

CHAPTER 7
TRAFFIC CODE

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7.01 STATE TRAFFIC LAWS ADOPTED. Except as otherwise specifically provided in this chapter, the statutory provisions in Chs. 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment 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 statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform State-wide regulation of traffic on the highways, streets and alleys of the State of Wisconsin.

7.02 OFFICIAL TRAFFIC MAP AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS. (1) **DUTY OF THE CHIEF OF POLICE TO ERECT AND INSTALL UNIFORM TRAFFIC CONTROL DEVICES.** Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference in sec. 7.01 above, require the erection of traffic control devices for enforcement, the Chief of Police, with the cooperation of the Public Works Department, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Chief of Police, will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the City.

(2) **OFFICIAL TRAFFIC MAP.** (a) **Official Traffic Map Established.** There is hereby established for the City of Darlington an Official Traffic Map dated August 1, 1981, upon which is indicated, as of said date, stop signs, arterial intersections, yield signs, school crossings and certain no-parking areas designated by yellow curbing. All such restrictions and limitations set forth on said Official Traffic Map are hereby ratified and affirmed.

(b) **Additions to Map.** The Council may, from time to time, make additions to or deletions from the Official Traffic Map and the Chief of Police shall keep such Official Traffic Map current. Every addition to said Official Traffic Map made after August 1, 1981, shall indicate the number of the authorizing ordinance or resolution and the date the appropriate official traffic control device was erected, and every deletion shall indicate the number of the authorizing ordinance or resolution.

(c) Map to Be Maintained. A copy of the Official Traffic Map shall be maintained and displayed in the office of the Police Department. The Chief of Police shall make appropriate authorized changes on said copies within three working days after the appropriate official traffic control device is erected or removed, as the case may be.

(d) Violations Prohibited. When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this section, a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this chapter.

(3) 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 designee, shall place within the limits of any street or highway maintained by the City any sign, signal, marker, mark or monument unless permission is first obtained from the Chief of Police or 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 sub.(4).

(4) REMOVAL OF UNOFFICIAL SIGNS, MARKERS, SIGNALS AND TRAFFIC CONTROL DEVICES. The Chief of Police may remove any sign, signal, marker 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, marker or device shall be reported by the Chief of Police to the Council for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

7.03 SPEED LIMITS. The Council hereby determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe and imprudent and modifies such speed limits as follows:

(1) SPEED LIMITS INCREASED. Speed limits are increased as follows upon the following designated streets or portions thereof:

(a) 30 Miles Per Hour. (Ord. #07-2003) On County Trunk "F" between North Street and Division Street.

(b) 35 Miles Per Hour. 1. On Louisa Street between Clay Street and the east City Limits.

2. On County Trunk Highway "F" between Frank Street and the north City limits.

3. (Ord. #07-2003) On Galena Street/State Highway 23 from Avon Road north to Center Hill/Union Grove Lane.

(c) 45 Miles Per Hour. (Ord. #07-2003, #05-2008) On Galena Street/State Highway 23 from Avon Road to the south City limits.

(2) SPEED LIMITS DECREASED. Speed limits are decreased as follows upon the following designated streets or portions thereof:

(a) 15 Miles Per Hour (Ord. #01-2001, #02-2016). 1. On all streets adjacent to City parks when children are present.

2. On Sunset Court and Sunset Terrace.

(b) 45 Miles Per Hour (Ord. #05-2008). 1. Highway 81 West from the intersection of Highway 23 to the City limits.

2. Highway 23 North from the intersection of Minerva Street to the City limits.

7.04 THROUGH HIGHWAYS. (1) THROUGH HIGHWAYS DESIGNATED. In the interest of public safety and pursuant to authority granted by Wisconsin law, the Council, by resolution, has previously declared certain highways or portions thereof to be through highways.

(2) DESIGNATION OF LOCATION OF STOP SIGNS AND YIELD SIGNS. In the interest of public safety, the Council, by resolution, has designated the location of stop and yield signs within the City and has ordered the installation of such signs.

(3) OPERATORS TO OBEY TRAFFIC CONTROL DEVICES. Every operator of a vehicle approaching an intersection at which an official traffic control device is erected in accordance with this section shall obey the direction of such official traffic control device as required by the Wisconsin Statutes incorporated by reference in sec. 7.01 of this chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by §346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right of way to other vehicles as required by §346.18(6), Wis. Stats.

7.05 PARKING REGULATIONS. (Ord. #7-2003, Am. Ord. #04-2005; #2013-02)

(1) 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 upon any of the following highways or parts of highways:

(a) The north side of Louisa Street, from Wells Street to the east City limits.

(b) The east side of Washington Street, from Louisa Street to Harriet Street; and the west side of Washington Street, from Harriet Street to north City limits.

(c) The east side of Wells Street, from the Pecatonica River to Cornelia Street.

(d) (Ord. #05-2008) The west side of Wells Street, from Catherine Street to Mary Street.

(e) The south side of Harriet Street, between Washington Street and Keep Street.

(f) The north side of Harriet Street, between Washington Street and Main Street.

(g) The west side of Keep Street, from a point 200 feet north of C.T.H. F to Legion Street.

(h) The north side of River Street, from Galena Street to the west City limits.

(i) On Louisa Street, from the corner of Louisa and Wells Streets 35 feet West on the north side of the street and 85 feet west on the South side of the street.

(j) (Ord. #05-2008) Both sides of East Street, from Louisa Street to Catherine Street.

(k) (Ord. #05-2008) Repealed.

(l) The east side of East Street, from the corner of East Street and Mary Street 25 feet south.

(m) The south side of Mary Street, from the corner of Mary Street and East Street 75 feet east.

(n) On Lucy Street, from the corner of Lucy Street and Clay Street 75 feet east.

(o) (Ord. #05-2008) On the East side of Clay Street, from Louisa Street to Catherine Street.

(p) (Ord. #05-2008) On the North side of Louisa Street, from Main Street 75 feet East.

(q) (Ord. #03-2011) On the West side of East Street 25 feet North of Mary Street.

(r) (Ord. #03-2011) On the West side of East Street 25 feet South of Mary Street.

(s) (Ord. #03-2011) On the West side of East Street 25 feet South of Lucy Street.

(t) (Ord. #2013-02) On the north and south sides of Wisconsin Street, 75 feet east of Summit Avenue.

(u) (Ord. #2013-02) On the cul-de-sac at the far west end of W. Harriet Street.

(2) STOPPING, STANDING OR PARKING PROHIBITED. No person shall stop, leave standing or park any vehicle at any time upon the following highways or parts of highways:

(a) The east side of Wells Street, between Ann Street and Cornelia Street.

(b) The east side of Ohio Street, between Ann Street and Louisa Street.

(3) (Ord. #05-2008) Repealed.

(4) PARKING PROHIBITED DURING CERTAIN PERIODS. (Ord. #05-2008) No person shall park a vehicle on Main Street from the Pecatonica River to Cornelia Street between the hours of 2:30 A.M. and 6:00 A.M.

(5) LIMITED TIME PARKING. (Ord. #04-2005) No person shall park a vehicle for a period longer than that hereinafter specified upon the following highways or parts of highways:

(a) Fifteen Minute Parking. 1. On the west side of Wells Street, from the alley south of the Post Office north 55 feet, between the hours of 8:00 A.M. and 5:00 P.M., except on Saturdays and Sundays.

(6) NIGHT PARKING RESTRICTIONS. When signs have been erected at, or reasonably near, the corporate limits, as provided in §349.13, Wis. Stats., no person shall park any vehicle from 12:00 A.M. to 6:00 A.M. from November 1 to April 15 on odd-numbered days on that side of any street on which the buildings are even-numbered and on even-numbered days on that side of any street on which the buildings are odd-numbered.

(7) LOADING ZONES. Commercial loading zones are established at the following places:

(a) Along the south curb of Cornelia Street and adjoining Lot 2 of Block 11.

(b) Along the south curb of Louisa Street and adjoining Lot 2 of Block 16.

(c) Along the north side of Ann Street and from the west curb of Main Street west to the City parking lot.

(d) Along the south curb of Ann Street and adjoining the west 1/2 of Lot 2 in Block 20.

(8) NO PARKING EXCEPT FOR AUTHORIZED VEHICLES. Except as herein permitted, no person shall park, stop or leave standing any vehicle in the following places unless authorized by an official traffic control sign:

(a) Except for handicapped persons on Sunday at the curb adjacent to the Baptist Church on the north side of Cornelia Street and at all times at other locations in the City designated by a sign "Handicapped Parking Only."

(b) On the south side of Louisa Street, from the middle of the alley between Main Street and Washington Street westerly 66 feet and designated by a sign reading "Emergency Personnel Parking Only."

(c) (Ord. #2013-02) Except for Veterans Memorial Parking, no personal shall park on the west side of Main Street in the first parking stall north of W. Cornelia Street.

(9) VAN, SPORT UTILITY VEHICLE AND TRUCK PARKING PROHIBITED (Ord. #05-2008). No person shall park a van, sport utility vehicle or truck in the following parking places:

(a) In the end parking spaces designated by "No Van, Sport Utility Vehicle or Truck Parking" signs on Main Street, along the curb and in the center parking area.

(b) On the east side of Main Street, the first parking stall south of Casey's south driveway.

(c) On the south side of Alice Street, the first parking stall east of Casey's driveway.

(d) On the south side of Alice Street, the first parking stalls east and west of Dick's parking lot driveway.

(e) On the south side of Alice Street, the first parking stall east of Wells Street.

(f) On the north side of Alice Street, the first parking stall east of Wells Street.

(g) On the north side of Alice Street, the first parking stall west of the Citizens Bank driveway.

(h) On the north side of Alice Street, the first parking stall east of the World of Variety east driveway.

(i) On the east side of Washington Street, the first parking stall north of Catherine Street.

(j) On the west side of Main Street, the first parking stall north of Riverwood Restaurant south driveway.

(10) MISCELLANEOUS PARKING RESTRICTIONS. (a) Street Maintenance. Whenever it is necessary to clear or repair a City roadway or any part thereof, the City Street 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 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) Parades and Special Events. Whenever it is necessary to clear streets for authorized parades or special events, the City Street Department shall post such highways or parts thereof with signs bearing the words "No Parking." Such signs shall be erected at least 2 hours prior to the time that parking is to be prohibited. No person shall park a motor vehicle in violation of such signs.

(c) Parking in Driveways. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

(d) Parking Large Vehicles in Residential Districts. No operator of a motor truck, truck-tractor, trailer or semi-trailer or any other vehicle or combination of vehicles more than 22 feet in length shall park such vehicle on any highway other than a routed State Trunk Highway in any residential district except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle.

(e) Parking Adjacent to Holy Rosary School. (Ord. #03-2011) Parking is hereby permitted on the West side of East Mary Street between Main Street and Wells Street adjacent to Holy Rosary Grade School.

(f) (Ord. #2013-02) Parking Adjacent to Humpty Dumpty Pre-School. Parking is hereby permitted on the north half of the west side of the 300 block of Ohio Street.

(11) UNLAWFUL REMOVAL OF PARKING CITATIONS. No person other than the owner or operator thereof shall remove a City parking ticket from a motor vehicle.

(12) REMOVAL OF ILLEGALLY PARKED VEHICLES. Any vehicle parked or left standing upon a highway, street or alley or other public grounds in violation of any of the provisions of this section or sec. 7.01 of this chapter is declared to be a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of any police officer, to a position where parking, stopping or standing is not prohibited. Any police 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 not prohibited. 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 storage garage or rental parking grounds or any facility of the person providing the towing services. In addition to other penalties provided by sec. 7.15 of this chapter, the owner or operator of a vehicle so removed shall pay the cost of towing and storage. If towing is done by the Police Department, the sum of \$25 shall be paid for towing; except during snow emergencies when no towing fee shall be charged or assessed against the owner of such vehicle for removal necessitated under the emergency powers granted by sec. 7.11 of this chapter.

(13) **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 subject to appropriate penalty.

(14) **SCHOOL BUS LOADING ZONES.** (Ord. 2-98, Ord. #05-2008, Ord. #3-2011) A current list of school bus loading zones used by the Darlington Community School District is established by the District and maintained by the Chief of Police as part of the City's Official Traffic Map. School bus operators may activate and use flashing red warning lights when pupils or other authorized passengers are to be loaded or unloaded at any location upon said Traffic Map.

7.06 CLOSING STREETS. Pursuant to §66.046, Wis. Stats., the following streets may be set aside between 8:00 A.M. and 5:00 P.M. for the safety of the children in play and recreation activities:

- (1) Catherine Street between Main Street and Wells Street.
- (2) Harriet Street between Main Street and Wells Street.

7.07 ONE-WAY STREETS AND ALLEYS. The following streets and alleys are designated one-way streets and alleys and no vehicle shall travel in any direction thereon except as indicated: (1) The alley between Main Street and Wells Street, from Alice Street to Ann Street, upon which vehicles shall travel in a northerly direction only.

7.08 VEHICULAR WEIGHT LIMITATIONS. (1) CLASS "B" HIGHWAYS DESIGNATED. All streets and alleys within the City are Class "B" Highways and shall be subject to the weight limitations imposed by §348.16, Wis. Stats., except for those portions of Galena Street, Main Street, Louisa Street, Harriet Street and Washington Street, which are a part of Wisconsin State Trunk Highway 23 and Wisconsin State Trunk Highway 81.

(2) RESTRICTIONS ON USE OF OTHER STREETS BY HEAVY TRAFFIC. No vehicle, except a motor bus, which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 6,000 pounds shall be operated or moved on any street or alley not part of the heavy traffic route designated in sub. (1) above in the City, except for the purpose of obtaining orders for, moving or delivering supplies or commodities to or from a place of business or residence facing thereon, provided that in no event shall the weight of the vehicle and load on such other street exceed the limitations of §§348.15 or 348.16(3), Wis. Stats., or the ordinances of the City pertaining to Class "A" highways or deliveries on Class "B" highways.

7.09 ABANDONED VEHICLES. (1) ABANDONMENT OF VEHICLES PROHIBITED. No person shall abandon any vehicle unattended within the City for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

(2) DEFINITION. As used in this section "vehicle" means a motor vehicle, trailer, semi-trailer or mobile home as defined in sec. 7.01 of this chapter, whether or not such vehicle is registered under Ch. 341, Wis. Stats.

(3) PRESUMPTION OF ABANDONMENT. Any vehicle left unattended for more than 72 hours on any public street or grounds, or on private property where parking is prohibited, limited or restricted, without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance; provided that the vehicle shall not be deemed abandoned under this section if left unattended on private property out of public view by permission of the owner or lessee.

(4) EXCEPTIONS. This section shall not apply to a vehicle in an enclosed building, a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the City or a vehicle parked in a paid lot or parking space where the required fee has been paid and meter activated.

(5) REMOVAL AND IMPOUNDMENT OR SALE. Any vehicle found abandoned in violation of this chapter shall be impounded by the Police Department until lawfully claimed or disposed of as provided in this section. If the Chief of Police or his duly authorized representative determines that towing costs and storage charges for 10 days, as provided in sub. (6), would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Chief of Police that the vehicle is not wanted for evidence or any other reason; provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction sale or sealed bid in accordance with sub. (8) of this section.

(6) MINIMUM IMPOUNDMENT PERIOD. The minimum period of impoundment or storage of a vehicle found in violation of this section shall be 10 days.

(7) NOTICE TO OWNER. The police officer removing or causing the removal of any vehicle found in violation of this section shall immediately notify the Chief of Police of the abandonment and location of the impounded vehicle, and shall within 10 days thereafter notify the owner and lienholders of record by certified mail of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in §342.40 (3), Wis. Stats., and shall state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to the sale of the vehicle.

(8) SALE. Each retained vehicle not reclaimed by the owner or lienholder may be disposed of by sealed bid or auction sale as provided in §342.40(3), Wis. Stats.

(9) SALE TO BAR CLAIMS AGAINST VEHICLE. The sale of a motor vehicle under the provisions of this section shall forever bar all prior claims thereto and interest therein except as hereinafter provided.

(10) PURCHASER TO REMOVE VEHICLE. The purchaser of any vehicle on sealed bid or auction sale under sub. (7) shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee of \$10 for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.

(11) REQUEST FOR LIST. Any listing of vehicles to be sold pursuant to this section shall be made available by the Clerk-Treasurer to any interested person or organization who makes a written request therefor, for a fee of \$1.00.

(12) NOTICE TO DEPARTMENT. Within five days after sale or disposition of a vehicle under this section, the Clerk-Treasurer shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.

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

(14) EXEMPTION. Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason, and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place not otherwise regulated as a restricted parking, stopping or standing zone shall, within 12 hours of such occurrence, notify the Police Department of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the City together with a fee of \$25 to offset the cost of towing and junking charges and shall be exempt from the provisions of this section.

When so requested by the owner or person in charge of a vehicle, the Chief of Police shall be authorized to order such vehicle removed and junked directly from the scene of disablement by the Department of Public Works or contractor engaged by the City for towing of disabled vehicles. The provisions of sub. (11) shall apply to any vehicle removed under this subsection.

7.10 ACCIDENT REPORTS. (1) OPERATORS TO FILE. The operator of any vehicle involved in an accident resulting in injury to, or death of, any person, or property damage to an apparent total extent of \$500 or more, shall within 10 days after such accident file with the City law enforcement department a copy of the report required by §346.70, Wis. Stats.

(2) REPORTS CONFIDENTIAL. Accident reports filed under this section shall be for the confidential use of the department and shall not be open to public inspection except as permitted by §346.33, Wis. Stats. Such reports shall not be used as evidence in any trial or proceeding.

7.11 DISPLAY OF POWER PROHIBITED. No person shall make unnecessary and annoying noises with a motor vehicle by squealing tires, excessive acceleration of engine or by emitting unnecessary and loud muffler noises.

7.12 PARKING DURING SNOWSTORM EMERGENCY. (1) EMERGENCY DECLARATIONS. The Council hereby declares that an emergency exists in the City whenever a snowfall during any period of 24 hours or less reaches a depth of three inches or more, as reported by the U.S. Department of Commerce Weather Service. Such emergency is declared to be a serious public hazard impairing transportation and public health, safety and welfare for a period of 48 hours or until such earlier time as snow removal operations have been declared completed by the Director of Public Works.

(2) PARKING REGULATIONS DURING SNOW EMERGENCIES. Whenever an emergency exists and the Director of Public Works shall have caused announcement thereof to be made by the radio stations whose normal operating range cover the City, no person shall park, or suffer to be parked, any vehicle of any kind or description in an area marked by temporary "No Parking" signs or between the hours of 10:00 P.M. and 6:00 A.M., inclusive, upon any street in the City; provided that, notwithstanding such emergency restrictions, vehicles may be parked for a period of time not longer than 3 minutes for actually loading or unloading of passengers, or 30 minutes for actually loading or unloading of property and provided further that no other regulation restricting parking as to place, time or manner is violated thereby.

(3) AUTHORIZATION OF ERECTION OF NO PARKING SIGNS. Pursuant to the provisions of §66.325, Wis. Stats., the Director of Public Works is authorized to erect temporary "No Parking" signs during the existence of an emergency created by a snowstorm or excessive snowfall which impairs or prevents the full use of any highway, street or roadway for transportation.

(4) SNOW TOW-AWAY ZONES. The Director of Public Works is hereby authorized to cause the towing away of vehicles parked in violation of this section. No charge shall be made for such towing, but the owner of the vehicle shall be subject to prosecution and penalty as provided in secs. 7.15 and 7.16 of this chapter.

(5) PENALTY. Notwithstanding any other provision of this Code, any person violating the provisions of this section shall forfeit not less than \$10 nor more than \$100 plus penalty assessment and court costs, and upon failure to pay any forfeiture, penalty assessment and court costs imposed, may be imprisoned not exceeding six months or until such forfeiture, penalty assessment and costs are paid.

7.13 SNOWMOBILES. (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 a part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section:

- (a) 350.01 Definitions
- (b) 350.02 Operation of Snowmobiles on or in the Vicinity of a Highway
- (c) 350.03 Right of Way
- (d) 350.04 Snowmobile Races, Derbies and Routes
- (e) 350.045 Public Utility Exemption
- (f) 350.047 Local Ordinance to be Filed
- (g) 350.05 Operation by Youthful Operators Restricted
- (h) 350.055 Safety Certification Program Established
- (i) 350.06 Firearms and Bows
- (j) 350.07 Driving Animals
- (k) 350.08 Owner Permitting Operation
- (l) 350.09 Head Lamps, Tail Lamps and Brakes
- (m) 350.10 Miscellaneous Provisions for Snowmobile Operation
- (ml) 350.101 Operating a Snowmobile While Intoxicated to Prohibited
- (n) 350.15 Accident and Accident Reports
- (o) 350.17 Enforcement
- (p) 350.19 Liability of Land Owners

(2) APPLICABILITY OF RULES OF THE ROAD TO SNOWMOBILES. The operator of a snowmobile upon a roadway shall, in addition to the provisions of Ch. 350, Wis. Stats., be subject to §§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), (6), (6m) and (9), Wis. Stats.

(3) PERMITTING OPERATION BY IMPROPER PERSONS PROHIBITED. No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under State law to operate such snowmobile or who is under the influence of an intoxicant or a dangerous or narcotic drug.

(4) OPERATION WHILE UNDER INFLUENCE PROHIBITED. Section 346.63, Wis. Stats., shall apply to the operation of a snowmobile any place within the City.

(5) WRITTEN CONSENT OF OWNER REQUIRED. The consent required under §350.10(6), (11), (12) and (13), Wis. Stats., shall be written consent dated and limited to the year in which the consent is given. If the property is owned or leased by more than one person, the consent of each must be obtained.

(6) DESIGNATED SNOWMOBILE ROUTES. (Ord. 1-2000) (a) Designated Snowmobile Routes:

1. Main Street from North Street to Minerva Street.
2. Minerva Street from Highway 23 to Main Street.

(b) Designated Routes Limitations. Snowmobiles shall be operated on designated routes subject to the following limitations:

1. Snowmobiles shall be operated on the extreme right side of the roadway.
2. Left turn shall be made as safely as possible any position depending on snow cover and other prevailing conditions.
3. Snowmobile operators shall yield right of way to other vehicular traffic and pedestrians.

7.14 STATE ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE LAWS

ADOPTED. (Ord. #04-2003; #02-2012; #01-2017; #01-2018)(1) Except as otherwise specifically provided in this chapter the statutory provisions describing and defining regulations with respect to all-terrain vehicles and utility terrain vehicles in Section 23.33 of the Wisconsin Statutes are hereby adopted by reference and made a part of this section as if fully set forth herein. Acts required to be performed or prohibited by this statute are required or prohibited by this section.

(2) DESIGNATED ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES. (Ord. #01-2008; #02-2012; 01-2018)

(a) Designated All-Terrain Vehicle and Utility Terrain Vehicle Routes.

1. The Cheese Country Trail through the City.
2. Highway 23 from Old Center Hill Road north to Minerva Street which includes the Pecatonica River Bridge.

3. Highway 81 from Main Street east to the easterly entrance to the Lafayette County Fairgrounds.
4. All city of Darlington streets and alleys.

(b) Designated Modified Golf Cart Access Routes.

Unless specifically designated otherwise as provided herein, all City streets and alleys within the City are hereby designated to be access routes upon which Modified Golf Carts may be operated for the purpose of providing access to and from areas where Modified Golf Cart operation is permitted. Such access routes do not include or involve state or county highways.

(c) Operating requirements. An ATV or UTV or modified golf cart operated on a highway, street or alley within the City pursuant to this ordinance shall at all times be operated:

1. In the driving lane in single file with the flow of traffic.
2. In compliance with all of the provisions of statutes, rules, regulations, and ordinances applicable to such ATV or UTV operation.
3. No person shall operate an ATV, UTV or modified golf cart in the City between the hours of 1:00 a.m. and 5:00 a.m.
4. At speeds not to exceed the posted speed limit but in no event greater than thirty-five (35) miles per hour.

(d) Restrictions on ATV, UTV, or Modified Golf Cart Operators and Equipment.

1. All persons who operate an ATV, UTV, or Modified Golf Cart on any access street or alley must be at least 16 years of age and must possess a valid driver's license.
2. No person shall operate an ATV, UTV, or Modified Golf Cart within the City limits unless it conforms to all noise, registration and other equipment requirements as stated in the Wisconsin Statutes, Wisconsin Administrative Code or the Municipal code of the City of Darlington.
3. Every ATV, UTV, or Modified Golf Cart operating within the City must display a lighted headlight and taillight at all times.
4. No person shall operate an ATV, UTV, or Modified Golf Cart upon any sidewalk or pedestrian way within the City.

5. No person may operate an ATV, UTV, or Modified Golf Cart upon any street or alley within the City unless the owner or operator of the vehicle has in effect a liability policy covering the vehicle being operated and such owner or operator has in his or her immediate possession a certificate or proof of insurance covering such vehicle which shall be displayed upon demand from any traffic officer.

6. The City hereby establishes a Modified Golf Cart crossing point upon Wisconsin State Highway 81 pursuant to Wis. Stats. 349.81(1)(b) at Highway 81 and Division Street.

7. For the purpose of this section, a "modified golf cart" shall be defined as a golf cart that has been modified for off-road and/or trail use. Modifications may include, but not be limited to, custom lift kit installation, off-road tire installation, gasoline engine installation, or other modifications intended to convert a golf cart from golf course use to off-road and/or trail use. For the purpose of this section, a "modified golf cart" does not include a traditional, non-modified, gas or electric powered golf cart used for the purpose of conveyance upon a golf course.

7.145 NEIGHBORHOOD ELECTRIC VEHICLES PERMITTED. (Ord. #06-2008)

(1) DEFINITIONS. "Neighborhood Electric Vehicle" or "NEV" shall have the meaning set forth in Wis. Stat. § 340.01(36r), as that section may be amended from time to time.

(2) OPERATORS. No one may operate an NEV on any street in the City of Darlington unless the operator of the NEV possesses a valid driver's license.

(3) PERMITTED USE OF NEVs. Subject to the limitations set forth in this Section, NEVs may be operated on any street within the City having a posted speed limit of 35 miles-per-hour or less. A NEV may not be used on any State or County Highway except to cross over these highways while traveling on City streets as stated above. A NEV may not cross over any State or County Highway that has a posted speed limit greater than 35 miles per hour.

(4) OPERATION. The operation of an NEV, as otherwise permitted by this Section, shall in all aspects be in compliance with Chapter 7 of the City Code of Ordinances and with all applicable traffic laws of the State of Wisconsin.

(5) REGISTRATION. No NEV may be operated on any street of the City unless the NEV has a valid registration, as required by Wisconsin Statutes.

7.15 PENALTIES. (1) **FORFEITURE PENALTY.** The penalty for violation of any provision of this chapter shall be a forfeiture as hereinafter provided together with the costs of prosecution and the penalty assessment imposed by §165.87(2), Wis. Stats., where applicable. Payment of the judgment may be suspended by the sentencing judge for not more than 60 days. Any person who shall fail to pay the amount of the forfeiture, costs of prosecution and penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.

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

(3) **FORFEITURES FOR UNIFORM TRAFFIC OFFENSES.** Forfeitures for violations of any traffic regulation set forth in the Wisconsin Statutes adopted by reference in sec. 7.01 of this chapter shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable state statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not permit prosecution under this chapter of any offense for which an imprisonment penalty or fine may be imposed upon the defendant.

(4) **FORFEITURES FOR PARKING VIOLATIONS.** (a) Forfeitures For Uniform Statewide Parking, Stopping and Standing Offenses. Minimum and maximum forfeitures for violation of the offenses described in §§346.51 to 346.55, Wis. Stats., adopted by reference in sec. 7.01 of this chapter, shall be:

	<u>Offense</u>	<u>Forfeiture</u>	
		Minimum	Maximum
346.51(1)	Improper parking on/off roadway	\$20.00	\$200.00
346.52(1)	Stopping/standing in prohibited areas	5.00	40.00
	2nd conviction within one year	10.00	100.00
346.52(2)	Stopping/standing on highway by grade school	5.00	40.00
	2nd conviction within one year	10.00	100.00
346.53	Parking/standing where prohibited	5.00	40.00
	2nd conviction within one year	10.00	100.00
346.54	Improper parking/standing of vehicle	5.00	40.00
	2nd conviction within one year	10.00	100.00

346.55(1) Parking on left side of highway	10.00	100.00
346.55(2) Parking vehicle for sale on highway	20.00	200.00
346.55(3) Parking on posted private property	10.00	100.00
2nd conviction within one year	10.00	100.00

(b) Penalty for Other Parking Violations. The penalty for all other parking violations not included under par.(a) or (b) shall be a forfeiture of not less than \$5 nor more than \$20.

(5) OTHER VIOLATIONS. Any person who shall violate any provision of this chapter for which a penalty is not established by sub. (1) or (2) of this section shall be subject to a forfeiture of not less than \$5 nor more than \$100.

7.16 ENFORCEMENT. This chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this section.

(1) APPLICABLE COURT PROCEDURES. Except as otherwise specifically provided by the laws of the State of Wisconsin or the provisions of this chapter, the traffic regulations in this chapter shall be enforced in the Circuit Court of Lafayette County in accordance with the provisions of §66.12 and 346.20(2) (a) and Ch. 299, Wis. Stats.

(2) CITATIONS. (a) 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 §§346.71 through 346.73, Wis. Stats. Violations of §§346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.

(b) Parking Citations. The City Attorney shall recommend a citation for use in enforcing the non-moving traffic offenses in this chapter. When approved by the Council, 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 sec. 7.01 and all provisions of secs. 7.05 and 7.09 of 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 par.(3)(b) of this section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

(3) DEPOSITS AND STIPULATIONS. (a) Uniform Traffic Offenses. 1. 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.

2. Delivery or Mailing of Deposit and Stipulation. The deposit and stipulation shall be delivered personally by the person cited or mailed to Police Department Headquarters.

3. Receipt Required. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation and a copy of the receipt within 3 days to the Clerk of Courts.

(b) Non-moving Traffic Offenses. 1. Direct Payment of Penalty Permitted. Persons cited for violation of non-moving traffic offenses described and defined in this chapter may discharge the penalty thereof and avoid court prosecution by forwarding within 3 days of the issuance of the citation to the Police Department the minimum penalty specified for the violation. If not so forwarded, the penalty may be discharged by forwarding within 10 days of the date of the citation to the above-named office double the amount of the minimum penalty specified. When payment is made as provided in this paragraph, no court costs shall be charged.

2. Court Prosecution. If the alleged violator does not deliver or mail a deposit as provided in subpar. 1 within 10 days of the date of the citation, the Chief of Police shall forward a copy of the citation to the City Attorney for prosecution pursuant to law.

3. Deposits Returned to Clerk-Treasurer. Officers receiving deposits for non-moving traffic violations under this subsection shall pay over such deposits to the Clerk-Treasurer within 3 days of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charge and the name of the depositor.

7.17 REFERENCES TO WISCONSIN STATUTES. (1) 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 1979-80 as from time to time amended, repealed or modified by the Wisconsin Legislature.

(2) 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.