routes must display a lighted headlamp and tail lamp at all times.

(c) Roadway Travel. On any ATV route, all ATV/UTV operation is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions. All ATVs and UTVs must operate in single file. Operation on paved shoulders intended for bicycle or pedestrians, gravel shoulders, sidewalks, grassy in-slope, ditches or other highway right-of-way is prohibited unless the ATV or UTV is actively being used for snow removal.

(d) Operation. ATV/UTV operation on the routes shall be in accordance with the provisions of the Wisconsin State Statutes, the Wisconsin Administrative Code and all other applicable ordinances, as the same may be amended from time to time.

(e) Open Intoxicants. No person may possess on his or her person or in or on an ATV or UTV upon any route, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released.

(f) Operation in Village Park Prohibited No person shall operate an ATV/UTV in a Village park.

(7) Hours of Operation. ATV/UTV is prohibited between the hours of 1:00 A.M. to 5:00 A.M. daily.

(8) Except as otherwise authorized by state law:

(a) All operators of ATVs/UTVs on Village routes shall be at least 16 years of age.

(b) All operators of ATVs/UTVs shall possess a valid driver's license.

(c) All operators of ATVs/UTVs shall possess valid proof of insurance.

(9) Route Signage. The route shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may interfere with a sign or standard as provided under Wis. Stat. sec. 23.33(8)(f).

(a) All required designated route signs shall be paid for and installed by an ATV/UTV club, approved and under the direction of the Village of Montfort.

(b) All signs posted shall be in compliance with the Federal manual on uniform traffic control devices.

(c) No sign may be mounted on any existing County sign post, unless authorized by the Grant or Iowa County Highway Commissioner or designee.

(d) No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the Village of Montfort or designee.

(e) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

(10) Penalties.

(a) Penalties as found in 23.33(13)(a) of Wisconsin's statutes are adopted by reference. Deposits for violations shall be required in accordance with the Revised Uniform State Traffic Deposit Schedule, as the same may be amended from time to time.

(b) Juvenile penalties shall be as permitted under Wis. Stat. sec. 938.17. Deposits for violations shall be required in accordance with the Revised Uniform State Traffic Deposit Schedule, as the same may be amended from time to time as may apply to juveniles.

(c) The penalty for any violation of this ordinance for which no statutory penalty is provided the forfeiture shall be not less than \$50 nor more than \$200 plus court costs, fees and assessments. The penalty for violation of section (8)(a-c) the forfeiture shall not less than \$100 nor more than \$200 plus court costs, fees and assessments.

3.09 TRAFFIC ON NATURE TRAIL

(1) Definition.

(a) "Nature Trail" shall mean the Don Kephart Memorial Nature Trail which is hereby designated a municipal park belonging to the Village.

(b) "Vehicle," in this section, means any motorized vehicle or recreational vehicle including but not limited to automobiles, trucks, motorcycles, mopeds, motorized bicycles, and all-terrain vehicles. "Vehicle" does not include a snowmobile operated at a speed of 25 miles per hour or less.

(2) It shall be unlawful for any person to use or operate any vehicle on the Nature Trail at any time with the exception of Village maintenance equipment approved by the Village. Use or operation of vehicles on the nature trail contrary to the provisions of this section is trespassing.

(3) Penalty. Any person violating any section of this ordinance, upon conviction, shall pay a forfeiture of not less than \$150 nor more than \$1000 plus court costs. For purposes of bond,

the bond established for violations of Wis. Stat. § 943.13(1m)(a) shall apply to violations of this section.

3.10 PENALTY

The penalty for violation of any provisions of this Chapter shall be a forfeiture as hereinafter provided together with the costs of prosecution imposed as provided in the Uniform Deposit Schedule promulgated by the state judicial conference.

(1) Uniform Offenses. Forfeitures for violation of any provision of Chapters 341 to 348 adopted by reference in s. 10.01 shall conform to forfeitures for violation of the comparable state offense, including any variations or increases for second offenses, except as provided in the following paragraph for nonmoving traffic offenses.

(2) Other Offenses. Unless specifically provided elsewhere in this Chapter, the penalty for violations of this Chapter shall be in conformance with section 13.05 of this Code.