

## CHAPTER 4

### TRAFFIC CODE

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#### 4.01 STATE TRAFFIC FORFEITURE LAWS ADOPTED.

Except as otherwise specifically provided in this chapter, all provisions of Chapters 340 to 348 of the Wisconsin Statutes describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and by reference made a part of this ordinance 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 ordinance.

Sections of Chapters 340 to 348 adopted by reference shall include but not be limited to the following:

- 340.01 (Words and phrases defined)
- 341.11 (4)(Display of registration plates)
- 341.15 (Display of registration plates)
- 341.55 (Penalty for misuse of plates)
- 341.63 (When registration is to be suspended)
- 342.05 (4)(Certificate of title required)
- 342.30, 342.31, 342.34 (ANTI-THEFT and ANTI-FRAUD PROVISIONS)
- 343.01 (Words and phrases defined)
- 343.305 (Implied consent)
- 343.35 (Surrender of licenses upon cancellation, revocation or suspension)
- 343.45 to 343.46 (UNLAWFUL PRACTICES RELATIVE TO LICENSES)
- 344.01 (Words and phrases defined)
- 344.45 to 344.47 (PENALTIES FOR VIOLATION OF CHAPTER)
- 344.51 (Financial responsibility for domestic rented vehicles)
- 345.01 (Words and phrases defined)
- 345.20 to 345.53 (GENERAL PROVISIONS IN TRAFFIC FORFEITURE

ACTIONS)

- 345.55 (Traffic officers not to profit from arrests)
- 346.01 (Words and phrases defined)
- 346.02 (Applicability of chapter)
- 346.03 (Applicability of rules of the road to authorized emergency vehicles)
- 346.04 (1) and (2), 346.05 to 346.16 (DRIVING, MEETING, OVERTAKING AND PASSING)
- 346.17 (Penalty for violating ss. 346.04 to 346.16)
- 346.18 to 346.21 (RIGHT OF WAY)
- 346.22 (Penalty for violating ss. 346.18 TO 346.21)
- 346.23 to 346.29 (DRIVERS AND PEDESTRIANS)
- 346.30 (Penalty for violating ss. 346.23 to 346.29)
- 346.31 to 346.35 (TURNING AND STOPPING AND REQUIRED SIGNALS)
- 346.36 (Penalty for violating ss. 346.31 to 346.35)
- 346.37 to 346.42 (TRAFFIC SIGNS, SIGNALS AND MARKINGS)
- 346.43 (Penalty for violating ss. 346.37 to 346.42)
- 346.44 to 346.48 (REQUIRED STOPS)
- 346.49 (Penalty for violating ss. 346.44 to 346.48)
- 346.50 to 346.55 (RESTRICTIONS ON STOPPING AND PARKING)
- 346.56 (Penalty for violating ss. 346.50 to 346.55)
- 346.57 (2), (3) and (4)(a) to (c) (SPEED RESTRICTIONS) first offense in a year
- 346.57 (4)(d), (5) and (6) to 346.595 (SPEED RESTRICTIONS)
- 346.60 (Penalty for violating ss. 346.57 TO 346.595)
- 346.61 (Applicability of sections relating to reckless and drunken driving)
- 346.62 (1) and (3) (Reckless driving) - first offense in four years
- 346.63 (1), (3) and (4) (Operating under "influence" of intoxicant) - first offense in five years
- 346.64 (Employment of drunk operators) - first offense in a year
- 346.65 (1) and (2) (Penalty for violating ss. 346.62 to 346.64)
- 346.66 (Applicability of sections relating to accident and accident reporting)
- 346.68 and 346.69 (Duty upon striking unattended vehicle - upon striking property on or adjacent to highway) first offense within a year
- 346.70 (1), (2) or (3), 346.71, 346.72, 346.73 (Duty to report accident, etc.)
- 346.70 (4) (Police and traffic agencies to report)
- 346.70 (5) (Falsifying reports) - first offense within a year
- 346.77 to 346.81 (BICYCLES AND PLAY VEHICLES)
- 346.82 (Penalty for violating ss. 346.77 to 346.81)
- 346.87 to 346.94 (MISCELLANEOUS RULES)
- 346.95 (Penalty for violating ss. 346.87 to 346.94)
- 347.01 to 347.05 (GENERAL PROVISIONS)
- 347.06 to 347.29 (LIGHTING EQUIPMENT)

- 347.30 (Penalty for violating lighting equipment requirements)
- 347.35 to 347.49 (OTHER EQUIPMENT)
- 347.50 (Penalty for violating ss. 347.35 to 347.49)
- 348.01 to 348.02 (SIZE, WEIGHT, LOAD - General Provisions)
- 348.05 to 348.10 (SIZE AND LOAD)
- 348.11 (Penalty for violating size and load limitations)
- 348.15 to 348.20 (WEIGHT)
- 348.21 (Penalty for violating weight limitations)
- 348.25 to 348.27 (PERMITS)
- 348.28 (Permits to be carried - PENALTY)

#### 4.02 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 ordinance shall be as provided in Chapters 340 to 348 of the Wisconsin Statutes and the penalty for violating thereof shall be limited to a forfeiture as provided in Section 15.04 of this code.

#### 4.03 THROUGH HIGHWAYS DESIGNATED.

In the interest of public safety and pursuant to s. 349.07, Wis. Stats., the following streets or portions thereof are declared to be through highways, and traffic signs or signals giving notice shall be erected by the Village: Chicago Avenue (also known as County Trunk "A") at Bagley Avenue, so that traffic proceeding north on Bagley Avenue will stop at the junction of Bagley Avenue and Chicago Avenue; and traffic proceeding west on Chicago Avenue shall stop before turning left onto Bagley Avenue or before proceeding straight across Bagley Avenue, but traffic shall not be required to stop before turning right onto Bagley Avenue.

#### 4.035 RENAMING OF RIVER OF LAKES RESORT STREETS.

1. The following streets, dedicated to the Village of Bagley by virtue of a quit claim deed recorded in Volume 767 of Records at page 33 as Document 583642 in the Grant County Register of Deeds Office, are hereby renamed as follows:

- A. First Street shall hereinafter be named Old Milwaukee Lane.
- B. Second Street shall hereinafter be named Riverview Lane.
- C. Third Street shall hereinafter be named Lakeview Lane.
- D. Fourth Street shall hereinafter be named East Road.
- E. Fifth Street shall hereinafter be named East Pond Lane.
- F. Sixth Street shall hereinafter be named Schiffman Lane.
- G. Seventh Street shall hereinafter be named West Pond Lane.
- H. Eighth Street shall hereinafter be named Middle Drive.

#### 4.037 ONE WAY HIGHWAYS.

(1) In the interest of public safety and pursuant to Wisconsin Statute section 349.10, the following streets or portions thereof are hereby declared to be a one way highway and traffic signs or signals giving notice thereof shall be erected by the Village Board.

(a) Southbound on Skid Row Road from Packer Drive to Campground Road.

(b) Westbound on Budweiser Lane from Barr Road to Willow Lane.

#### 4.04 PARKING, STANDING AND STOPPING REGULATED

(1) No motor vehicle shall be parked:

(a) along the north side of Walnut Street between the intersection of Walnut Street and Bagley Avenue and the first alley lying west of Bagley Avenue.

(b) Along either side of Burlington Street within fifty feet south of the intersection of Burlington Street and Chicago Street.

(2) No motor vehicle shall be parked on any street in the Village of Bagley for a period exceeding 72 continuous hours.

(3) Any vehicle parked or left standing upon a highway, street or alley or other public grounds in violation of any of the provisions of this section is declared to be a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of any Village enforcement official, to a position where parking, stopping or standing is not prohibited. Any Village enforcement official, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is not prohibited. The official may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any storage garage or rental parking grounds or any facility of the person providing the towing services. In addition to other penalties provided by sec. 4.06 of this chapter, the owner or operator of a vehicle so removed shall pay the cost of towing and storage.

#### 4.05 OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(1) Village President Authorized to Procure and Erect Signs and Signals. The Village President is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Highway Division giving such notice of the provisions of this ordinance as required by state law. Signs shall be erected in such locations and manner as the Village President shall

determine will best effect the purposes of this ordinance and give adequate warning to users of the street or highway.

(2) Removal of Unofficial Signs and Signals. The Village President shall have the authority granted by s. 349.09, Wis. Stats., and is hereby directed to order the removal of a sign, signal marking or device placed, maintained or displayed in violation of this ordinance or s. 346.41, Wis. Stats. Any charge imposed on a premises for removal of such an illegal sign, signal or device shall be reported to the Common Council at its next regular meeting for review and certification.

(3) Yield Signs to be Erected. The public works officers are 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 Bagley, provided that if the intersected highway is part of a through highway, the provisions of Section 349.07(7)(a), Wisconsin Statutes apply:

At the intersection of Bluff Street with Burlington Street for the traffic on Bluff Street entering Burlington Street.

(4) Stop Signs to be Erected. The public works officers are authorized to erect stop signs conforming to the Wisconsin Official Traffic Control Device Manual at the following intersections:

(a) On the North and South sides of Lake View Lane at the intersection of Clark Lane.

#### 4.055 ALL TERRAIN AND UTILITY TERRAIN VEHICLES AND ROUTES

- (1) Purpose. The Village of Bagley adopts the following route for the operation of all terrain vehicles (ATVs) and utility terrain vehicles (UTVs) upon the roadways listed in section (3). Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this route has been created.
- (2) Authority. This route is created pursuant to and as authorized by 23.33(8)(b), Wis. Stats. The applicable provisions of 23.33 regulating ATV and UTV operation pursuant to routes are adopted.
- (3) Designated Route. The following roads are designated as a route: All roads within the Village limits of the Village of Bagley under the exclusive jurisdiction and control of the Village. Said route is further described and identified by the attached map and shall be signed in accordance with NR 64.12, and NR 64.12(7)c.
- (4) Conditions. As conditions for the use of this route, the following conditions shall apply to all operators (and passengers);
  - (a) All ATV and UTV operators shall observe posted roadway speed limits.

- (b) All ATV and UTV operators shall ride single file.
  - (c) All ATV and UTV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.
  - (d) All ATVs and UTVs on the route must be registered for public use and license plates must be properly displayed.
  - (e) All ATV and UTV operators must be at least 16 years of age and those operators born after January 1, 1988, shall have obtained and have possession of their Safety Education Certification.
  - (f) All ATVs and UTVs operated on the route and all operators of ATVs and UTVs on the route must comply with all other requirements of s. 23.33, Wis. Stats.
- (5) Enforcement. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.
  - (6) Penalties. Penalties as found in s. 23.33(13)(a), Wis. Stats., are adopted by reference.
  - (7) Severability. The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Village would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

#### 4.06 PENALTY.

The penalty for violation of any provision of this chapter shall be a forfeiture as hereinafter provided together with the cost of prosecution imposed as provided in ss. 345.20 to 345.53, Wis. Stats.

(1) Uniform Offenses. Forfeiture for violation of any provisions of Chapters 341 to 348 adopted by reference in Section 4.01 of this chapter shall conform to forfeitures for violation of the comparable state offense, including any variations or increases for second offenses, except as provided in subsection (2) for non-moving traffic offenses.

(2) Non-moving Traffic Offenses. The forfeiture for offenses described in s. 346.50 through s. 346.55, Wis. Stats. adopted by reference in Section 4.01 of this chapter shall conform to the forfeitures for violation of the comparable state offenses, provided, however, that if said forfeiture is paid within seven (7) days of the date of violation the said forfeiture shall be \$2.00 and if the said forfeiture is paid within eight (8) days but not more than twenty-one (21) days after the violation the forfeiture shall be \$10.00.

(3) Local Regulations. The forfeiture for violation of parking regulations as described in Section 4.04 of this chapter shall be \$2.00 if said forfeiture is paid within seven (7) days of the date of the violation and if the said forfeiture is not paid within eight (8) days

the forfeiture shall be \$10.00.

#### 4.07 ENFORCEMENT.

(1) Stipulation of Guilt or No Contest. Stipulations of guilt or no contest may be made by persons arrested for violations of this ordinance in accordance with s. 66.12(1)(b), Wis. Stats., whenever the provisions of s. 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under s. 345.11, Wis. Stats., and may be accepted within five (5) days of the date of the alleged violation. Stipulations may be accepted by the Village Marshal (or the Village Clerk).

(2) Deposits. Any person stipulating guilt or no contest under subsection (1) of this Section must make the deposit or no contest under s. 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 Village Board. Deposits may be brought or mailed to the office of the Village Treasurer as directed by the arresting officer. Deposits for parking or non-moving violations shall be mailed or brought to the Village Treasurer.

(3) Notice of Demerit Points and Receipt. Every officer accepting a forfeited penalty or money deposit under this chapter shall receipt therefor in triplicate as provided in s. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this ordinance shall comply with the provisions of ss. 343.27. 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 s. 345.11, Wis. Stats.

(4) Forfeitures in Treasury. Any officer accepting deposits or forfeited penalties under this ordinance shall deliver them to the Village Treasurer within twenty (20) days after receipt.

#### 4.075 OPERATION OF GOLF CARTS

(1) Authority. This ordinance is created pursuant to and as authorized by § 349.18(1m), Wis. Stats.

(2) Definition. A golf cart is a motor vehicle designed to:

- (a) Carry no more than the number of persons the cart is designed to carry safely, including the driver.
- (b) Carry golf equipment.
- (c) Have not less than three wheels in contact with the ground.
- (d) Weigh no more than 1,300 pounds unladen (empty).

- (3) Operation of Golf Carts Requirements.
- (a) No person who is less than 16 years of age and who does not have a valid driver's license issued under or granted by the laws of Wisconsin or some other state may operate a golf cart on any public street within the Village. For purposes of this section, a learner's permit shall not be considered as a valid driver's license nor shall any license that has been revoked, temporary or otherwise, or suspended for any reason, be considered as a valid driver's license during the period of suspension or revocation.
  - (b) Operation of a golf cart on County Highway A is prohibited.
  - (c) The Operator must comply with all local and state traffic laws.
- (4) Registration.
- (a) All golf carts are required to register with the Village of Bagley, be assigned a number, and clearly display said number on the golf cart. There is no fee to register, and registration does not expire.
  - (b) The registration shall be made by contacting the Village of Bagley Office, or to some other designated location, using processes provided by the Village. Contact the Village Office for more information.
- (5) Requirements. The applicant must ensure that the golf cart is in compliance with the following requirements:
- (a) Assigned numbers must be clearly displayed at all times while being operated, stored, or parked within the Village of Bagley.
  - (b) Assigned numbers must be displayed on either the front and back or on both sides of the vehicle. Numbers must be larger than 2.25 inches.
  - (c) The golf cart is equipped with a rear vision mirror and at least two red rear reflectors at least three inches in height and width. Lighted Taillights may replace the rear reflectors.
  - (d) The golf cart must also be equipped with two front lights while operating at night.
  - (e) Insurance is strongly encouraged.
  - (f) All laws regarding the use of motor vehicles in the State of Wisconsin and all ordinances regarding the use of motor vehicles in the Village, not inconsistent therewith, shall be observed.
- (6) Enforcement. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.



- (7) Penalties. If any person shall violate this chapter, he or she shall be guilty of a forfeiture and shall be fined not more than \$100 and any applicable court costs, fees, and assessments.

#### 4.08 REFERENCES TO STATUTES.

References to specific statutory sections wherever used in this ordinance shall mean the Wisconsin Statutes of 1973, as the same may be from time to time amended by the Wisconsin Legislature.