

Motor Vehicles and Traffic

**TITLE 10**

Motor Vehicles and Traffic

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**CHAPTER 1**

Traffic and Parking

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**ARTICLE A**

General Provisions

**SEC. 10-1-1 STATE TRAFFIC LAWS ADOPTED.**

- (a) **Statutes 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, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 to 348 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Village of Monticello, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.
- (b) **Other State Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chapters 340 to 348 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:
- 941.01 Negligent Operation of Vehicle off Highway
  - 943.11 Entry into Locked Vehicle
  - 943.23 Operating Motor Vehicles without Owners Consent
- (c) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1985-86 as from time to time amended, repealed or modified by the Wisconsin legislature.
- (d) **General References.** General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

**SEC. 10-1-2 STATE ADMINISTRATIVE CODE PROVISIONS ADOPTED.**

(a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.

Wis. Adm. Code - Trans	Reciprocity - Nonresident Motor Carriers [Penalties of Wis. Stats. Sec. 341.04 apply]
Wis. Adm. Code - Trans	Lettering on Vehicles, Display of Evidence of Registration and Dual Permit
Wis. Adm. Code - Trans 305	Standards for Motor Vehicle Equipment
Wis. Adm. Code - Trans 326	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code - Trans 326	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code - Trans	Protective Headgear Standards and Specifications

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### Wis. Adm. Code – Trans 304 Standards and Specifications - Design and Mounting SMV Emblem

- (b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Village a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter.
- (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 Sec. 347.04, Wis. Stats., relating to nonapplicability of demerit points shall apply to owners convicted of a 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 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 Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.
- (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 Subsection (c) of this Section, together with the costs of prosecution and applicable penalty assessment.

### **SEC. 10-1-3 OFFICIAL TRAFFIC SIGNS AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS.**

- (a) **Duty of Superintendent of Streets to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations created by this Chapter, including a State of Wisconsin traffic regulation adopted by reference in Section 10-1-1, require the erection of traffic control devices for enforcement, the Superintendent of Streets, with the cooperation of the Police Department, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in

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such a manner as, in the judgment of the Superintendent of Streets or his designee, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Village of Monticello.

- (b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Superintendent of Streets or his designee shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (a), a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- (c) **Prohibited Signs and Markers in Highways.** No person other than an officer authorized by this Chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the Village any sign, signal, marker, mark or monument unless permission is first obtained from the Superintendent of Streets or, where applicable, the 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 (d).
- (d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Superintendent of Streets or his designee may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Superintendent of Streets or his designee 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 15 shall be placed upon the tax roll for collection as other special municipal taxes.

*State Law Reference: Sections 346.41 and 349.09, Wis. Stats.*

### **SEC. 10-1-4 REGISTRATION RECORD OF VEHICLE AS EVIDENCE.**

When any vehicle is found upon a street or highway in violation of any provision of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this Chapter and specifically Section 10-1-1 and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Sec. 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

### **SEC. 10-1-5 SCHOOL BUS WARNING LIGHTS.**

- (a) Notwithstanding the provisions of Sec. 346.48(2)(b)(2), Wis. Stats., adopted by reference in Section 10-1-1 to the contrary and except as provided in Subsection (b) below, 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.
- (b) Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right-of-way between the roadway and the school grounds in a zone designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats., in which a street or highway borders the grounds of a school.

**SEC. 10-1-6 BLUE WARNING LIGHTS ON POLICE VEHICLES.**

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

**SEC. 10-1-7 ACCIDENT REPORTS.**

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

*State Law Reference: Sec. 346.70, Wis. Stats.*

**SEC. 10-1-8 AND SEC. 10-1-9 RESERVED FOR FUTURE USE.**

## ARTICLE B

### Controlled Intersections; Street Traffic Regulations

#### **SEC. 10-1-10 OPERATORS TO OBEY TRAFFIC CONTROL DEVICES.**

Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Chapter shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 10-1-1 of this Chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Sec. 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Sec. 346.18(6), Wis. Stats.

#### **SEC. 10-1-11 THROUGH STREETS DESIGNATED.**

In the interest of public safety and pursuant to Sec. 349.07, Wis. Stats., the following streets or portions thereof set forth in this Section are declared to be through highways and traffic signs or signals giving notice thereof shall be erected by the Superintendent of Streets in accordance with Section 10-1-3:

- (a) County Trunk Highway F.
- (b) All of North Main Street from Coates Avenue to Lake Avenue.
- (c) Coates Avenue from State Trunk Highway 69 to Main Street and from Main Street to Pratt Road.
- (d) South Monroe from Urban Road, south to the Village limits.
- (e) East Park Avenue from South Main to Pierce Streets.
- (f) Lake Avenue from Main Street to Adams Road.
- (g) Lake Avenue from Adams Road, east to the Village limits.
- (h) Urban Road from South Main Street to State Trunk Highway 69.

*State Law Reference: Sec. 349.07, Wis. Stats.*

#### **SEC. 10-1-12 HEAVY TRAFFIC ROUTES.**

- (a) **Definition.** For purposes of this Section, heavy traffic shall be defined as:
  - (1) All vehicles not operating completely on pneumatic tires; and
  - (2) All vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature, including recreational vehicles, and having a gross weight of more than fifteen thousand (15,000) pounds.
- (b) **Prohibited Routes.** Heavy traffic is prohibited from using any Village street or highway not designated as a heavy traffic route. This Section shall not act to prohibit heavy traffic from using a Village street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway. Furthermore, this Section will not act to prohibit heavy traffic from using any Village streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this Section.

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- (c) **Administration.** The Superintendent of Streets in cooperation with the Police Department shall administer this Section. Administration shall include:
- (1) Posting of signs. Appropriate signs shall be posted giving notice of this Section and of the heavy traffic routes established herein. Yellow sign posts may also be used to designate heavy traffic routes.
  - (2) Maps. Heavy traffic routes shall be shown on an Official Traffic Map.
  - (3) Construction equipment.
    - a. The Superintendent of Streets may grant temporary permits to allow heavy construction equipment to use Village streets or highways not designated as heavy traffic routes. These permits may be granted only when use of a nondesignated route is necessary for the equipment to reach a construction site. No permit may be issued unless the person or corporation owning the equipment agrees to reimburse and hold the Village harmless for any damage done to the Village street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.
    - b. Village-owned or operated equipment is specifically excluded from the provisions of this Section.
- (d) **Liability.** Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Village streets or highways in violating this Section shall be liable and required to pay the Village the cost of repair or replacement of the damaged street or highway.
- (e) **Special and Seasonal Weight Limitations.** The Superintendent of Streets shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert maintained by the Village 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 proving of Section 10-1-3.
- (f) **Heavy Traffic Routes Designated.** All streets and alleys within the Village of Monticello are designated Class "B" highways subject to the weight limitations of Sec. 348.16, Wis. Stats., except the following streets or parts thereof within the jurisdiction of the Village are hereby designated heavy traffic routes and are excepted from the Class "B" weight limitations:
- (1) County Trunk Highway F. (Includes portions of E. Lake Ave. and Adams Rd.)
  - (2) County Trunk Highway C. (Includes Urban Rd. and portions of S. Main St, N. Main St. and E. Coates Ave. to Village limits.
  - (3) County Truck Highway EE. (Includes portions of E. Wisconsin Ave.)
  - (4) East Lake Ave. from Adams Rd., eastward to its terminus at the Sugar River Trail.
  - (5) N. Pratt Rd. and S. Pratt Rd.
  - (6) W. Coates Ave.

**Ordinance #2011-0200 adopted on February 2, 2011.**

### **SEC. 10-1-13 SPEED LIMITS.**

Pursuant to Sec. 349.11(3)(c) of the Wisconsin Statutes, the speed limits set forth in Sections 346.57 through 346.58 of the Wisconsin Statutes are increased as hereinafter set forth upon the following streets or portions of streets:

- (a) Forty (40) miles per hour for all vehicles from a point 0.15 of a mile south of its intersection with East Wisconsin Avenue (County Trunk Highway "EE") in the Village of Monticello, northerly and westerly to its east junction with East Lake Avenue in said Village.

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- (b) Thirty (30) miles per hour for all vehicles from its east junction with East Lake Avenue in the Village of Monticello, westerly to its intersection with Main Street in said Village.
- (c) Thirty-five (35) miles per hour for all vehicles from its intersection with Main Street in the Village of Monticello, westerly to its junction with State Trunk Highway 69.
- (d) The speed limit on all portions of State Trunk Highway 69 within the corporate limits of the Village of Monticello shall be fifty (50) miles per hour at all times.
- (e) Forty (40) miles per hour for all vehicles on East Wisconsin Avenue (County Trunk Highway "EE") from its intersection with Adams Road (County F) easterly to the village limits.

**Ordinance #2012-0919 adopted on September 19, 2012.**

**SEC. 10-1-14 U-TURNS PROHIBITED.** *(Omitted Ord #2017-0405C)*

**SEC. 10-1-15 ONE-WAY TRAFFIC DESIGNATION.**

- (a) Traffic through the municipal trailer court located on Outlot No. 70 of the Assessor's Plat of the Village of Monticello shall be one (1) way, with entry from Coates Street and egress onto Highland Avenue.
- (b) Traffic on North Madison Street shall be one (1) way with entry from East Highland Avenue and egress onto East Coates Avenue.

**SEC. 10-1-16 THROUGH SEC. 10-1-19 RESERVED FOR FUTURE USE.**

**ARTICLE C**

**SEC. 10-1-20 RESTRICTIONS ON PARKING; POSTED LIMITATIONS.**

(a) **Twenty Four (24) Hour Limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public street or public parking lot in the Village for a period of twenty-four (24) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established the more restrictive limits shall apply. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he/she is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area within the Village where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he/she may recover the possession thereof. (*Ord. #2014-1015B*)

(b) **Posted Limitations.**

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

**SEC. 10-1-21 PARKING RESTRICTIONS DURING TEMPORARY SNOW REMOVAL OR STREET MAINTENANCE.**

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- (a) **Street Maintenance.** Whenever it is necessary to clear or repair a Village roadway or any part thereof, the Superintendent of Streets and/or Police Department shall post such highways or parts thereof with signs bearing the words "No Parking - Street Maintenance Work." Such signs shall be erected at least two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.
- (b) **Temporary Parking Restrictions for Special Events.** Pursuant to the provisions of Subsection 349.13, Wis. Stats., the Chief of Police is authorized to direct that temporary "No Parking" signs be erected by the Superintendent of Streets during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on Village roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.
- (c) **Parking During Snow Removal.** No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by the Police Department and/or the Superintendent of Streets of the Village indicating no parking due to snow removal.

### **SEC. 10-1-22 STOPPING OR PARKING PROHIBITED IN CERTAIN SPECIFIED PLACES.**

- (a) **Parking Prohibited at All Times.** Except temporarily for the purpose 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:
  - (1) Within an intersection.
  - (2) On a crosswalk.
  - (3) 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.
  - (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
  - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
  - (6) Within twenty (20) feet of the driveway entrance to a fire station.
  - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
  - (8) In any place or manner so as to obstruct, block or impede traffic.
  - (9) Within fifteen (15) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
  - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
  - (11) Upon any bridge.
  - (12) Upon any street or highway within the Village limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
  - (13) Upon any terrace or sidewalk in the Village at any time. See (3) above.
  - (14) In a loading zoning.

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(15) Within six (6) feet of the entrance to an alley, private road or driveway.

(16) In any municipal park when said park is closed to the public.

- (b) **Parking in Driveways.** No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- (c) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a police officer or upon complaint by the owner of an such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle
- (d) **Parking Vehicle for Repair or Service or to Display for Sale Prohibited.** No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the Village for the purpose of repairing or servicing said vehicle or to display such vehicle for sale.

### **SEC. 10-1-23 PARKING RESERVED FOR VEHICLES OF DISABLED.**

When official traffic signs indicating such restriction have been erected in accordance with Section 10-1-3 of this Chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

### **SEC. 10-1-24 LEAVING KEYS IN VEHICLE PROHIBITED; PARKING VEHICLES WITH MOTOR RUNNING.**

- (a) **Leaving Keys in Vehicle.** No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any police officer shall find any vehicle standing with the key in the ignition in violation of this Section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department for safe custody.
- (b) **Parking Vehicles With Motor Running.** No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than thirty (30) minutes within three hundred (300) feet of any residence within the Village between the hours of 10:00 p.m. and 7:00 a.m.

### **SEC. 10-1-25 UNATTENDED MOTORIZED MACHINERY.**

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

### **SEC. 10-1-26 ANGLE AND PARALLEL PARKING DESIGNATED.**

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- (a) Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village except where vehicle parking markers indicate that angle parking is permissible. All vehicles shall park parallel to, and within one (1) foot of the curb except where streets and parking lots are so marked for angle parking.
- (b) No person shall at any time park any vehicle:
  - (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
  - (2) Backwards into angle parking spaces so designated and provided by appropriate markings.
  - (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.
- (c) Parallel parking will be permitted on Main Street north of the Village parking lot driveway on the west side, north of the bridge on the east side and south of the bridge on the west side as provided by appropriate markings.

## **SEC. 10-1-27 PARKING PROHIBITED DURING CERTAIN PERIODS.**

When signs or parking meters are erected in any block giving notice thereof, no person shall park or leave standing any vehicle for longer than the period specified upon any of the following highways, streets or parts thereof, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers:

- (a) **Two (2) Hour Parking.** Only two (2) hour parking shall be permitted on the following designated streets and places between 8:00 a.m. and 6:00 p.m., except on Sundays and legal holidays:
  - (1) Between "no parking" signs erected in any location within the Village giving notice of parking restrictions.
  - (2) On Main Street from entrance to the Village Parking Lot to Coates Avenue.
  - (3) On West North Avenue, beginning at its intersection with Main Street and continuing one hundred twenty (120) feet west.
  - (4) Only two (2) hour angle parking shall be permitted where posted on the east side of North Madison Street.
- (b) **Winter Parking Restricted** – (*Recreated Ord 2016-0302A*) When signs have been placed or erected in accordance with Sec. 349.13, Wis. Stats., no motor vehicle, trailer, mobile home or other vehicle shall be parked on N Main Street from E Coates Ave to E Lake Ave between the hours of 2:00 a.m. and 6:00 a.m. from November 1 through April 1. The Police Department may remove any such vehicles in violation of this Section to a place of storage and may charge the cost of towing and storage to the owner of such vehicle. The Village Board hereby declares that this Section shall be controlling over any other Section which might in any way conflict.
- (c) **Parking Prohibited.** No person shall park a vehicle at the following street locations(s) at any time whatsoever:
  - (1) East side of South Main Street from the Monticello School to Lake Avenue with the exception of school bus and service vehicle loading and unloading at 334 S. Main Street as designated by signs. (*Adopted August 4, 2004*)
  - (2) South side of North Avenue from Main to North Monroe.
  - (3) No person shall park a vehicle, whether attended or unattended, on the west side of Kennedy Street, nor on the west side of North Madison Street.
  - (4) No person shall park a vehicle, whether attended or unattended, within one hundred nine (109) feet west of the intersection of Urban Road at South Main Street on the north side, and ninety-five (95) feet west of the intersection of Urban Road at South Monroe Street on the north side.
  - (5) No person shall park any vehicles attended or unattended at any time on the north side of W. Wisconsin Avenue on that portion west of the intersection with S. Monroe Street.

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- (6) North and South sides of W. Coates Avenue for a distance of two hundred forty (240) feet east of the intersection with STH 69. *(Adopted August 4, 2004)*
- (7) East side of Kennedy St. for a distance of one hundred (100) feet south of the intersection with W. Coates Avenue. *(Adopted January 17, 2007).*
- (8) North side of Staedtler Ave. commencing at the intersection of N. Main St. and continuing to the north edge of the Monticello Municipal Parking Lot lying south of the intersection of N. Monroe St. *(Adopted October 19, 2011 (Ordinance # 2011-1019A))*
- (9) West side of South Main Street from Urban Road to East Lake Avenue. *(Ordinance #2016-0316)*

(d) **Parking Lot Parking.** No person shall park any vehicle under twelve thousand (12,000) pounds in tare or empty weight or under sixteen (16) feet in length or less than eight (8) feet in height from the road surface in any municipally owned parking lot in the Village for longer than twenty-four (24) hours without the written consent of the Village Board. No permit is required.

1. **Parking of Vehicles Over Twelve Thousand (12,000) Pounds in Tare or Empty Weight and Over Sixteen (16) Feet in Length and Greater than Eight (8) Feet in Height from the Road Surface.** No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle with a tare or empty weight in excess of twelve thousand (12,000) pounds or over sixteen (16) feet in length or greater than eight (8) feet in height from the road surface, shall park in any municipally owned parking lot without first having obtained a permit from the Village Clerk or Chief of Police. This section shall not apply to short term parking, not to exceed four (4) hours, for buses, recreational and delivery vehicles for the purposes of deliveries, visiting local businesses and park facilities.
  - a. No refrigerated units shall operate compressors between the hours of 9:30pm and 6:30am.
2. No person(s) may park motorcycles at any time without use of a kickstand pad or other device to prevent kickstand divots.

2. **Penalty.**

- a. A person who violates any provision of this Section shall be subject to the general penalty found in Section 1-1-7.
- b. In addition to the forfeiture provided in Section 1-1-7, a person who violates this Section shall pay to the Village reasonable costs incurred for prosecution of such violation.

*(Adopted October 19, 2011 Ordinance #2011-1019)*

(e) **Parking in Alleys.** No person shall park any vehicle in any alley within the Village of Monticello at any time, except that delivery trucks may park in any alley, but only for the sole purpose of making a delivery and such delivery truck must be removed from the alley as soon as the delivery is completed.

## **SEC. 10-1-28 PARKING OF VEHICLES OVER 12,000 POUNDS OR 16 FEET RESTRICTED; STORAGE OF HEAVY VEHICLES ON PRIVATE PROPERTY.**

(a) **Street Parking.** No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle with a tare or empty weight in excess of twelve thousand (12,000) pounds gross weight, or over sixteen (16) feet in length, or having a height of more than eight (8) feet from the roadway, shall park the same upon any street, avenue or public way in the Village for more than two (2) hours in any one (1) twenty-four (24) hour period, except that no truck being greater in

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length than twenty (20) feet shall park on North Main Street at any time for any purpose. The provisions of this Subsection shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or public way in the Village for the actual loading or unloading of goods, ware or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation, The Village Board may, however, designate specific truck parking zones.

### (b) **Storage of Trucks, Trailers, Tractors and Road Machinery on Private Property.**

(1) Only by permit shall any person, firm or corporation park, keep or maintain on private property zoned for residential use the following types of vehicles:

- a. Trucks with a tare or empty weight in excess of twelve thousand (12,000) pounds or over sixteen (16) feet in length,
- b. Truck tractors;
- c. Trailers;
- d. Farm tractors in excess of six (6) feet in width;
- e. Dump trucks;
- f. Auto wreckers; and
- g. Road machinery.

(c) **Removal.** Any vehicle unlawfully parked under Subsection (a)(b) above may be removed by order of a law enforcement officer, pursuant to Section 10-1-32, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.

## **SEC. 10-1-29 TRAFFIC AND PARKING REGULATIONS ON SCHOOL DISTRICT GROUNDS.**

Pursuant to the provisions of Sec. 118.105, Wis. Stats., the following regulations shall apply to the grounds of the Monticello School District located within the Village:

- (a) **Parking.** All parking on any grounds of the Monticello School District from 7:00 a.m. to 4:30 p.m. shall be restricted to areas designated for parking by the School Board. When signs are erected by the School Board giving notice of such restrictions, all persons shall park only in areas designated and signed for visitor parking. All parking on grounds of the Monticello School District from 7:00 a.m. to 4:30 p.m. shall be by permit only and shall be restricted to areas designated for parking by the District Board. When signs are erected by the School Board giving notice of such restrictions, no person shall park a motor vehicle in an area other than one for which he shall have been issued a permit nor without displaying a valid permit. There shall be no parking on said grounds between 11:00 p.m. and 6:00 a.m., except when school functions extend past 11:00 p.m.; on such nights there shall be no parking one (1) hour after the function has concluded.
- (b) **Speed Limits.** No person shall at any time operate a motor vehicle upon any Monticello School District grounds at a speed in excess of fifteen (15) miles per hour.
- (c) **Vehicles Prohibited at Specified Times.** No person shall at any time operate a motor vehicle, other than a school bus or emergency vehicle, in or upon any drive designed for buses only by sign during the hours of 7:00 a.m. to 9:00 a.m. and during the hours of 3:00 p.m. to 4:30 p.m. on any weekday during the months school is in session.

## **SEC. 10-1-30 UNLAWFUL REMOVAL OF PARKING CITATIONS.**

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

### **SEC. 10-1-31 OPERATION OF MOTOR VEHICLES IN PUBLIC PARKING LOTS.**

- (a) **Unlicensed Operators Prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any public parking lot or ramp held out for the use of parking for the general public.
- (b) **Traffic Regulations Applicable.** All provisions of Section 10-1-1 of this Chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular traffic.

### **SEC. 10-1-32 REMOVAL OF ILLEGALLY PARKED VEHICLES.**

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
- (b) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.
- (c) **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 Chapter, is authorized to remove such vehicle to a position where parking is permitted.
- (d) **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.
- (e) **Towing and Storage Charges.** In addition to other penalties provided in this Chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

### **SEC. 10-1-33 INOPERABLE, WRECKED OR DISCARDED VEHICLES.**

- (a) **Storage Prohibited.** No person owning or having custody of any partially dismantled, non-operable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public street or highway, parking lot or ramp longer than twenty-four (24) hours after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this Section and the date of the notice. Any vehicle so tagged which is not removed within twenty-four (24) hours after notice is declared to be a public nuisance and may be removed as provided in Section 10-1-32.
- (b) **Exemptions.** This Section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village.

### **SEC. 10-1-34 COMPRESSION BRAKING.**

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- (a) No person shall use motor vehicle brakes within the Village of Monticello which are in any way activated or operated by compression of the engine of a motor vehicle, or any unit or part thereof, except in an emergency situation.
- (b) Any person who shall violate this ordinance shall pay a forfeiture as per Sec. 1-1-7.

**Adopted June 18, 2003**

**SEC. 10-1-35 THROUGH SEC. 10-1-39 RESERVED FOR FUTURE USE.**

Miscellaneous Provisions

**SEC. 10-1-40 DISTURBANCE OF THE PEACE WITH A MOTOR VEHICLE.**

No driver of any vehicle, including motorcycles, all-terrain vehicles and bicycles, shall cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin and emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the public peace.

**SEC. 10-1-41 PEDESTRIAN REGULATIONS.**

**(a) Pedestrian Obedience to Traffic Control Devices and Regulations.**

- (1) Obedience to Traffic Control Devices. No person shall fail to obey the instructions of any Uniform Traffic Control Device when traveling as a pedestrian on any highway within the Village of Monticello unless otherwise directed by a law enforcement officer.
- (2) Crossing at Crosswalks. No pedestrian shall cross at a crosswalk except on the right half thereof whenever practicable. Where sidewalks are provided, no pedestrian shall walk along and upon an adjacent roadway except when the sidewalk is visibly unsafe, obstructed or close to public travel.

**(b) Prohibited Pedestrian Crossings.** No pedestrian shall cross between adjacent intersections, unless such crossing is permitted by Official Traffic Control Devices.

**SEC. 10-1-42 MOTOR VEHICLES ON PEDESTRIAN WAYS AND OVERPASSES.**

No person shall operate or park any motor vehicle on any pedestrian way or pedestrian overpass within the Village of Monticello except municipal or county maintenance vehicles.

**SEC. 10-1-43 SCHOOL CROSSING GUARDS.**

Pursuant to Sec. 349.215, Wis. Stats., those adult persons hired by the Police Department to act as "School Crossing Guards" shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting school children to cross the street.

*State Law Reference: Sec. 349.215, Wis. Stats.*

**SEC. 10-1-44 DRIVING OVER CURBING OR SAFETY ISLANDS PROHIBITED.**

- (a) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the Village of Monticello.
- (b) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island.

**SEC. 10-1-45 THROUGH SEC. 10-1-49 RESERVED FOR FUTURE USE.**

**ARTICLE E**

**SEC. 10-1-50 PENALTIES.**

- (a) **Forfeiture Penalty.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Section 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than 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 Chapter may, upon order of the court entering judgment there or and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment 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 authorities granted by the Wisconsin Statutes 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 or imprisonment.
  - (2) **By Municipality.** No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the Village, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- (c) **Forfeitures For Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 348, Wis. Stats., 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 forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapters 341 to 348, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
  - (2) **Penalty for Other Parking Violations.** The penalty for all other parking violations not included under Subsection (1) above, subject to the exceptions listed below, shall be Ten Dollars (\$10.00). Failure to pay the increased penalty within fifteen (15) days after issuance of the violation further causes the penalty to be increased to Twenty-five Dollars (\$25.00).
- (e) **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00).

**SEC. 10-1-51 ENFORCEMENT.**

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### (a) **Enforcement Procedures.**

- (1) How Enforced. This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.
- (2) Applicable Court Procedures. Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in the Circuit Court.

### (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 Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
- (2) Parking Citations. The Chief of Police shall recommend a citation for use in enforcing the non-moving traffic offenses in this Chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10-1-1, and all provisions regarding non-moving traffic violations in this Chapter. 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 regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

### (c) **Deposits and Stipulations.**

#### (1) Uniform Traffic Offenses.

- a. Who May Make. Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.0114(1)(b) of the Wisconsin Statutes whenever the provisions of Sec. 345.27 of the Wisconsin Statutes are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11 of the Wisconsin Statutes and may be accepted within five (5) days of the date of the alleged violation. Stipulations may be accepted by the Police Department.
- b. Delivery or Mailing of Deposit and Stipulation. Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 345.26 of the Wisconsin Statutes or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the Village Board. Deposits may be brought or mailed to the Police Department within five (5) days of the issuance of the citation in lieu of court appearance.

- c. Receipt Required. Every officer accepting a stipulation under the provisions of this Chapter shall comply with the provisions of Sections 343.28, 345.26(1)(a) of the

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Wisconsin Statutes 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 Sec. 345.11 of the Wisconsin Statutes. The official or a 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 seven (7) days to the Clerk of Circuit Court.

### (2) Non-moving Traffic Offenses.

- a. Direct Payment of Penalty Permitted. Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Police Department the minimum forfeiture specified for the violation. If not forwarded, the penalty may be discharged by forwarding within ten (10) days of the date of citation to the above named office the amount of Ten Dollars (\$10.00). 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 Subsection a. within ten (10) days of the date of the citation, the Chief of Police shall forward a copy of the citation to the Village Attorney for prosecution.
- c. Registration Suspension. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Village may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection (3) below.
- d. Deposits Returned to Village Clerk-Treasurer. Officers receiving deposits for non-moving traffic violations under this Subsection shall pay over such deposits to the Village Clerk-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.
- e. Bond. Any officer authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.

### (3) Notice of Demerit Points and Receipt. Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefor in triplicate as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Sections 343.28, 345.26(1)(a) and 345.27, 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 Sec. 345.11, Wis. Stats.

### (4) Registration Suspension Program.

- a. The Village shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.285, Wis. Stats., and Wis. Adm. Code Trans. Section and all amendments or changes thereto.
- b. The Police Department is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Adm. Code Trans. Section. The Police Department is authorized to perform, on behalf of the Village, all functions required of a local authority under said Statutes and Code including, but not limited to:
  1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
  2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be

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- refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
3. Determining the method by which the Village will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
  4. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- c. The Chief of Police is hereby authorized to assign a member of the Police Department to perform such acts as are necessary to effectuate this Subsection.
  - d. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.285, Wis. Stats. The Police Department may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
  - e. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Village's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

*State Law Reference: Sec. 345.28, Wis. Stats.; Chapter Trans., Wis. Adm. Code.*

10-2-1	Definitions
10-2-2	Manner of Operation Restricted
10-2-3	Lighting and Other Equipment
10-2-4	Parking a Bicycle
10-2-5	Rules of the Road
10-2-6	Bicycle Regulations
10-2-7	Skateboards and Other Play Vehicles
10-2-8	Registration of Bicycles
10-2-9	Penalties

**SEC. 10-2-1 DEFINITIONS.**

As used in this Chapter:

- (a) **Bicycle** means every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than fourteen (14) inches in diameter.
- (b) **Bicycles' Lane** means that portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
- (c) **Bike Route** means any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.
- (d) **Bicycle Way** means any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.
- (e) **Carrier** means any device attached to a bicycle designed for carrying articles.
- (f) **Identification Tag** means a metal plate or sticker indicating that a bicycle is registered.
- (g) **Right-of-Way** means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

**SEC. 10-2-2 MANNER OF OPERATION RESTRICTED.**

No bicycle shall be allowed to proceed in any street in the Village by inertia or momentum with the feet of the rider removed from the bicycle pedals. No rider of a bicycle shall remove both hands from the handlebars or practice any trick or fancy riding in any street in the Village nor shall any bicycle rider carry or ride any other person so that two (2) persons are on the bicycle at one time, unless a seat is provided for a second person.

**SEC. 10-2-3 LIGHTING AND OTHER EQUIPMENT.**

No person shall operate a bicycle upon a highway unless equipped as required in Sec. 347.489, Wis. Stats.

**SEC. 10-2-4 PARKING A BICYCLE.**

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No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else. Bicycles shall be parked either upon the roadway against the curb, in bicycle racks or, if on the sidewalk, in such a manner as to afford the least obstruction to pedestrian traffic, and not in such a manner as to obstruct the ingress and egress to buildings used by the public. If there is no bicycle rack or other facility intended to be used for the parking of bicycles in the vicinity, the operator may park a bicycle on the sidewalk in an upright position parallel to and within twenty-four {24} inches of the curb.

### **SEC. 10-2-5 RULES OF THE ROAD.**

The provisions of Chs. 346 and 347, Wis. Stats., and applicable Village Ordinances shall govern the operation of bicycles where appropriate.

### **SEC. 10-2-6 BICYCLE REGULATIONS.**

#### **(a) Rules for Turning.**

- (1) The operator of a bicycle intending to turn to the right at an intersection shall approach the point of turning in the traffic lane nearest the right-hand edge or curb of the street and, in turning, shall keep as closely as practicable to the right hand edge or curb of the highway.
  - (2) The operator of a bicycle intending to turn to the left of an intersection or into a private driveway shall make such turn from the traffic lane immediately to the right or next to the center of the street and pass immediately to the left of the center of the intersection, passing as closely as practicable to the left of the center of the intersection immediately to the right of the center of the intersection of the street.
  - (3) At any intersection where traffic is controlled by a traffic control signal or by a traffic officer, it shall be unlawful for any such operator of such bicycle upon any street to disobey the instructions of any official traffic sign or signal placed in accordance with the laws of the State of Wisconsin and the Ordinances of the Village.
  - (4) Crosswalks shall be used when walking a bicycle through an intersection.
- (b) **Trick.** No person shall operate a bicycle upon the streets of said Village without having manual control of the handlebars or operate a bicycle in any other manner which necessitates the element of unusual extraordinary skill and involves unnecessary risk.
- (c) **Tandem Riding.** No person shall ride or propel a bicycle on a street in said Village with another person upon said bicycle unless such bicycle is so constructed as to be a tandem bicycle.
- (d) **Emerging From Alley or Driveway.** The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.
- (e) **Bicycles Not to be Pulled by Moving Vehicles.** No person riding upon a bicycle shall cling or attach himself or his bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on such highway.
- (f) **Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.
- (g) **Operation on Sidewalks.** No person shall operate or make use of a bicycle on sidewalks in the Village of Monticello.
- (h) **Parking Bicycles.** No bicycle shall be parked upon any street or public way except in an upright position in bicycle stalls which are provided therefor. Until such time as sufficient stalls are provided

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to meet the demand therefor, which determination shall be made by the Police Department, bicycles may be parked in an upright position, parallel to the curb line, in any parking stall.

### **SEC. 10-2-7 SKATEBOARDS AND OTHER PLAY VEHICLES.**

- (a) No person shall operate a skateboard on the sidewalk in a business district. A business district for the purposes of this Section is defined as any area containing primarily commercially zoned uses which generate heavy pedestrian traffic during the business hours.
- (b) No person shall ride or operate any skateboards, roller skis (blades) or other similar play vehicle:
  - (1) On any roadway, within the Village limits.
  - (2) On any Village sidewalk or alley in any business district, or any public parking lot.
  - (3) On any private property, except with the permission of the owner or person responsible for the property.
  - (4) Between the hours of 10:00 p.m. and 6:00 a.m.
- (c) It shall be lawful to use play vehicles on non-business sidewalks, provided the right-of-way is yielded to pedestrians using the sidewalks and provided the use of such vehicle does not endanger or interfere with pedestrian traffic.

### **SEC. 10-2-8 REGISTRATION OF BICYCLES.**

- (a) **Registration.** No person having a bicycle customarily kept within the Village shall operate such bicycle without first having registered the bicycle by filing with the Police Department, upon a form provided for such purpose, a complete description of the bicycle, including brand name and identification number. Such registration shall be serially numbered and kept on file by the Chief of Police as a public record.
- (b) **License.**
  - (1) No bicycle shall be operated upon the public streets, highways, alleys or other public property in the Village of Monticello until it has been licensed. The fee for such license shall be Two Dollars (\$2.00). No further application nor fee shall be required for each bicycle, except as provided in Subsections (2) and (3) below.
  - (2) The registration sticker shall be affixed to the vertical post supporting the bicycle seat centered midway between the top and bottom of the post with the sticker visible toward the bicycle operator's left side. In the event that the registration sticker becomes lost, illegible or placed on the bicycle other than prescribed by this Section, the bicycle shall be unlicensed and must be re-registered. The fee for re-registration shall be Two Dollars (\$2.00).
  - (3) Transfer of registration between members of an immediate family shall be accomplished by filing a registration form with the Police Department. This shall be at no cost, and no new registration sticker will be issued.
  - (4) Transfers of registration between non-family members and all other re-registrations shall be accomplished by filing a registration form with the Village Police Department and payment of a registration fee of Two Dollars (\$2.00).
- (c) **Bicycles to be Kept in Safe Condition.** No bicycle shall be registered which is in an unsafe mechanical condition. Police officers shall have authority to suspend the registration of and remove the identification tag from any bicycle or to impound any bicycle operated contrary to any state law or Village ordinance or operated which is in an unsafe mechanical condition.

Such suspension and removal or impounding shall continue for a period not to exceed ten (10) days, but the registration shall not be reinstated or such identification tag replaced while such bicycle is in

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an unsafe condition. Such suspension and removal shall be in addition to other penalties provided for herein.

**SEC. 10-2-9 PENALTIES.**

- (a) Any person sixteen (16) years of age or older who shall violate any provision of this Chapter may be issued a Uniform Municipal Ordinance Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.
- (b) Any person fourteen (14) years of age through fifteen (15) years of age who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the Deposit Schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the cost of the prosecution and, in default of such payment, the Court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.
- (c) Any person under fourteen (14) years of age who shall violate any provision of this chapter may be issued a special Bicycle Violation Warning Notice along with the following additional actions:
  - (1) First offense in one (1) year: a warning letter sent to the parent or guardian requiring their signature and return of the warning notice to the Police Department.
  - (2) Second offense in the same year: a warning letter mailed to parent or guardian.
  - (3) Third offense in the same year: a mandatory parent-child-police conference.
  - (4) Fourth and subsequent offense in the same year: referral to Green County Juvenile Court.
- (d) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

**SEC. 10-2-10 THROUGH SEC. 10-2-13 RESERVED FOR FUTURE USE.**

## Motor Vehicles and Traffic

### Snowmobiles

- 10-3-1 State Snowmobile Laws Adopted
- 10-3-2 Applicability of Traffic Regulations to Snowmobiles
- 10-3-3 Speed; Hours of Operation; Equipment
- 10-3-4 Unattended Vehicles
- 10-3-5 Operation on Sidewalks Prohibited
- 10-3-6 Restrictions on Operators
- 10-3-7 Accidents and Accident Reports
- 10-3-8 Snowmobile Routes and Trails Designated
- 10-3-9 Penalty
- 10-3-10 Enforcement

#### **SEC. 10-3-1 STATE SNOWMOBILE LAWS ADOPTED.**

Except as otherwise specifically provided in this Chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this Chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

- 350.01 Definitions.
- 350.02 Operation of Snowmobiles on or in the Vicinity of Highways.
- 350.03 Right-of-Way.
- 350.035 Meeting of Snowmobiles
- 350.04 Snowmobile Races, Derbies and Routes.
- 350.045 Public Utility Exemption.
- 350.047 Local Utility Exemption.
- 350.05 Operation by Youthful Operators Restricted.
- 350.055 Safety Certification Program Established.
- 350.07 Driving Animals.
- 350.08 Owner Permitting Operation.
- 350.09 Head Lamps, Tail Lamps and Brakes, Etc.
- 350.095 Noise Level Requirements
- 350.10 Miscellaneous Provisions for Snowmobile Operation.
- 350.101 Intoxicated Snowmobiling
- 350.102 Preliminary Breath Screening Test
- 350.1025 Application of Intoxicated Snowmobiling Law
- 350.103 Implied Consent
- 350.104 Chemical Tests
- 350.105 Report to Arrest Department

- 350.107 Officer's Action After Arrest for Operating a Snowmobile While Under the

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	Influence
350.108	Public Education Program
350.11	Penalties
350.115	Snowmobile Registration Restitution Surcharge
350.12	Registration of Snowmobiles, Trail Use Stickers
350.125	Completion of Application for Registration by Snowmobile Dealers.
350.13	Uniform Trail Signs and Standards.
350.135	Interferences with Uniform Trail Signs and Standards Prohibited.
350.137	Uniform Snowmobile Rail Crossing Standards.
350.138	Snowmobile Rail Crossing Requiring Permits.
350.139	Established Snowmobile Rail Crossings.
350.1395	Snowmobile Rail Crossings; Closing; Review of Rail Authorities, Insurance Rules.
350.14	Duties of Snowmobile Recreational Council.
350.145	Recommendations of the Snowmobile Recreational Council.
350.15	Accidents and Accident Reports.
350.155	Coroners and Medical Examiners to Report; Require Blood Specimen.
350.17	Enforcement.
350.18	Local Ordinances.
350.19	Liability of Landowners.
350.99	Parties to a Violation.

### **SEC. 10-3-2 APPLICABILITY OF TRAFFIC REGULATIONS TO SNOWMOBILES.**

No person shall operate a snowmobile upon any street, highway or alley within the Village of Monticello in violation of the traffic regulation provisions of Sections 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1) and (9), Wis. Stats.

### **SEC. 10-3-3 SPEED; HOURS OF OPERATION; EQUIPMENT.**

- (a) **Speed.** No person shall operate a snowmobile within the Village or on any trail designated in Section 10-3-6 of this Chapter at a speed in excess of twenty (20) miles per hour during the hours of 10:30 p.m. and 1:00 a.m., or in excess of thirty (30) miles per hour at other times. No person shall operate a snowmobile on any designated trail or in any public park, golf course or recreation area at a speed in excess of the posted limit or thirty (30) miles per hour, whichever is the lower.
- (b) **Hours of Operation Restricted.** Except on a designated trail, no person shall operate a snowmobile or other off-highway vehicle anywhere within the Village between the hours of 1:00 a.m. and 6:00 a.m., except for returning home via the most direct route.
- (c) **Restriction on Equipment.** No snowmobile or other vehicle operating on the snowmobile route shall be allowed if it has an expansion chamber or any muffler other than the type and size provided by the manufacturer. Each snowmobile must display a lighted headlight and taillight at all times and said lights must conform to the requirements of Section 350.09 of the Wisconsin Statutes.

### **SEC. 10-3-4 UNATTENDED VEHICLES.**

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No person shall leave or allow a snowmobile owned or operated by him to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

### **SEC. 10-3-5 OPERATION ON SIDEWALKS PROHIBITED.**

No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curb line of any street in the Village, except as specifically authorized by Section 10-3-6 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

### **SEC. 10-3-6 RESTRICTIONS ON OPERATORS.**

- (a) No person under the age of twelve (12) years may operate a snowmobile. No person over the age of twelve (12) years but under the age of sixteen (16) years may operate a snowmobile unless he holds a valid snowmobile safety certificate or is accompanied by a person over eighteen (18) years of age or by a person over fourteen (14) years of age having a snowmobile safety certificate issued by the Department of Natural Resources.
- (b) No person shall operate any snowmobile upon any street, alley or other public right-of-way in the Village unless such person shall have a valid motor vehicle operator's license or unless such operator is accompanied by a person who has a valid motor vehicle operator's license and who is occupying a seat on the vehicle.
- (c) No person shall operate a snowmobile while intoxicated.

### **SEC. 10-3-7 ACCIDENTS AND ACCIDENT REPORTS.**

- (a) If he can do so without serious danger to himself or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the Village shall stop his snowmobile and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his name and address and identification of his snowmobile to any person injured and to the owner of any property damaged in the accident.
- (b) If the snowmobile accident results in death or injury to any person or total property damage in excess of Two Hundred Dollars \$200.00, every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Police Department of the accident and shall, within ten (10) days after the accident, file a written report thereof with the department on forms prescribed by it.
- (c) If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant in the snowmobile at the time of the accident capable of making the report, he shall make such report.
- (d) "Snowmobile accident" means a collision, accident or other casualty involving a snowmobile.

### **SEC. 10-3-8 SNOWMOBILE ROUTES AND TRAILS DESIGNATED.**

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### (a) **Routes Designated.**

- (1) **Designation.** Except as provided in Sections 350.02 and 350.045 of the Wisconsin Statutes, or for snowmobile events authorized in accordance with Sec. 350.04, Wis. Stats., no person shall operate a snowmobile upon any public right-of-way, in any public park, municipal golf course or on any other public municipal property in the Village except upon snowmobile routes and trails designated by the Village Board. The designated routes to be used within the Village limits shall be adopted by resolution by the Village Board, a copy of which shall be on file with the Village Clerk- Treasurer.
- (2) **Routes.** The following Village property and streets, or portions thereof, are designated snowmobile routes: East Lake Avenue to the intersection of North Pratt Road at designated crossing site, traveling on the designated private parcel, attached and described as Exhibit "A" and designated by trail markers accordingly reaching North Avenue by Mark's Chemicals, Monticello Post Office. Cross over North Main Street, passing Monticello House, proceeding to North Monroe Street by Monticello Ford. Travel through the Village Park, over the Little Sugar River bridge crossing over West Lake Avenue traveling along State Highways 69.
- (3) **Parking.** No person shall park or leave unattended any snowmobile on any streets. Designated parking areas consist of Bank of Monticello Parking Lot and the Village of Monticello Municipal Lot.

### (b) **Trail Markers.**

- (1) Village Street Department employees are directed and authorized to procure, erect and maintain appropriate snowmobile route, trail and limit signs and markers as approved by the State Department of Natural Resources under Sec. 350.13, Wis. Stats. The Chief of Police shall have the power to declare the stated snowmobile routes and trails either open or closed.

(c) **Markers to be Obeyed.** No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this Section.

(d) **Icebound Waters.** No person shall operate or ride upon a snowmobile on Lake Montesian at any time.

*Cross Reference: Section 10-4-4.*

## **SEC. 10-3-9 PENALTY.**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and, in default of payment thereof, may be imprisoned in the county jail for not exceeding ten (10) days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 10, Chapter 1, of this Code of Ordinances.

## **SEC. 10-3-10 ENFORCEMENT.**

(a) **Uniform Citation for Highway Violations.** The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this Chapter relating to highway use except as herein provided.

(b) **Parking Violations.** The special traffic citation described and defined in Title 10, Chapter 1, of this

## Motor Vehicles and Traffic

Code of Ordinances shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Section 10-3-1 of this Chapter.

- (c) **Other Violations.** All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with Sections 66.12 and 66.114 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in Sec. 66.12(1)(b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.12, Wis. Stats. Such deposits shall include a Three Dollars (\$3.00) Clerk-Treasurer's fee and costs of prosecutions.
- (d) **Police Department to Receive Stipulations and Penalties.** Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this Chapter may be accepted at the Police Department offices by the Chief or officer designated by him. The officer authorized to accept penalties and deposits shall be bonded and such bond shall be filed with the Village Clerk-Treasurer.
- (e) **Forfeited Penalties and Deposits.** Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges there under, required penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Village Board.

## EXHIBIT "A"

### Snowmobile Trail in the Village

Beginning at the Department of Natural Resources' Sugar River Trail in the Village limits at intersection with East Lake Avenue turn west on East Lake Avenue to North Pratt Road, then north to O.L. 13 (Parcel 352), crossing at designated trail markers west across O.L. 13 and O.L. 69 (Parcel 418), O.L. 68 (Parcel 417), O.L. 54 (Parcel 403) to North Avenue. Follow North Avenue west until intersection with North Monroe Street, then south on North Monroe Street continuing straight south through Village parking lot to Montesian Park walk bridge (over Little Sugar River), then west parallel to the westbound lane of Lake Avenue, two (2) feet north of right-of-way of Lake Avenue, to stop sign at intersection with State Highway 69, then south crossing Lake Avenue along State Highway 69 northbound lane, two (2) feet east of State Highway 69 right-of-way, to intersection with Urban Road, continuing south crossing Urban Road to the club snowmobile trail in Mt. Pleasant Township.

Beginning at the club snowmobile trail in Mt. Pleasant Township, continue north crossing Urban Road along the northbound lane of State Highway 69, two (2) feet east of State Highway 69 right-of-way to Lake Avenue turn east following eastbound lane parallel to Lake Avenue, two (2) feet south of Lake Avenue right-of-way, crossing Lake Avenue northbound to Montesian Park walk bridge (over Little Sugar River), northbound on North Monroe Street through Village parking lot to North Avenue. Follow North Avenue east crossing the designated trail on O.L. 54 (Parcel 403), O.L. 68 (Parcel 417), O.L. 69 (Parcel 418), O.L. 13 (Parcel 352) to North Pratt Road. Then southbound to East Lake Avenue, then eastbound on East Lake Avenue to Department of Natural Resources' Sugar River Trail.

**SEC. 10-3-11 THROUGH SEC. 10-3-14 RESERVED FOR FUTURE USE.**

## Motor Vehicles and Traffic

### All-Terrain Vehicles and Off-Road Motor Vehicle Operation

- 10-4-1 State All-Terrain Vehicle Laws Adopted
- 10-4-2 Speed Limits
- 10-4-3 Penalties
- 10-4-4 Unauthorized Operation of Motor Vehicles on Public or Private Property

#### **SEC. 10-4-1 STATE ALL-TERRAIN VEHICLE LAWS ADOPTED.**

The provisions describing and defining regulations with respect to all-terrain vehicles in the following enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

- 23.33 (1) Definitions [including Subsections (a) through (n)]
- 23.33 (2) Registration
- 23.33 (3) Rules of operation [including Subsections (a) through (i)]
- 23.33 (4) Operation on or near highway [including Subsections (a) through (e)]
- 23.33 (5)(a)(c) Age restrictions
- 23.33 (6) Equipment requirements [including Subsections (a) through (e)]
- 23.33 (7) Accidents [including Subsections (a) and (b)]

#### **SEC. 10-4-2 SPEED LIMITS.**

No person shall operate an all-terrain vehicle within the Village, except on an all-terrain vehicle route established by resolution of the Village Board. No person shall operate any all-terrain vehicle within the Village of Monticello at a speed in excess of ten (10) miles per hour. No person may operate an all-terrain vehicle on the designated access route within the Village of Monticello at a speed in excess of five (5) miles per hour.

#### **SEC. 10-4-3 PENALTIES.**

Violation of this Chapter shall be punishable by forfeiture and enforced pursuant to Sections 10-4-10 and 10-4-11.

#### **SEC. 10-4-4 UNAUTHORIZED OPERATION OF MOTOR VEHICLES ON PUBLIC OR PRIVATE PROPERTY.**

##### **(a) Purpose.**

- (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and
- (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
- (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other

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persons; and

(4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

(b) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:

(1) Unauthorized shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.

(2) Off-Road shall mean any location which:

a. Is not a paved or maintained public street or alley; or

b. Is not used or maintained by the owner or lessee of land as a drive-way, parking lot or other way for motor vehicles; or

c. Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.

(3) Operation shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

(4) Motor Vehicle shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:

a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;

b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.

c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

(5) Street or Highway means all public ways and thoroughfares and bridges on the same. It includes the entire highway right-of-way width, not limited to the actual traveled portion, but also includes the shoulders, ditches and other areas adjacent thereto.

(c) **Unauthorized Off-road Operation Prohibited**

(1) The unauthorized off-road operation of a motor vehicle is prohibited.

(2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in authorized areas pursuant to Sections 10-3-9 and 10-4-2, it shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the consent of the owner before operation of such craft or vehicle on private lands. Failure to post private property does not imply consent of the owner of private property before operation of such vehicle on private property.

(d) **Prohibited Use of Snowmobile Trails.** Except as provided in Subsection (b)(4) above, no person shall operate any motor vehicle other than a snowmobile on a snowmobile trail.

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(e) **Operations of Motor Vehicles Off-Road.** No person shall operate a motor vehicle off-road in the Village of Monticello in the following manner:

- (1) At a rate of speed that is unreasonable or imprudent under the circumstances.
- (2) In any careless way so as to endanger the person or property of another.
- (3) While under the influence of intoxicating liquor, fermented malt beverages, narcotics or other controlled substances.
- (4) In such a way that the exhaust of the motor makes an excessive or unusual noise.
- (5) Without a functioning muffler.
- (6) Upon slide, ski or skating areas, except for the purposes of serving the area or crossing the places where marked by designated trails.

**SEC. 10-4-5 THROUGH SEC. 10-4-8 RESERVED FOR FUTURE USE.**

## Motor Vehicles and Traffic

### Abandoned and Junked Vehicles

- 10-5-1 Abandoned Vehicles; Definitions
- 10-5-2 Removal and Impoundment of Vehicles
- 10-5-3 Removal, Storage, Notice or Reclaimer of Abandoned Vehicles
- 10-5-4 Disposal of Abandoned Vehicles
- 10-5-5 Report of Sale or Disposal
- 10-5-6 Owner Responsible for Impoundment and Disposal Costs
- 10-5-7 Conflict with Other Code Provisions
- 10-5-8 Junked Vehicles and Appliances on Private Property

#### **SEC. 10-5-1 ABANDONED VEHICLES; DEFINITIONS.**

- (a) **Abandonment of Vehicles Prohibited.** No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Monticello for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the Village of Monticello or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than forty-eight (48) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable:
- (1) Vehicle shall mean a motor vehicle, trailer, semitrailer, semitractor or mobile home, whether or not such vehicle is registered under Wisconsin Law.
  - (2) Unattended shall mean unmoved from its location with no obvious sign of continuous human use.
  - (3) Street shall mean any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
- (c) **Presumptions.** For purposes of this Section, the following irrebuttable presumptions shall apply:
- (1) A vehicle shall be presumed unattended if it is found in the same position forty-eight (48) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said forty-eight (48) hours.
  - (2) Any vehicle left unattended for more than forty-eight (48) hours on any public street or public ground or left unattended for more than forty-eight (48) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property outside of public view and is enclosed within a building, or if designated as not abandoned by the Chief of Police.
- (d) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premises licensed for storage of junk or junked vehicles and fully in compliance with Village zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

#### **SEC. 10-5-2 REMOVAL AND IMPOUNDMENT OF VEHICLES.**

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Any vehicle in violation of this Chapter shall be removed and impounded until lawfully claimed or disposed of under the provisions of Section 10-5-3.

### **SEC. 10-5-3 REMOVAL, STORAGE, NOTICE OR RECLAIMER OF ABANDONED VEHICLES.**

- (a) **Applicability.** The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles as defined in Section 10-5-1.
- (b) **Removal.**
- (1) Any police officer who discovers any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Monticello which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
  - (2) Upon removal of the vehicle, the police officer shall notify the Chief of Police or his designee of the abandonment and of the location of the impounded vehicle.
- (c) **Storage and Reclaimer.** Any abandoned vehicle which is determined by the Chief of Police or his designee to be abandoned shall be retained in storage for a period of fourteen (14) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if the Chief of Police or his designee determines an abandoned vehicle to have a value of less than One Hundred Dollars (\$100.00), or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of seven (7) days and after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be deemed as having value in excess of One Hundred Dollars (\$100.00). Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the Chief of Police or his designee to prove an ownership or secured party interest in said vehicle.
- (d) **Notice to Owner or Secured Party.** Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, of the following:
- (1) That the vehicle has been deemed abandoned and impounded by the Village of Monticello;
  - (2) The "determined value" of the abandoned vehicle;
  - (3) If the cost of towing and storage costs will exceed the determined value of the vehicle;
  - (4) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred Dollars (\$100.00) or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and
  - (5) That the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.

### **SEC. 10-5-4 DISPOSAL OF ABANDONED VEHICLES.**

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Any abandoned vehicle impounded by the Village which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this Chapter may be sold by public auction sale or public sale calling for the receipt of sealed bids. A Class I Notice, including the description of the vehicles, the name(s) and address(es) of the Wisconsin titled owner and secured party of record, if known, and the time of sale shall be published before the sale.

### **SEC. 10-5-5 REPORT OF SALE OR DISPOSAL.**

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the Chief of Police or his designee shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the Village for each day the vehicle remains 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 sold again. Any listing of vehicles to be sold by the Village shall be made available to any interested person or organization which makes a written request for such list to the Police Department. The Police Department may charge a reasonable fee for the list.

### **SEC. 10-5-6 OWNER RESPONSIBLE FOR IMPOUNDMENT AND DISPOSAL COSTS.**

- (a) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.
- (b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

### **SEC. 10-5-7 CONFLICT WITH OTHER CODE PROVISIONS.**

In the event of any conflict between this Section and any other provisions of this Municipal Code, this Chapter shall control.

### **SEC. 10-5-8 JUNKED VEHICLES AND APPLIANCES ON PRIVATE PROPERTY.**

(a) **Storage of Motor Vehicles and Appliances Restricted.** No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery or appliances shall be stored upon private residential property or unenclosed within a building upon nonresidential property within the Village for a period exceeding ten (10) days unless it is in connection with an authorized business enterprise located in a properly zoned area maintained in such a manner as to not constitute a public nuisance.

(b) **Definitions.**

- (1) The term "disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers" as used in this Section is defined as follows: motor vehicles, recreational vehicles, truck bodies, tractors, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects.

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- (2) The term "unlicensed - motor vehicles, truck bodies, tractors or trailers" as used in this Chapter is defined as follows: motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates.
  - (3) The term "motor vehicle" is defined in Sec. 340.01(35), Wis. Stats.
  - (4) The term "inoperable appliance" is defined as any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.
- (c) **Exceptions.** This Section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner in a properly zoned area when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and non-motorized campers, provided such vehicles are stored in compliance with the Ordinances of the Village. Also excepted are motor vehicles registered pursuant to Sections 341.265 and 341.266, Wis. Stats. In other situations the Village Board may issue temporary permits permitting an extension of not to exceed an additional thirty (30) days' time to comply with this Section where exceptional facts and circumstances warrant such extension.
- (d) **Enforcement.**
- (1) Whenever the Police Department shall find any vehicles or appliances, as described herein, placed or stored in the open upon private property within the Village, they shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicle or appliance is not removed within five (5) days, the Police Department shall cause to be issued a citation to the property owner or tenant of the property upon on which said vehicle or appliance is stored.
  - (2) If such vehicle or appliance is not removed within twenty (20) days after issuance of a citation, the Chief of Police shall cause the vehicle or appliance to be removed and impounded, and it shall thereafter be disposed of as prescribed in Sections 10-5-3 through 10-5-6 by the Chief of Police or his duly authorized representative. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.
- (e) **Penalty.** Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-7 each motor vehicle or appliance involved shall constitute a separate offense.

*Stat; Law Reference: Sec. 342.40, Wis. Stats.*

**SEC. 10-5-9 THROUGH SEC. 10-5-12 RESERVED FOR FUTURE USE.**

## CHAPTER 6

### NEIGHBORHOOD ELECTRIC VEHICLES

**10-6-1: PURPOSE:** The purpose of this chapter is to enable the operation of neighborhood electric vehicles in the Village.

**10-6-2: DEFINITIONS:** As used in this chapter:

GOLF CART:	means a vehicle whose speed attainable in one mile does not exceed 20 miles per hour on a paved, level surface, and is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.
NEIGHBORHOOD ELECTRIC VEHICLE:	means a four-wheeled motor vehicle that is propelled by electric power, that is capable of traveling at a speed on a paved level surface of more than 20 miles per hour and not more than 25 miles per hour, and that conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under 49 CFR 571.3(b) and 571.500. "Neighborhood electric vehicle" does not include a golf cart, motorized wheel chairs or electric/motorized children's toy vehicles.
NEIGHBORHOOD ELECTRIC VEHICLE ROUTE:	means that portion of the Corporate Village limits lying east, and northwest (Francois Oil Co.) of State Trunk Highway 69 and any street, alley or highway within the Village having a posted speed limit of 35 miles per hour or less, but not including any part of State Trunk Highway 69 excepting that part at the intersection of W. Coates and STH 69 contiguous to Francois Oil Co., and that part of W. Coates Ave. to the Town of Washington limits.
VIN:	means a series of Arabic numbers and Roman letters that is assigned to a motor vehicle for identification purposes in accordance with the requirements of 49 CFR 565.

**10-6-3: EQUIPMENT AND SAFETY DEVICES:** A neighborhood electric vehicle operated in the Village shall be equipped with:

- (A) Headlamps.
  - (B) Front and rear turn signal lamps.
  - (C) Tail lamps.
  - (D) Stop lamps.
  - (E) Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear.
  - (F) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror.
- (G) A parking brake.

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(H) A windshield that conforms to the Federal motor vehicle safety standard on glazing materials (49 CFR 571.205).

(I) A Type 1 or Type 2 seat belt assembly, conforming to 49 CFR §571.209 (Federal Motor Vehicle Safety Standard No. 209, Seat belt assemblies), installed at each designated seating position.

**10-6-4: LICENSE AND REGISTRATION REQUIRED:** No person shall operate a neighborhood electric vehicle in the Village unless such person possesses a valid operator's license authorizing the operation of a motor vehicle upon Wisconsin highways. No neighborhood electric vehicle may be operated in the Village unless such vehicle has been assigned a VIN and is properly registered under the laws of this state.

**10-6-5: ROUTES OF TRAVEL:** It shall be unlawful to operate a neighborhood electric vehicle in the Village except on a neighborhood electric vehicle route as defined in Sec. 10-6-2.

**10-6-6: RULES OF OPERATION:** Headlamps must be on at all times during operation of a neighborhood electric vehicle. The operator of a neighborhood electric vehicle shall be subject to, and shall comply with, all laws applicable to the operators of motor vehicles on public alleyways, streets and highways.

### **10-6-7: PENALTIES:**

(A) The penalty for violation of this chapter shall be the same as the penalty for the same violation committed in the operation of a motor vehicle other than a neighborhood electric vehicle. See Motor Vehicles / Traffic Laws – Monticello Bond Schedule.

(B) **Failure to Pay:** Any person who fails to pay a forfeiture imposed by this chapter shall be subject to the alternate sentencing provisions set forth in sections 345.47 and 800.09 of the Wisconsin statutes.

**Adopted Ordinance # 2010-0616 June 16, 2010.**